

# TOWN OF BRAINTREE

## IN COUNCIL

ORDER NO: 10 023

DATE: February 23, 2010

ORDERED: Mayor

### Authorization for Five Year Lease Agreement – Golf Course

**WITHDRAWN AT THE REQUEST OF MAYOR SULLIVAN**

Passed in Council:  
Presented to Mayor:  
A True Copy, Attest:

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Joseph F. Powers, Town Clerk

\_\_\_\_\_  
Joseph C. Sullivan, Mayor

YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan  
NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan  
ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

#10-023



**TOWN OF BRAintree**  
**OFFICE OF THE TOWN SOLICITOR**

One JFK Memorial Drive  
Braintree, Massachusetts 02184  
Tel: 781-794-8153 Fax: 781-794-8305

Joseph C. Sullivan  
Mayor

Carolyn M. Murray  
Town Solicitor

To: Charles B. Ryan, Council President  
Town Council

Cc; Town Clerk  
Clerk of the Council  
Daryn Brown, Director of Golf Operations

From: Carolyn M. Murray, Town Solicitor 

Date: February 25, 2010

RE: Golf Course -Authorization of Five Year Lease Agreement

On February 23, 2010, the Council was asked to approve a 5-year lease for the Golf Course to lease golf carts, beginning with the 2010 golf season, which begins next week. Through the Mayor, the Director of Golf Operations had proposed that the Town enter into a 5-year lease, as opposed to a 3-year lease, which would have reduced the Golf Course's annual payments and allowed greater flexibility in terms of budgeting. However, there was an objection raised at the Council's meeting to proceeding with this proposal.

As a result, the Mayor has determined that the Golf Course will execute a 3-year lease rather than the 5-year lease. Therefore, no action is requested of the Council on this matter.



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To: Charles B. Ryan, Council President  
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From: Carolyn M. Murray, Town Solicitor *CM*

Date: February 23, 2010

RE: Golf Course -Authorization of Five Year Lease Agreement

As noted in the attached memorandum from the Director of Golf Operations to the Mayor, the Town will be entering into a lease agreement for the lease/purchase of golf carts for the 2010 golf season. The Town has the option of entering into a 3-year lease agreement, at a cost of approximately \$80,000 per year, or a 5-year lease at a cost of \$48,882 per year. Both lease agreements include an option to purchase the carts at the end of the lease period.

According to G.L. c. 30B, §12(b), the Town may not enter into a contract for a term greater than three years, without first obtaining a majority vote of the Town Council. While the five-year lease is slightly more expensive, it affords the Town greater flexibility and affordability in terms of budgeting the payments. Accordingly, your favorable vote authorizing the Town to enter into a five-year lease/purchase agreement for golf carts is requested. An appropriate motion is as follows:

MOTION: PURSUANT TO GENERAL LAWS CHAPTER 30B, SECTION 12 (B), THAT THE TOWN, ACTING THROUGH THE DIRECTOR OF GOLF OPERATIONS AND UNDER THE DIRECTOR OF THE MAYOR, BE AUTHORIZED TO ENTER INTO A FIVE YEAR LEASE/PURCHASE AGREEMENT FOR GOLF CARTS BEGINNING WITH THE 2010 GOLF SEASON.



Joseph C. Sullivan, Mayor

## BRAINTREE DEPARTMENT OF PUBLIC WORKS

### Golf Course Division

Daryn J. Brown, Director of Golf Operations  
101 Jefferson Street  
Braintree, MA 02184  
Office Phone: (781) 589-5433 ext. 3  
Fax: (781) 356-5608  
[dbrown@braintreema.gov](mailto:dbrown@braintreema.gov)

February 19<sup>th</sup>, 2010

Mr. Mayor,

For the upcoming 2010 golf season, the golf course is hoping to enter into a 5-year lease/purchase agreement for the acquisition of a new fleet of motorized golf carts. Under chapter 30B, a 5-year lease requires approval of the Town Council. Through your office I am hoping to receive such approval in order to move forward with the lease agreement process. The proposed lease agreement is for the purchase and delivery of 48 new motorized golf carts for a total price of \$220,176. The annual payment for 5-year lease/purchase would be \$48,881.90. The vendor of choice is currently on the Massachusetts State Bid and the Town could purchase the golf carts directly without having to solicited public bids.

A three year lease/purchase was considered. The annual payment of a 3-year agreement could be in excess of \$80,000 and in my opinion it would be too risky should golf course encounter an overly wet golf season in which annual golf cart revenues would be negatively impacted. The 5-year lease/ purchase agreement is considered to be the standard within the municipal golf industry.

Thank you for your consideration,

Daryn Brown