



COMMONWEALTH OF MASSACHUSETTS
TOWN OF ACUSHNET

122 MAIN STREET, ACUSHNET, MA 02743

OFFICE OF THE
TOWN CLERK
TELEPHONE (508) 998-0215
FAX (508) 998-0216

RICHARD THRELFALL
TOWN CLERK

CHRISTINE T. KRAUSE
ASSISTANT TOWN CLERK

June 16, 2003

Attorney General Tom Reilly
Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103-1629

Subject: New By-Law

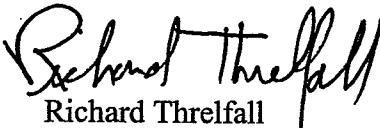
At a legal meeting of the qualified voters of the Town of Acushnet held on June 9, 2003, the following business was transacted under **Article 10**.

ARTICLE 10: See copy attached.

VOTE: Article passed unanimously.

Article to be added as a new Town By-Law
Will be Article XIII (after page 69 and after new Article XII also be submitted at this time)
Titled "Community Preservation Committee"

A true copy, Attest:


Richard Threlfall
Town Clerk

ARTICLE 10. GENERAL BY-LAW AMENDMENT – COMMITTEES & COMMISSIONS

To see if the Town will vote to adopt the following bylaw as set forth below or take any other action relative thereto:

BY-LAW PERTAINING TO COMMUNITY PRESERVATION COMMITTEE

Section 1 – Establishment

Pursuant to Massachusetts General Laws chapter 44B, §5 a Community Preservation Committee consisting of nine (9) members is hereby established for the purpose of making recommendations to the Town Meeting for community preservation in accordance with the said statute, the Town ballot voter acceptance and this by-law. The composition of the Committee, the appointing authorities and the terms of office of its members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Housing Authority as designated by the Authority for a term of three years.

One member of the Park Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

One member of the Planning Board as designated by the Board for an initial term of two years and thereafter for a term of three years.

Four citizen members to be appointed by the Board of Selectmen; two members to be appointed for a term of one year and thereafter for a term of three years; and two members to be appointed for a term of two years and thereafter for a term of three years.

Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.

Should any of the officers and commissions, boards, or committees who have appointing authority under this by-law be no longer in existence for whatever

reason, the Board of Selectmen shall appoint a suitable person to serve on the Committee.

Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

Section 2 – Duties

- a) The Community Preservation Committee shall study the needs, possibilities and resources of the Town of Acushnet regarding community preservation. The Committee shall consult with existing municipal boards, including but not limited to, the Conservation Commission, the Historical Commission, the Planning Board, the Park Commission and the Housing Authority. As part of its study, the Committee shall hold one or more public information hearings annually on the needs, possibilities and resources of the Town of Acushnet regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.
- b) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation, and preservation of open space; for the acquisition, rehabilitation, preservation and restoration of historic resources; for the acquisition and preservation of land for recreational use; for the creation, preservation and support of community housing and for the rehabilitation or restoration of such open space, land for recreational use and community housing that is acquired or created as provided in Sections 3 through 7, inclusive, of Chapter 44B of the Massachusetts General Laws (the "Community Preservation Act"), and within the framework of this Bylaw. With respect to community housing, the Committee shall, whenever possible, recommend use of funds for housing for senior citizens or modifications that allow senior citizens to remain in their homes and, wherever possible, the Committee shall recommend use of funds, the reuse of existing buildings or construction of new buildings on previously developed sites. Recommendations to Town Meeting shall include their anticipated costs.
- c) The Community Preservation Committee may include, in its recommendation to the 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 for general purposes that are consistent with community preservation. The Community Preservation Committee may recommend the issuance of general obligation bonds or notes

in anticipation of revenues to be raised pursuant to section 3 of the Act, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. The Town shall make every effort to limit the administrative costs of issuing such bonds by cooperating with other cities and towns using methods including, but not limited to, common issuance of bonds or common retention of bond counsel. Except as otherwise provided in this chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of Chapter 44. The maturities of each issue of bonds or notes issued under this chapter may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

- d) As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.
- e) The Community Preservation Committee will submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to Town Meeting for approval.

Section 3 – Requirements for a quorum

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

Section 4 – Amendments

This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided the amendments would not cause a conflict to occur with MGL, Chapter 44B.

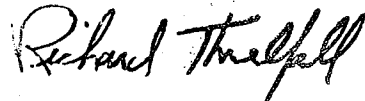
Section 5 – Severability

In case by section, paragraph or part of this Chapter 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.

Section 6 – Effective Date

This by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, §32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

A TRUE COPY ATTEST

A handwritten signature in black ink, appearing to read "Richard Threlfall". The signature is written in a cursive, flowing style.

TOWN CLERK-ACUSHNET, MA