

SENATE NO. 514

AN ACT RELATIVE TO THE PONKAPAOG 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. Chapter 40 of the General Laws, as appearing in the 2002 Official Edition,

2 is hereby amended by adding the following section: -

3 3B) - The Town of Canton shall have the opportunity to lease the Ponkapoag Golf Course and
4 control hours of operation, provided further, (1) a commitment to give the town of Canton
5 community benefits equal to or greater than the amount that the contracting entity would pay in
6 property taxes for the golf course if it were taxable commercial property and (2) that for the
7 first five (5) years of any contract or lease, the contractor or lessee shall not raise any existing
8 fees and charges for greens fees, golf cart and club rentals more than \$5 per year and for season
9 passes more than 5% per year. Subsequent to year five of any contract or lease, if the contractor
10 or lessee proposes to increase any fee, or charge, they shall submit a letter of request to DCR. In
11 considering each request, DCR will consider all factors that DCR deems relevant, including,
12 without limitation, the following:

- 13 (i) Capital investments made by contractor or lessee to the Premises;
- 14 (ii) Greens fees and other fees and charges by other public golf
15 courses within reasonable proximity of the Premises;
- 16 (iii) The length of time since the last fee increase, if any; and

17 (iv) Fees charged at other existing DCR golf courses, it being a goal of
18 DCR to ensure consistency in fees charged at such facilities.

19 No increase shall be charged until approved, in writing, by DCR. DCR shall not
20 unreasonably withhold, condition, or delay such approval.

21 ; and

22 In said section, by striking the section in its entirety and replacing it with:

23 Notwithstanding any other provisions of this section or any other general or special law to the
24 contrary, it shall be a mandatory term of any request for proposals issued by the commissioner and of
25 any contract entered into by the Commonwealth with any party regarding the subject matter of this
26 section that any party which has entered into a contract pursuant to this section with the
27 Commonwealth shall require, in order to maintain stable and productive labor relations and to avoid
28 interruption of the operation of the golf course and to preserve the safety and environmental conditions
29 of the course, that all employees currently working on the operation and maintenance of the course be
30 offered employment by any party entering into a contract pursuant to this section, and that any such
31 contract shall adopt all terms and conditions of employment provided by the last applicable labor
32 agreement negotiated between the labor organization representing said employees and the employer
33 who has most recently employed said employees prior to entering into any contract pursuant to this act;
34 provided, however, that any party entering into such contract with the commonwealth pursuant to this
35 section shall pay all of said employees not less than the sum of applicable wages paid to said
36 employees by the previous employer. Any such party entering into such contract with the
37 commonwealth shall negotiate a successor agreement with the last applicable labor organization
38 representing said employees prior to the expiration of the existing contract. Such parties shall agree to
39 meet their legal obligations with regard to any labor organization representing employees engaged in

40 the operation and maintenance of the course. Notwithstanding any special or general law to the
41 contrary, any party entering into such contract with the Commonwealth shall provide all employees
42 working on the operation and maintenance of the course with all of the rights and benefits including
43 retirement and pension benefits, seniority rights, compensation and salary grade, accrued rights to
44 holidays, sick leave, vacation and health insurance benefits, union representation or certified collective
45 bargaining unit as certified by the state labor relations commission, and local union representation or
46 affiliation that are at least equal to said employees' benefits provided by the Commonwealth.

47 Notwithstanding any other provisions of this act any proposal not complying with the above terms
48 shall be disqualified from consideration. Upon the execution of any agreements authorized by this
49 section, the department of conservation and recreation shall reassign or relocate those employees who
50 do not accept employment with the lessor to positions within the department at the same wages and
51 benefits, subject to applicable collective bargaining agreements.