



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.

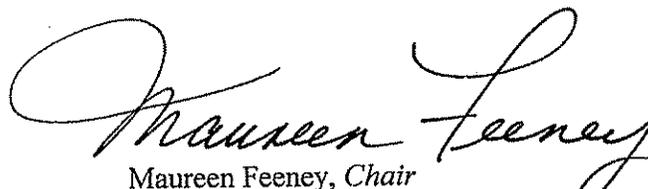
At the public hearing, there was verbal testimony from Commissioner Toni Pollak and Ms. Margaret Dyson (Boston Parks Commission). Their testimony included descriptions of the current structures on the Boston Common, a historical context of park usage, a description of standards expected to be found in 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

**CITY OF BOSTON
IN CITY COUNCIL**

ORDER OF COUNCIL PRESIDENT MICHAEL P. ROSS

- WHEREAS:** 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 are historic buildings that have not been in use for many years; and
- WHEREAS:** The City of Boston looks to preserve these gems by providing opportunities for private vendors to make the properties active again while ensuring the preservation and maintenance of the properties for park-related purposes; and
- WHEREAS:** The City of Boston Parks and Recreation Commission and the Conservation Commission has voted unanimously to allow the properties to be used for leases; and
- WHEREAS:** Under Article 97 of the Massachusetts Constitution, the Boston City Council must also approve the change in use of park land; Therefore be it
- ORDERED:** That the City of Boston, through the City of Boston Parks and Recreation Commission, and in accordance with Article 97 of the Massachusetts Constitution, establish and implement policies necessary 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.

Filed in City Council: February 24, 2010

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*In City Council REFERRED TO
COMMITTEE ON*

FEB 24 2010

Government Operations

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CITY OF BOSTON
IN CITY COUNCIL

March 9 20 10

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

to pass
Chairman Lemay
CHAIR

CITY CLERK

ACCEPTED,