

Distribution 1/6/03  
Reg. - In. Clerk  
cc - Council Clerk  
- Auditor  
- Treasurer  
- W. P. King

Approved 1/6/03

TOR-2002-9

**An Ordinance To Establish The Community Preservation Act Committee**

WHEREAS, the City of Agawam has adopted Massachusetts General Laws Chapter 44 §§ 3-7 known as the Community Preservation Act; and

WHEREAS, Massachusetts General Laws Chapter 44 § 5 requires the City of Agawam to enact an ordinance establishing a Community Preservation Act Committee;

NOW THEREFORE, BE IT ORDAINED BY THE AGAWAM CITY COUNCIL that Chapter 3, Administration of Government, Article III of the Code of the Town of Agawam Massachusetts, as amended, be and is hereby further amended by adding thereto section § 3-8.3 which shall be titled and read as follows:

**§ 3-8.3                      Community Preservation Act Committee**

**A.       Establishment.**

There is hereby established a Community Preservation Act Committee consisting of nine (9) voting members pursuant to Massachusetts General Laws Chapter 44B. The composition of the committee, the appointment authority, and the term of office for the committee members shall be as follows:

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

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

One member of the Agawam Planning Board as designated by the Board for a term of three years.

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

One member of the Agawam Housing Authority as designated by the Agawam Housing Authority for an initial term of two years and thereafter for a term of three years.

One member of the Agawam Open Space Committee as designated by the Open Space Committee for an initial term of one year and thereafter for a term of three years.

Three members to be appointed by the Agawam City Council, one member 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

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three years.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this ordinance be no longer in existence for what ever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Agawam City Council.

**B. Duties.**

(1) The Community Preservation Act Committee (hereinafter "CPAC") shall study the needs, possibilities and resources of the city regarding community preservation. The CPAC shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Park and Recreation Department and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the CPAC shall hold one or more public informational hearings on the needs, possibilities and resources of the city 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 city.

(2) The CPAC shall make recommendations to the City Council for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use, and housing that is acquired or created as provided in this section. With respect to community housing, the CPAC shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

(3) The CPAC may include in its recommendation to the City Council 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.

**C. Requirement for a Quorum and Cost Estimates.**

The CPAC shall not meet or conduct business without the presence of a quorum. A majority of the members of the CPAC shall constitute a quorum. The CPAC shall approve its actions by majority vote. Recommendations to the City Council shall include their anticipated costs.

**D. Amendments.**

This ordinance may be amended from time to time by a majority vote of the City Council, provided that the amendments would not cause a conflict with Massachusetts General Laws Chapter 44B.

**E. Severability.**

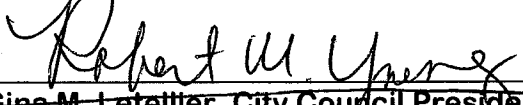
In case any section, paragraph or part of this ordinance be for any reason declared invalid or unconstitutional by any court of last resort every other section, paragraph or part shall continue in full force and effect.

**F. Effective Date.**

This ordinance shall take effect immediately upon approval and passage by the City Council. Each appointing authority shall have ten days after approval by the City Council to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the City Council shall make the appointment.

DATED THIS 6<sup>th</sup> DAY OF January, 2003.

PER ORDER OF THE AGAWAM CITY COUNCIL

  
~~Gina M. Letellier, City Council President~~ *Vice President*

APPROVED AS TO FORM AND LEGALITY

  
Thomas S. Locke, City Solicitor

## MAYORAL ACTION

Received this \_\_\_\_\_ day of \_\_\_\_\_, 2003 from Town Council Clerk.

Signed by Council President this Sixth day of January, 2003.

## APPROVAL OF LEGISLATION

By the powers vested in me pursuant to Article 3, Section 3-6 of the Agawam Charter, as amended, I hereby approve the passage of the above legislation on this 7th day of January, 2003.



Richard A. Cohen, Mayor

## DISAPPROVAL OF LEGISLATION

By the powers vested in me pursuant to Article 3, Section 3-6 of the Agawam Charter, as amended, I hereby veto the passage of the above legislation on this \_\_\_\_\_ day of \_\_\_\_\_, 2003 for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Richard A. Cohen, Mayor

## RETURN OF LEGISLATION TO COUNCIL CLERK

Returned to Council Clerk this 7th day of January, 2003.

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