



Boston City Council

Committee on Government Operations

Maureen Feeney, *Chair*

March 9, 2010

Dear Councillors:

The Committee on Government Operations held a public hearing to discuss a petition for a special law re: an Act authorizing the city of Boston Parks and Recreation Commission to lease certain real property under its control and owned by the city of Boston (Docket #0310) and an order that, in accordance with Article 97 of the Massachusetts Constitution, policies be established and implemented so as to enter into lease agreements for the use of the Comfort Station in the Back Bay Fens and the Men's Comfort Station on Boston Common (Docket #0311). These matters were sponsored by Councilor Michael Ross, were referred to this Committee on Wednesday, February 24, 2010, and discuss at a public hearing on Friday, March 5, 2010.

The home rule petition legislation (#0310) proposed implementing State Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts to allow for leasing the Duck House and Pink Palace which is on park land. The order (#0311) would allow for the Parks Department to issue a lease over three years in length. This would attract private vendors to make the unused properties active while preserving the integrity of the public space.

At the public hearing, there was verbal testimony from Commissioner Toni Pollak and Ms. Margaret Dyson (Boston Parks Commission). Their testimony included descriptions of the current structures on the Boston Common, a historical context of park usage, a description of standards expected to be found in the RFP, and the restrictions set forth by the Boston Landmarks Commission. It was noted by the administration that if this measure is passed by the City Council, then it would require a two-thirds vote from the State legislature.

By the Chair of the Committee on Government Operations, to which the following were referred:

Docket # 0310, Order approving a petition for a Special Law re: An Act Authorizing the City of Boston Parks and Recreation Commission to Lease Certain Real Property under its control and owned by the City of Boston.

Docket # 0311, Order that, in accordance with Article 97 of the Massachusetts Constitution, policies be established and implemented so as to enter into lease agreements for the use of the Comfort Station ("Duck House" as it is called) in the Back Bay Fens and the Men's Comfort Station ("Pink Palace" as it is called) on Boston Common.

based on information presented at the hearing and public comment gathered by the Committee and having considered the same, respectfully recommends that these matters ought to pass.


Maureen Feeney, *Chair*
Committee on Government Operations

Offered by Councillor Ross

**CITY OF BOSTON
IN CITY COUNCIL**

HOME RULE PETITION

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause (1) of Section eight of Article two, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

**PETITION FOR A SPECIAL LAW RE: AN ACT AUTHORIZING THE CITY OF BOSTON
PARKS AND RECREATION COMMISSION TO LEASE CERTAIN REAL PROPERTY UNDER
ITS CONTROL AND OWNED BY THE CITY OF BOSTON**

1 [Type a quote from the document or the summary of an interesting point. You can position the text box anywhere in
2 the document. Use the Text Box Tools tab to change the formatting of the pull quote text box.]

1 SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, and
2 pursuant to Chapter 365 of the Acts of 1897 and Article 97 of the Amendments to the Constitution of the
3 Commonwealth of Massachusetts, the City of Boston Parks and Recreation Commission may, consistent
4 with established procedures and as provided herein, lease real property or buildings under its control and
5 supervision to any person or organization, if the Parks and Recreation Commission makes a determination
6 that such lease will adequately ensure the preservation and maintenance of an historic property for park-
7 related purposes, and that such lease is otherwise consistent with the Commission's duties and
8 responsibilities.

9 For the purposes of this section, the following words shall have the following meanings:

10 "Historic property", real property possessing historic value and specifically identified hereunder
11 in this section.

12 Any lease entered into by the Commission pursuant to this section shall provide, at a minimum,
13 for the following: (a) the improvement and maintenance and management, throughout the term of the
14 lease, of the property by the lessee in conformance with appropriate standards approved by the City of
15 Boston Parks and Recreation Commission, and all other applicable provisions of law; (b) the payment to
16 the Commission of fair market rent for the property, provided that the value of any improvements
17 provided by the lessee under the lease may be partially deducted from the amount payable over the term
18 of the lease; (c) a finding by the Commission that the property covered by the lease, while not needed for
19 use by the Commission for the duration of the lease, is nonetheless subject to its statutory authority under

20 Chapter 185 of the Acts of 1875 to exercise control, construct, improve, equip, supervise and regulate the
21 use of all parks, public grounds, playgrounds, ways or means of outdoor recreation and that the lease is
22 entered into by the department pursuant to said duty; (d) any and all other provisions, terms and
23 conditions as the Commission may deem necessary and appropriate to protect the interests of the
24 Commonwealth and ensure the adequate preservation of the historic or other qualities of the property for
25 future generations.

26 The historic properties subject to the provisions of this section are only the Comfort Station
27 (Duck House), so-called, located in the Back Bay Fens and the Men's Comfort Station (Pink Palace), so-
28 called, located in Boston Common.

29 The Commissioner shall establish guidelines for the implementation of the program of leases,
30 provided, however, that such guidelines shall, at a minimum, provide for an open, competitive process for
31 selecting lessees. Prior to the implementation of said guidelines, the Commissioner shall provide a period
32 of public comment.

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*In City Council REFERRED TO
COMMITTEE ON*

FEB 24 2010

Government Operations

CITY OF BOSTON
IN CITY COUNCIL

March 9 20 10

THE COMMITTEE/CHAIR Government Operations
RESPECTFULLY REPORTS THAT **THE MATTER**
WITHIN OUGHT
to pass

John J. Feeney

CHAIR

CITY CLERK

ACCEPTED,