

4.8 COMMUNITY PRESERVATION COMMITTEE

4.8.1: Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B (the “Act”). 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 Boylston Conservation Commission as designated by that Commission.

One member of the Boylston Historical Commission as designated by that Commission.

One member of the Boylston Planning Board as designated by that Board.

One member of the Boylston Parks and Recreation Committee as designated by that Committee.

One member to represent the interests of Community Housing as appointed by the Affordable Housing Committee.

Four (4) members to be appointed at large by the Boylston Board of Selectmen.

At large members must be residents of Boylston. The members appointed by the Conservation Commission, the Historical Commission, the Planning Board, the Parks and Recreation Commission, and the Affordable Housing Committee shall be appointed annually for a term of one year.

The four (4) at large members appointed by the Board of Selectmen shall be appointed as follows: The at large members shall first be appointed in staggered terms (two (2) appointees for 3-year terms; One (1) appointee for a 2-year term; One (1) appointee for a 1-year term) and subsequently be appointed for a term of three years.

After the initial appointment of the members of the Committee, any vacancy occurring in the Committee from any cause may be filled for the remainder of the unexpired term by the Commission, Board or Authority, as the case may be, which made the initial appointment, for the remainder of the unexpired term. Such appointment shall be made not less than seven days following notice of intent to fill such vacancy.

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

The Committee shall elect a Chairman and Vice Chairman from among its members and shall elect a Secretary who need not be a member of the Committee. The Committee shall adopt policies, rules and regulations for conducting its affairs and for carrying out its responsibilities.

Any member of the Committee may, after a public hearing before the Commission, Board or Authority which appointed the said member, be removed for cause by majority vote of such Commission, Board or Authority.

4.8.2: Duties

(i). 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 Board of Selectmen, the Parks and Recreation Commission and the Affordable Housing Committee, or persons acting in those capacities or performing like duties, in conducting such studies.

As part of its study, the Committee shall hold one 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 weeks preceding a hearing in a newspaper of general circulation in the Town.

(ii). The Community Preservation 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, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section; provided, however, that funds expended pursuant to the Act shall not be used for maintenance. 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.

(iii). 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.

In every fiscal year, the Community Preservation Committee shall recommend either that Town Meeting spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund in each of the following areas for (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing. As provided in the Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.

(iv). The Community Preservation Committee shall present their recommended articles for inclusion on the Annual Town Meeting warrant and any Special Town Meeting warrant within the timeframe established by the Board of Selectmen for the warrant process.

4.8.3: Requirement for a Quorum and Cost Estimates

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include the Community Preservation Committee's anticipated costs.

4.8.4: Severability

In case any section, paragraph or part of this Bylaw 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