

Ayer CPA Bylaw – Updated November 2013

ARTICLE XLVI - COMMUNITY PRESERVATION COMMITTEE

Chapter 1. Establishment

There is hereby established a Community Preservation Committee, consisting of seven (7) voting members appointed pursuant to the provisions of G.L. c.44B, s5. The composition of the Committee, the appointing authority and the term of office for the committee members shall be as follows:

One member from the Planning Board-3 years
One member from the Conservation Commission-1 years
One member from the Historical Commission-3 years
One member from the Housing Authority-2 years
One member from the Parks Commission-2 years

Two citizens at large to be appointed by the Selectmen one (1) for one year and one (1) for 3 years.

Each member of the Committee shall serve for the above term or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Upon completion of the initial appointment, all terms of office to be 3 years in length. In the event that any board or commission member is not reappointed or reelected the new board appointee shall serve out the remaining balance of the term.

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 in their place.

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

Chapter 2. Duties

(1). The Community preservation committee shall study the needs, possibilities and resources of the Town regarding community preservation. The committee shall consult, primarily but not limited to, with existing municipal boards, including the conservation commission, the historical commission, the planning board, the department of parks commission, and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, 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 weeks preceding a hearing in a newspaper of general circulation in the Town.

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

(3). 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 funds for general purposes that are consistent with community preservation.

(4). In every fiscal year, the community preservation committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for (a) open space not including land for recreational use), (b) historic resources; and (c) community housing.

Chapter 3. Requirement for quorum and cost estimates

The community preservation committee shall comply with the provisions of the Open Meeting Law, G.L. c.39 s23B. The Committee shall not meet or conduct business without the presence of a majority of the members of the community preservation committee. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated administrative and operating costs not to exceed 5% of all local CPA revenues and state matching funds for the given year.

Chapter 4. Amendments

This by-law may be amended from time to time by a majority vote of Town Meeting, consistent with the provisions of G.L. c.44B.

Chapter 5. Severability

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

Chapter 6. Effective Date

Provided that this by-law is accepted at the 2001 Annual Town Election, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, S32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments, or take any action thereon or in relation thereto.

Ayer CPA Bylaw – Older Version from May 2014

AYER CPC BYLAW

2

ARTICLE 12:

To see if the Town will vote, pursuant to the provisions of G.L. c.44B, S5, to amend the Town of Ayer's General By-laws, by adopting a new General By-law XLVI creating a Community Preservation Committee to read as follows:

Community Preservation Committee By-law

Chapter 1. Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members appointed pursuant to the provisions of G.L. c.44B, s5. The composition of the Committee, the appointing authority and the term of office for the committee members shall be as follows:

- One member from the Planning Board-3 years
- One member from the Conservation Commission-1 years
- One member from the Historical Commission-3 years
- One member from the Housing Authority-2 years
- One member from the Parks Dept.-2 years
- One member from the Advisory Board-2 years
- One member from the Board of Selectmen-1 year
- Two citizens at large to be appointed by the Selectmen one (1) for one year and one (1) for 3 years.

Each member of the Committee shall serve for the above term 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 in their place.

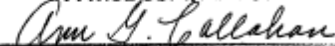
Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

Chapter 2. Duties

(1). The Community preservation committee shall study the needs, possibilities and resources of the Town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the department of public works, and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, 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 weeks preceding a hearing in a newspaper of general circulation in the Town.

(2). The community preservation committee shall make recommendations to the Town Meeting 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 the rehabilitation or restoration of such open space, historic resources, land for recreational use and community

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TOWN CLERK

housing that is acquired or created as provided by this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

(3). 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 funds for general purposes that are consistent with community preservation.

(4). In every fiscal year, the community preservation committee must recommend either that the legislative body spent, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for (a) open space not including land for recreational use, (b) historic resources; and (c) community housing.

Chapter 3. Requirement for quorum and cost estimates

The community preservation committee shall comply with the provisions of the Open Meeting Law, G.L. c.39 s23B. The Committee shall not meet or conduct business without the presence of a majority of the members of the community preservation committee. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

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This by-law may be amended from time to time by a majority vote of Town Meeting, consistent with the provisions of G.L. c.44B.

Chapter 5. Severability

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

Chapter 6. Effective Date

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Motion made by C. Sullivan. Seconded. Motion to amend by C. Sullivan.

Chapter 1—Delete the words "*one member of the Parks Dept.*" and insert "*one member of the Parks Commission*". **Motion to amend seconded and passed.** After the line "*Each member of the Committee.....whichever is earlier.*" Add "*Upon the completion of the initial appointment, all terms of office to be 3 years in length. In the event that any board or commission member is not reappointed or reelected the new board appointee shall serve out the remaining balance of the term.*" **Motion to amend seconded and passed.**

AYER CPC BYLAW

Correction—change “*Advisory Board*” to “*Advisory Committee*” **Motion seconded and passed.**

Chapter 2--- After the line in section 1 “*the committee shall consult*” insert the language “*primarily but not limited to*”. **Motion to amend seconded and passed.** Delete the words in section 1 “*the department of Public Works*” and add the words “*the Parks Commission*”. **Motion to amend seconded and passed.** Delete the words in section 4 (a) “*not including land for recreational purpose*”. **Motion seconded. Voted. Vote questioned. Counted Yes 48 No 55. Motion lost.**

Correction –Paragraph 4 --change word “*spent*” to “*spend*” **motion, seconded and passed.**

Chapter 3--- After line “*recommendations to the Town Meeting shall include the committee's anticipated costs.*” Add the language “*not to exceed 5% of all local CPA revenues and state matching funds for the given year*” Further amendment, following the word “*anticipated*” the words “*administrative and operating*” followed by “*costs*” and then “*not to exceed 5% etc.*” **Amendment passed. Motion w/amendment passed.** *May 14, 2001*