

**SENATE . . . . . No. 2335**

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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