

SENATE No. 02335

The Commonwealth of Massachusetts

SENATE, July 11, 2012

The committee on Senate committee on Bonding, Capital Expenditures and State Assets to whom was referred the Senate Bill to authorize the leasing of the Ponkapoag golf course (Senate, No. 1588) report recommending that the same ought to pass with an amendment, substitution a new draft of the same title (Senate, No. 2335).

For the committee,

BRIAN A. JOYCE.

The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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An Act to authorize the leasing of the Ponkapoag golf course.

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. Subsection (a) of section 103 of chapter 182 of the acts of 2008 is hereby
2 amended by striking out the first paragraph and inserting in place thereof the following
3 paragraph:-

4 Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of
5 chapter 7 of the General Laws or any other general or special law to the contrary, the division of
6 capital asset management and maintenance, on behalf of and in consultation with the department
7 of conservation and recreation, using such competitive proposal process as the division considers
8 necessary or appropriate, may lease and enter into other agreements, for terms not to exceed 25
9 years with 1 or more operators, for the Ponkapoag Golf Course in the town of Canton so as to
10 provide for the continued use, operation, maintenance, repair and improvement of the golf
11 courses, practice greens, driving range, restaurant and any other structure and associated lands
12 which constitute the facilities of the Ponkapoag Golf Course; provided, however, that the
13 division of capital asset management and maintenance, in consultation with the department of
14 conservation and recreation, shall give priority to a proposal submitted by the town of Canton or

15 by a nonprofit organization within the town of Canton which complies with the requirements of
16 this section. The division of capital asset management and maintenance shall provide the town
17 of Canton with not less than 120 days to determine whether the town shall submit a proposal
18 before soliciting proposals under subsection (b); and provided further, that if the town of Canton
19 executes a lease of the golf course under this section it shall not assign or otherwise transfer the
20 lease to a third party

21 SECTION 2. Subsection (b) of said section 103 of said chapter 182 is hereby amended
22 by striking out the first paragraph and inserting in place thereof the following paragraph:-

23 If no lease agreement is reached with the town of Canton under subsection (a) before
24 April 1, 2012, the division of capital asset management and maintenance, in consultation with
25 and on behalf of the department of conservation and recreation, shall solicit proposals through a
26 request for proposals which shall include key contractual terms and conditions to be incorporated
27 into the contract including, but not limited to: (1) a comprehensive list of all recreational
28 facilities operated by the responsive bidder or offeror in the last 4 years; (2) other facilities
29 management or experience of the responsive bidder or offeror; (3) a senior citizens' and
30 children's discount program; (4) reservation policies; (5) proposed reasonable rates that ensure
31 continued public access; (6) required financial audits; (7) policies to encourage use of the golf
32 course by persons of all races and nationalities; (8) safety and security plans; (9) seasonal
33 opening and closing dates; (10) hours of operation; (11) holiday recognition; (12) grievance
34 processes; (13) clubhouse license; (14) a provision that the lessee shall not construct facilities on
35 the grounds of the golf course or any property appurtenant thereto; provided, however, that the
36 lessee may construct facilities with the written approval of the commissioner of conservation and
37 recreation and the majority vote of the board of selectmen in the town of Canton; and (15) a host

38 community agreement between the designated operator and the town of Canton. Any increase in
39 fees, including fees for season passes and club memberships, and any increase in charges for
40 greens' fees or golf cart or club rentals shall be approved in writing by the commissioner of
41 conservation and recreation; provided, however, that in considering any request for an increase
42 in fees, the commissioner shall consider, without limitation: (i) any capital investment made by
43 the contractor or lessee; (ii) the fees and charges at other public golf courses within reasonable
44 proximity; and (iii) the length of time since the last fee increase