



**TOWN OF BOURNE**  
Office of the Town Clerk

**AT A LEGAL MEETING OF THE TOWN OF BOURNE HELD  
NOVEMBER 8, 2004 THE FOLLOWING BUSINESS WAS TRANSATED AT  
THE SPECIAL TOWN MEETING UNDER ARTICLE 8:**

**ARTICLE 8.** To see if the Town will vote to amend the Town By-laws by adding a new Article 8.1 as follows:

**Article 8.1 Community Preservation Committee**

**Section 8.1.1**

**Membership of the Committee:** There is hereby established a Community Preservation Committee consisting of nine (9) voting members pursuant to the provisions of G.L., c.44B, §5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows: one member of the Conservation Commission as designated by said Commission; one member of the Historical Commission as designated by said Commission; one member of the Planning Board as designated by said Board; one member of the Recreation Committee, as designated by the Committee; one member of the Housing Authority as designated by said Authority; and four members as designated by the Open Space Committee. 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 in their place.

**Section 8.2.1**

**Duties:** 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.

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 rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in 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.

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  
ARTICLE 8 CONTINUED

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.

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 70% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use), not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing.

#### **Section 8.3.1**

**Requirement for a Quorum and Cost Estimates.** The community preservation committee shall comply with the provisions of the Open Meeting Law, G.L. c.39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the community preservation. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

#### **Section 8.4.1**

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

#### **Section 8.5.1**

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

#### **Section 8.6.1**

**When Effective.** Provided that the Community Preservation Act, MGL c. 44B, is accepted at the 2005 Annual Town election, this section shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of

MGL .c. 40, section 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.

Or take any action in relation thereto.

*Sponsor - Board of Selectmen*

***MOTION: We move that the Town vote to amend the Town Bylaws by adding a new Article 8.1 as printed in the Warrant.***

***Voted: Approved by a unanimous vote.***

A True Copy,

Attest:

*[Signature]*  
Town Clerk  
*[Signature]*  
BHS