

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Bradley H. Jones, Jr.**

*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 passage of the accompanying bill:

An Act relative to ice rinks owned by the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	20th Middlesex
Viriato Manuel deMacedo	1st Plymouth
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 34 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO ICE RINKS OWNED BY THE COMMONWEALTH.

*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. The commissioner of the division of capital asset management and maintenance,  
2 hereinafter referred to as the commissioner, on behalf of and in consultation with the  
3 department of conservation and recreation, hereinafter referred to as the department, is  
4 hereby authorized, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General  
5 Laws and section 54 of said chapter, and using such competitive proposal process as the  
6 commissioner of said division deems necessary or appropriate, to enter into lease or other  
7 agreements, for terms not to exceed 25 years, to provide for the continued use, operation,  
8 maintenance, repair and improvement of the following state-owned structures and facilities  
9 together with the land and appurtenances associated therewith: Emmons Horrigan O'Neill  
10 Memorial Rink, Charlestown; Devine Memorial Rink, Dorchester; Porazzo Memorial Rink, East  
11 Boston; Bajko Memorial Rink, Hyde Park; Steriti Memorial Rink, Boston; Murphy Memorial Rink,

12 South Boston; LoConte Memorial Rink, Medford; Flynn Memorial Rink, Medford; Ulin Memorial  
13 Rink, Milton; Shea Memorial Rink, Quincy; Cronin Memorial Rink, Revere; Veterans Memorial  
14 Rink, Somerville; and Connell Memorial Rink, Weymouth, all of which hereinafter referred to as  
15 the properties.

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17 Any such lease shall or agreement shall contain a provision requiring the lessee to carry  
18 comprehensive general liability insurance with the commonwealth named as a co-insured and  
19 protecting the commonwealth against any and all personal injury or property damage within  
20 the rink and on the land during the term of the lease.

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22 Such leases and other agreements shall be on terms acceptable to the commissioner  
23 after consultation with the department, and notwithstanding any general or special law to the  
24 contrary, shall provide for the management, operation, improvement, repair, and maintenance  
25 of the properties. Any provisions in such leases or agreements relative to capital improvements  
26 to the properties shall include (i) a description of the required capital improvements and (ii)  
27 performance specifications. Such leases and other agreements shall provide that any benefits  
28 to the commonwealth and the costs of improvements and repairs made to the properties  
29 provided by the tenants or the recipients of the properties shall be taken into account in  
30 determining the amount of lease payments. The commissioner, in consultation with the  
31 department, shall structure each lease or other agreement to minimize disturbance of the  
32 current rights of any tenants who may currently use any part of properties, whether under a

33 written lease or other arrangement. All consideration paid in connection with any lease of the  
34 properties shall be deposited in the General Fund. The lessees of the properties shall bear all  
35 costs deemed necessary or appropriate by the commissioner of the division of capital asset  
36 management and maintenance for the transaction, including, without limitation, all costs for  
37 legal work, survey, title and the preparation of plans and specifications.

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39           The division of capital asset management and maintenance, in consultation with and on  
40 behalf of the department of conservation and recreation, shall solicit proposals through a  
41 request for proposals which shall include key contractual terms and conditions to be  
42 incorporated into the contract, including but not limited to (1) a comprehensive list of all rinks  
43 operated by the responsive bidder in the last four years, (2) other facilities management or  
44 experience of the responsive bidder, (3) other skating or hockey management experience of the  
45 responsive bidder, (4) a residential discount program, (5) reservation policies, (6) proposed  
46 reasonable rates that will ensure continued public access, (7) required financial audits, (8)  
47 policies to encourage use of the rink by persons of all races and nationalities, (9) safety and  
48 security plans, (10) seasonal opening and closing dates, (11) hours of operation and (12) how  
49 the operator will satisfy the following ice time allocation guidelines. Ice time at rinks under the  
50 jurisdiction of the division of urban parks and recreation shall be allocated to user groups in the  
51 following priority order: general public skating; non-profit youth groups; school hockey; youth  
52 groups other than non-profit youth groups; and adult organizations or informal groups. Ice  
53 time may be allocated at the discretion of the operator, provided that general public skating

54 shall be booked at a minimum of 14 hours per week, with a range of times and days which  
55 reasonably allow for public skaters of all ages to participate in some public skating sessions.  
56 Every effort shall be made to balance the ice allocation needs of long-established youth  
57 organizations and newly formed youth organizations in a manner that provides equal  
58 opportunity and equal access for youths of each gender.

59           The inspector general shall review and approve any request for proposal issued by the  
60 division before issuance.

61           The division, in consultation with the department, when evaluating proposals that are  
62 otherwise comparable, shall prefer any proposal to lease a rink or rinks that is submitted by a  
63 city or town where the rink or rinks are located, or by a non-profit youth hockey organization in  
64 the city or town where the rink or rinks are located, provided that the proposal complies with  
65 the ice time allocation guidelines outlined above.

66           It shall be a mandatory term of any request for proposals issued by the commissioner  
67 and of any contract entered into by the commonwealth with any party regarding the subject  
68 matter of this section that any party which has entered into a contract pursuant to this section  
69 with the commonwealth shall require, in order to maintain stable and productive labor  
70 relations and to avoid interruption of the operation of the rinks and to preserve the safety and  
71 environmental conditions of those rinks, that all employees currently working on the operation  
72 and maintenance of the rinks be offered employment by any party entering into a contract  
73 pursuant to this section. Upon the execution of any agreements authorized by this section, the  
74 department of conservation and recreation shall reassign or relocate those employees who do

75 not accept employment with the lessor, to comparable positions within the department subject  
76 to applicable collective bargaining agreements.

77 The provisions of any general or special law or rule or regulation relating to the  
78 advertising, bidding or award of contracts, to the procurement of services or to the  
79 construction and design of improvements shall not be applicable to any selected lessee which is  
80 awarded a contract pursuant to this section, except as provided in this section.

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