COMMUNITY PRESERVATION COMMITTEE

(HISTORY: Adopted September 25, 2006, Special Town Meeting, Article 1; Approved by Attorney General October 16, 2006, Effective Date October 25, 2006)

Section 1. Establishment

In accordance with Massachusetts General Laws, Chapter 44B, known as the "The Community Preservation Act," there is hereby established a Community Preservation Committee ("the Committee") consisting of nine (9) members. The composition of the Committee, the methods of appointment of the members and the terms of office of the members of the Committee shall be as follows:

One (1) member of the Conservation Commission, as designated by that Commission, for a term of one (1) year;

One (1) member of the Historical Commission, as designated by that Commission, for a term of one (1) year;

One (1) member of the Planning Board, as designated by that Board, for a term of one (1) year;

One (1) member of the Parks Commission as designated by that Commission, for a term of one (1) year;

One (1) member of the Affordable Housing Committee as designated by that Committee, for a term of one (1) year;

One (1) member of the Board of Selectmen as designated by that Board, for a term of one (1) year;

Three additional (3) members, at large, to be appointed by the Board of Selectmen, one (1) to be appointed for an initial term of one (1) year and thereafter for a term of three (3) years, another to be appointed for an initial term of two (2) years and thereafter for a term of three (3) years; and the other to be appointed for an initial term of two (2) years and thereafter for a term of three (3) years. Each such constituent Board or Commission shall advise the Board of Selectmen in writing of its designation as aforesaid, and the Board of Selectmen shall in turn file with the Town Clerk due notification of all designations and appointments to the Committee.

In the event of any vacancy on the Committee, it shall be filled in the manner provided above, and in the case of a vacancy involving one of the official board, commission or committee members, by appointment of another member of such board, commission or committee. Such vacancy shall be filled by appointment within thirty (30) days of such

vacancy, failing which; the Selectmen shall fill the vacancy by appointment as provided in Section 6, hereinbelow. In the event of the inability or failure of any member of the Committee to discharge his or her duties as a Committee member hereunder, a written finding by the Board of Selectmen of such fact filed with the Town Clerk shall be conclusive proof of a vacancy in regard to such position.

Section 2. Duties

(A) The Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing Town boards, including the Conservation Commission, the Historical Commission, the Planning Board, *the Housing Authority if the Town should establish one,* and *the Open Space Acquisition Committee if the Town should establish one*, or groups or persons acting in those capacities or performing like duties, in conducting such studies; and the Committee may consult with other Town boards or agencies, or independent groups as it shall in its discretion deem advisable. As a part of its study, the Committee shall hold one (1) or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two (2) weeks preceding such hearing in a newspaper of general circulation in the Town.

(B) The Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; for the rehabilitation or restoration of such open space, land for recreational use and community housing that is acquired or created as provided in the Community Preservation Act; and for any other lawful activities or expenditures that may become possible by reason of amendment of the Community Preservation Act.

(C) The Committee may include in its recommendation to Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.

Section 3. Quorum Requirement

The Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Committee shall constitute a quorum. The Committee shall approve its actions by majority vote of those members then present.

Section 4. Amendments

This Bylaw may be amended from time to time by a majority vote of Town Meeting, provided that no such amendment may cause this Bylaw to be in legal conflict with the Community Preservation Act.

Section 5. Severability

In case any section, paragraph or other part of this Bylaw shall be for any reason declared invalid, unlawful or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part hereof shall continue in full force and effect insofar as lawfully feasible.

Section 6. Effective Date

This Article shall take effect immediately upon approval of the Attorney General of the Commonwealth and due publication as required by applicable law. Each of the authorities designated in Section 1 shall after such approval make its designation known to the Board of Selectmen in writing within thirty (30) days, provided that a designation by any such Board submitted prior to such approval and subsequent to the vote of the Town enacting this Bylaw shall, upon such approval and publication, be deemed a lawful and sufficient designation.