

COMMUNITY PRESERVATION COMMITTEE

Chapter XXX. Community Preservation Committee.

XXX - 1. Establishment.

There is hereby established in accordance with the provisions of M.G.L. c. 44B a Community Preservation Committee consisting of nine (9) voting members.

XXX - 2. Membership and Appointing Authority.

The composition and appointing authority of the Committee shall be as follows:

- a. One member of the Planning Board as designated by the Board;
- b. One member of the Conservation Commission as designated by the Commission;
- c. One member of the Historical Commission as designated by the Commission;
- d. One member of the Park and Recreation Commission as designated by the Commission;
- e. One member of the Housing Authority as designated by the Authority; and,
- f. Four members to be appointed by the Board of Selectmen.

XXX - 3. Terms and Filling of Vacancies

3-1. Members designated under Section XXX - 2(a) through (e).

Members serving under Section XXX- 2(a) through (e) shall be designated to serve for three year terms, or for such shorter period as the respective designee serves on the designating multiple member body. Any vacancy occurring in membership under Section XXX - 2 (a) through (e) shall be filled by the respective designating authority.

Should any of the multiple member bodies identified in Section XXX - 2(a) through (e) be no longer in existence for whatever reason, the Board of Selectmen shall appoint to the Community Preservation Committee a member who, in the discretion of said board, best represents the interests served by said multiple member body. Such appointment shall be made in accordance with the provisions of Section 3-2 of this Bylaw.

Initial designations shall be made as follows: Planning Board, two-year term; Conservation Commission, two-year term; Historical Commission, one-year term; Parks and Recreation Commission, three -year term; and Housing Authority, three-year term; subsequent designations shall be for a period of three years.

3-2. Members appointed under Section XXX - 2(f).

Members appointed by the Board of Selectmen shall be appointed for three-year terms; provided, however, that in order to provide for rotating terms, initial appointments made hereunder shall be: one for a three-year term; one for a two-year term; and two for one-year terms; subsequent

appointments shall be for a period of three years. Vacancies shall be filled by the Board of Selectmen for the remainder of the unexpired term.

XXX - 4. Powers and Duties.

4.1. Annual Needs Study. The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation, including regional projects, and consult with appropriate municipal boards, committees, commissions, authorities and officers, all in accordance with M.G. L. c. 44B, §5 as such section may be amended from time to time. Consistent with said section, the Committee shall hold one or more public informational hearings in accordance with applicable notice requirements.

4.2 Recommendations to Town Meeting. The Community Preservation Committee shall make recommendations to Town Meeting for the reservation, setting aside, or expenditure of monies from the Community Preservation Fund, including estimated annual revenues, reserve accounts and fund balances, all in accordance with M.G. L. c. 44B, §§ 5 and 6, as such sections may be amended from time to time. No reservation, set aside or expenditure shall be made from the Community Preservation Fund without the approval of Town Meeting; provided further, that the Committee may submit to the Town Meeting for approval an annual administrative and operating budget for the implementation of the Community Preservation Act; said budget cannot exceed five percent (5%) of the Community Preservation Fund estimated annual revenues. The Committee shall schedule a public hearing at least 21 days prior to any Town Meeting on any warrant article proposing expenditure of monies from the Community Preservation Fund. Notice of said public hearing shall be posted on the Town website, the Town Office Building Bulletin Board, local access cable television, and made available in the Office of the Town Clerk at least 14 days prior thereto.

XXX - 5. Regulations.

The Community Preservation Committee shall be authorized to promulgate regulations at a meeting properly posted in accordance with applicable law to implement and facilitate this Bylaw, including, for example, establishment of forms, deadlines and other requirements for submission of project funding applications. Such regulations shall take effect two weeks after the date of their adoption and shall be posted on the Town website and made available in the Office of the Town Clerk.

XXX - 6. Severability and Effective Date.

6 - 1. Severability.

In case any section, paragraph or part of this Bylaw should be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

6 - 2. Effective Date.

This Bylaw shall take effect upon approval by the Attorney General of the Commonwealth of Massachusetts and after all requirements of M.G. L. c. 40, §32 have been met. Following the effective date of this Bylaw, the Town Clerk shall notify forthwith the appointing and designating authorities set forth herein and initial appointments and designations shall be made within thirty days thereafter consistent with the requirements set forth herein.

XXX- 7. Application Deadline for Surcharge Exemption.

The application deadline for exemption from the surcharge shall be the same as for personal exemption applications, 90 days following the issuance of the actual tax bill.