

HOUSE No. 3111

The Commonwealth of Massachusetts

PRESENTED BY:

Jon Santiago

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to DCR skating rinks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>1/20/2023</i>

HOUSE No. 3111

By Representative Santiago of Boston, a petition (accompanied by bill, House, No. 3111) of Jon Santiago for legislation to authorize the Division of Capital Asset Management and Maintenance to lease certain Department of Conservation and Recreation skating rinks. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to DCR skating rinks.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 (a) Notwithstanding sections 32 to 37 of chapter 7C and sections 52 to 55 of chapter 7 of
2 the General Laws or any other general or special law to the contrary, the division of capital asset
3 management and maintenance, using those competitive proposal processes as the division
4 considers necessary or appropriate, in consultation with the department of conservation and
5 recreation, may lease and enter into other agreements with 1 or more bidders, for 1 or more ice-
6 skating rinks and facilities, for terms not to exceed 30 years, for the continued use, operation,
7 maintenance, repair and improvement of the state-owned buildings and facilities, together with
8 the land and appurtenances associated therewith, comprising the following ice skating rinks and
9 facilities under the care and control of the department of conservation and recreation:

10 Veterans Memorial Skating Rink, Arlington; Porazzo Memorial Rink, East Boston
11 district, Boston; Roche Memorial Rink, West Roxbury district, Boston; Simoni Memorial Rink,
12 Cambridge; Allied Veterans Memorial Rink, Everett; Connery Memorial Rink, Lynn; Flynn

13 Memorial Rink, Medford; LoConte Memorial Rink, Medford; Daly Memorial Rink, Newton;
14 Cronin Memorial Rink, Revere; Max Ulin Skating Rink, Milton; Kasabuski Arena, Saugus;
15 Veterans Memorial Rink, Somerville; Shea Memorial Rink, Quincy; Veterans Memorial Rink,
16 Waltham; Connell Memorial Rink and Pool, Weymouth; Representative John G. Asiaf Skating
17 Rink, Brockton; Arthur R. Driscoll Memorial Skating Rink, Fall River; Staff Sergeant Robert
18 Pirelli Veterans Memorial Rink, Franklin; Stephen Hetland Memorial Skating Rink, New
19 Bedford; John A. Armstrong Memorial Skating Rink, Plymouth; Theodore J. Aleixo, Jr. Skating
20 Rink, Taunton; Veterans Memorial Skating Arena, Haverhill; John J. Janas Memorial Skating
21 Rink, Lowell; Henry Graf, Jr., Skating Rink, Newburyport; James E. McVann and Louis F.
22 O'Keefe Memorial Skating Rink, Peabody; Daniel S. Horgan Memorial Skating Rink, Auburn;
23 Gardner Veterans Skating Rink, Gardner; John J. Navin Skating Rink, Marlboro; Honorable
24 Charles J. Buffone Skating Rink, Worcester; Greenfield Area Skating Rink, Greenfield; Henry J.
25 Fitzpatrick Skating Rink, Holyoke; Ray Smead Memorial Skating Rink, Springfield; and
26 Vietnam Veterans Memorial Skating Rink, North Adams.

27 (b) The lease and other agreements shall be on terms acceptable to the commissioner of
28 capital asset management and maintenance, after consultation with the commissioner of
29 conservation and recreation and, notwithstanding any general or special law to the contrary, shall
30 provide for the lessees to operate, manage, improve, repair and maintain the ice-skating rinks and
31 facilities. Any such lease or other arrangement shall include a description of the required capital
32 improvements and, at a minimum, performance specifications. Any consideration received from
33 the leases or other agreements shall be payable to the department for deposit in the Conservation
34 Trust, established under section 1 of chapter 132A of the General Laws.

35 There shall be an option for renewal or extension of the leases and other agreements not
36 exceeding an additional 5 years. Such renewal or extension shall be at the discretion of the
37 division of capital asset management and maintenance, in consultation with the department of
38 conservation and recreation, in accordance with the original lease terms and conditions or
39 agreement terms and conditions more favorable to the commonwealth. All leases must contain a
40 provision that requires the lessee to carry comprehensive general liability insurance with the
41 commonwealth named as a co-insured, protecting the commonwealth against all personal injury
42 or property damage within the rink or on the land during the term of the lease.

43 (c) The division of capital asset management and maintenance, in consultation with and
44 on behalf of the department of conservation and recreation, shall solicit proposals through a
45 request for proposals which shall include key contractual terms and conditions to be incorporated
46 into the lease, including but not limited to (1) a comprehensive list of all rinks operated by the
47 responsive bidder in the last four years, (2) prior or current facilities management or experience
48 of the responsive bidder, (3) prior or current skating or hockey management experience of the
49 responsive bidder, (4) reservation policies, (5) proposed reasonable rates that will ensure
50 continued public access, (6) required financial audits, (7) policies to encourage use of the rink by
51 persons of all races and nationalities, (8) safety and security plans, (9) seasonal opening and
52 closing dates, (10) hours of operation, and (11) how the operator will ensure that ice time at the
53 rink shall be allocated to user groups in the following order of priority: general public skating;
54 nonprofit youth groups; school hockey, for-profit youth groups other than non-profit youth
55 groups; and adult organizations or informal groups. Ice time may be allocated at the discretion of
56 the operator, but general public skating shall be booked, in 2-hour contiguous blocks at a
57 minimum of 12 hours per week, with a range of times and days which reasonably allow for

58 public skaters of all ages to participate in some public skating sessions. Every effort shall be
59 made to balance the ice allocation needs of long-established youth organizations and newly
60 formed youth organizations in a manner that provides equal opportunity and equal access for
61 youths of each gender.

62 The inspector general shall review and approve any request for proposals issued by the
63 division before issuance.

64 (d) The leases and other agreements authorized in this section shall provide that any
65 benefits to the community and the costs of improvements and repairs made to the property
66 provided by the lessees shall be taken into account as part of the consideration for the lease or
67 other agreements. The lessees or the recipients of the property shall bear the costs considered
68 necessary or appropriate by the commissioner of capital asset management and maintenance for
69 the transactions including, without limitation, costs for legal work, survey, title and the
70 preparation of plans and specifications.

71 (e) The provisions of any general or special law or rule or regulation relating to the
72 advertising, bidding or award of contracts, to the procurement of services or to the construction
73 and design of improvements shall not be applicable to any selected bidder which is awarded a
74 lease pursuant to this section, except as provided in this section.