

HOUSE No. 25

By Mr. Donato of Medford, petition of Paul J. Donato relative to authorizing the Department of Conservation and Recreation to provide leases to yacht clubs on its property. Bonding, Capital Expenditures and State Assets.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING THE DEPARTMENT OF CONSERVATION AND RECREATION TO PROVIDE LEASES TO YACHT CLUBS ON ITS PROPERTY.

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

1 Chapter 92 of the General Laws is hereby amended by
2 inserting, after section 120, the following section:—
3 Section 121. (a) The commissioner of the division of capital
4 asset management and maintenance may, in consultation with the
5 department of conservation and recreation and notwithstanding
6 the provisions of sections 40E to 40J, inclusive, of chapter 7, enter
7 into leases or other agreements for a term up to 10 years with
8 existing nonprofit organizations located on public park land under
9 the care and control of the department regarding the land associ-
10 ated with the following boating and yacht facilities: Union Boat
11 Club, Boston; Cambridge Boat Club, Cambridge; Riverside Boat
12 Club, Cambridge; Buckingham, Browne & Nichols Boat House,
13 Cambridge; M.I.T. Boat House, Cambridge; Belmont Hill/Winsor
14 Boat House, Cambridge; Tufts University, Medford; Harvard
15 Sailing Pavilion, Cambridge; Boston University Sailing Pavilion,
16 Boston; M.I.T. Sailing Pavilion, Cambridge; Puritan Canoe Club,
17 Boston; Neponset Valley Yacht Club, Milton/Braintree; Wollaston
18 Yacht Club, Quincy; Squantum Yacht Club, Quincy; South Shore
19 Yacht Club, Weymouth; Charlesgate Yacht Club, Cambridge;
20 Charles River Yacht Club, Cambridge; Newton Yacht Club,
21 Newton; Columbia Yacht Club, Boston; South Boston Yacht Club,
22 Boston; Riverside Yacht Club, Medford; Medford Boat Club,

23 Medford; Mystic Wellington Yacht Club, Medford; Winterhill
24 Yacht Club, Somerville; Watertown Yacht Club, Watertown; East
25 Boston Yacht Club, Boston; Dorchester Yacht Club, Dorchester;
26 and Boston Harbor Yacht Club, Boston.

27 (b) Such leases and other agreements shall be on terms and
28 conditions acceptable to the commissioner of the division of cap-
29 ital asset management and maintenance, after consultation with
30 the commissioner of the department of conservation and recre-
31 ation, and shall require appropriate public access to public park
32 land and outreach and stewardship by the lessees. The department
33 of conservation and recreation shall consider the following criteria
34 when negotiating lease fees with yachting and boating clubs: the
35 club's service to the community; community outreach and public
36 access; the actual revenue generated by the club; the number of
37 years the club has been at that location; the size of the club's dues-
38 paying membership; the nature and type of services the yacht club
39 provides to its members; the capital improvements and mainte-
40 nance on clubs located on the department's properties; future cap-
41 ital improvements or need for improvements to the facilities; the
42 historic nature of the facilities and their use; and the fees and
43 taxes paid by the club to the municipality in which it is located.

44 (c) The lease or other agreement shall be prepared in accor-
45 dance with the generally accepted real estate principles and in
46 accordance with the criteria in section (b). The inspector general
47 shall review and approve the lease or other agreement, and his
48 review shall include an examination of the methodology used for
49 the negotiations. The commissioner shall, 30 days prior to the
50 execution of any lease or other agreement authorized by this
51 section, submit the lease or other agreement to the inspector
52 general. The inspector general shall prepare a report of his review
53 and approval of the lease or other agreement and file the report
54 with the commissioner, and copies of the report shall be filed with
55 the house and senate committees on ways and means and with the
56 chairmen of the joint committee on state administration at least 15
57 days prior to the execution. All funds received under the lease or
58 other agreement shall be deposited into the Urban Parks Trust
59 Fund, established pursuant to section 34 of Chapter 92. The divi-
60 sion, in consultation with the department, is authorized to grant a
61 10 year extension to any lease or other agreement.

62 (d) The department of conservation and recreation and the
63 lessee shall be responsible for their own costs associated with any
64 appraisal, survey or other expense, unless otherwise specified in
65 the lease or other agreement.