

**SENATE . . . . . No. 02044**

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Senate, Monday, October 24, 2011 – Substituted new draft (Ethics and Rule) for the Senate Bill relative to the Max Ulin Skating Rink (Senate, No. 2039).

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act authorizing the division of capital asset management and maintenance to lease the Max Ulin Skating Rink in the town of Milton.

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

1           SECTION 1. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55,  
2 inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary,  
3 the division of capital asset management and maintenance, using those competitive proposal  
4 processes as the division considers necessary or appropriate, in consultation with the department  
5 of conservation and recreation, may lease and enter into other agreements with 1 or more persons  
6 or entities, for terms not to exceed 25 years, for the continued use, operation, maintenance, repair  
7 and improvement of the Max Ulin Skating Rink, together with the land and appurtenances  
8 associated therewith.

9           (b) The failure of a city or town to apply for prequalification under subsection (c) shall  
10 not prohibit that city or town from bidding under this section.

11 (c) Before the division, in consultation with the department, sends out a request for  
12 proposals under this section, the division shall hold open a prequalification period of 30 days for  
13 the town of Milton and any nonprofit organization located within the town of Milton that desires  
14 to bid on the rink, or for a partnership of municipalities which share geographic boundaries as  
15 long as the subject rink is located within the geographic area of the municipalities comprising the  
16 partnership. The town, a nonprofit organization or a partnership of municipalities that desires to  
17 lease the rink under this section may submit materials for prequalification. The prequalification  
18 determination may consider, but shall not be limited to, the the ability of the town, nonprofit  
19 organization or partnership to finance the capital improvements determined to be necessary at the  
20 rink by the division and to manage, operate and maintain the property. The division, in  
21 consultation with the department, shall determine whether the town, a nonprofit organization or a  
22 partnership is prequalified within 15 days of the expiration of the prequalification period. If the  
23 town or nonprofit organization is determined to be prequalified, then the town or nonprofit  
24 organization shall be awarded the lease for the Max Ulin Skating Rink under the terms and  
25 conditions set forth in this act; provided, however, that only 1 lease shall be awarded based on  
26 preference as described in subsection (d).

27 (d) (1) The town of Milton shall be given a right of first refusal to lease the Max  
28 Ulin Skating Rink provided that the town meets the prequalification standards established by the  
29 department under subsection (c).

30 (2) If the town does not bid for the lease and a nonprofit organization and a  
31 partnership of municipalities are determined to be prequalified, the nonprofit organization shall  
32 be awarded the lease.

33 (3) If more than 1 nonprofit organization is determined to be prequalified, the  
34 department, in consultation with the town of Milton, may choose to which nonprofit organization  
35 the lease for the rink shall be awarded.

36 (4) The town or a nonprofit organization awarded the lease under this act shall  
37 pay the sum of \$1.00 as consideration for the lease, subject to the required capital improvements,  
38 performance specifications and other prequalification requirements and terms of the division and  
39 submitted proposal. The length of the lease shall be determined between the division and the  
40 town or nonprofit organization.

41 (e) The lease and other agreements shall be on terms acceptable to the commissioner of  
42 capital asset management and maintenance, after consultation with the commissioner of  
43 conservation and recreation and, notwithstanding any general or special law to the contrary, shall  
44 provide for the lessees to operate, manage, improve, repair and maintain the property and to  
45 undertake initial capital improvements that the commissioners determine are necessary due to the  
46 structural condition of the property. The leases or other agreements requiring improvements to  
47 be made on the property may include a description of the initially required improvements and  
48 performance specifications.

49 (f) Ice time at the rink shall be allocated to user groups in the following order of  
50 priority: general public skating; nonprofit youth groups; high school hockey, not for profit  
51 schools or colleges; for-profit youth groups and adult organizations or informal groups. Ice time  
52 may be allocated at the discretion of the operator, but general public skating shall be booked, in  
53 2-hour contiguous blocks at a minimum of 12 hours per week, with a range of times and days  
54 which reasonably allow for public skaters of all ages to participate in some public skating

55 sessions. Every effort shall be made to balance the ice allocation needs of long-established youth  
56 organizations and newly-formed youth organizations in a manner that provides equal opportunity  
57 and equal access for youths of each gender.

58           (g) The leases and other agreements authorized in this section shall provide that any  
59 benefits to the community and the costs of improvements and repairs made to the property  
60 provided by the lessees or the recipients of the property shall be taken into account as part of the  
61 consideration for the lease or other agreements. Consideration received from the lease or other  
62 agreements for the rink shall be payable to the department of conservation and recreation for  
63 deposit into the General Fund. The lessees or the recipients of the property shall bear the costs  
64 considered necessary or appropriate by the commissioner of conservation and recreation for the  
65 transactions including, without limitation, costs for legal work, survey, title and the preparation  
66 of plans and specifications.

67           (h) The name of the Max Ulin Skating Rink shall not be altered or changed under any  
68 lease or other agreement entered into under this act.