

Chapter 2-715 – Community Preservation Committee

SECTION 2.715.010 Establishment

There shall be a Community Preservation Committee consisting of at least five and no more than nine members and shall include, but not be limited to:

- A. one member of the Conservation Commission established under Chapter 40, Section 8C of the General Laws, as designated by the commission;
- B. one member of the Historical Commission established under Chapter 40C and Chapter 40, Section 8D of the General Laws, as designated by the commission;
- C. one member of the Planning Board established under Chapter 41, Section 81A of the General Laws, as designated by the board;
- D. one member of the Recreation Advisory Commission established under Chapter 482 of the Acts of 2008, as designated by the board;
- E. one member of the Housing Authority established under Chapter 121B, Section 3 of the General Laws, as designated by the authority; and
- F. the remaining four members, if appointed, shall be appointed by the Mayor.

If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority stated above who have appointing authority under this Chapter, the Mayor shall designate a person to serve on the Committee. The Mayor shall appoint one member to serve as Chair, and the members shall select a Vice-Chair and Clerk.

SECTION 2.715.020 Powers, In General

- A. The Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The Committee shall consult with the Mayor, existing municipal boards, including the Conservation Commission, the Historical Commission, the Director of Planning and Community Development, the Planning Board, the Recreation Advisory 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 annually 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 and posted on the Town's official website. The Community Preservation Committee shall meet as necessary to carry out its duties, but in any fiscal year shall hold no fewer than three (3) meetings.

- B. On or before November 1 and May 1 of each year, the Committee shall make recommendations to the Mayor, who shall submit requests to the Town Council for the acquisition, creation, and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation, and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use, and community housing that is acquired or created pursuant to this Chapter. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- C. The Committee may include in its recommendation to the Mayor, who shall submit **it** to the Town 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.
- D. For the purposes of community preservation and upon the recommendation of the Committee, the Town may take by eminent domain under Chapter 79 of the General Laws, the fee or any lesser interest in real property or waters located in the Town if such taking has first been approved by a two-thirds vote of the Town Council. Upon a like recommendation and vote, the Town may expend monies in the Community Preservation Fund, if any, for the purpose of paying, in whole or in part, any damages for which the Town may be liable by reason of a taking for the purposes of community preservation.
- E. The Committee may recommend the issuance of general obligation bonds or notes, in accordance with the provisions of Chapter 44B, Section **11** of the General Laws, in anticipation of revenues to be raised pursuant to the provisions of Chapter 44B, Section 3 of the General Laws, the proceeds of which shall be deposited in the Community Preservation Fund.
- F. In every fiscal year, the Committee shall recommend to the Mayor and the Town Council that the Town either spend or set aside for later spending not less than ten percent 10% of the annual revenues in the Community Preservation Fund for each of the following: open space (not including land for recreational use); historic resources; and community housing.
- G. All recommendations submitted to the Town Council shall include the anticipated costs thereof in accordance with the submission requirements established by the Committee.
- H. No appropriation shall be made from the Community Preservation Fund without the approval of the Town Council.

- I. The Committee shall submit to the Mayor, who shall submit to the Town Council, by May 1 of each year, an annual administrative and operating budget for the Committee for the next fiscal year, which shall not exceed five percent (5%) of that year's estimated annual Community Preservation Fund revenues.

SECTION 2.715.030 Quorum and Voting

A majority of the members shall constitute a quorum for purposes of convening a meeting and conducting the business of the Committee. The Committee shall approve its actions by a majority vote of the Committee.

SECTION 2.715.040 Severability

In the event that any part of this Ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall continue in full force and effect.

AS APPROVED ON FEB 2, 2010