

ARTICLE 32

VOTED: To amend its General By-Laws by adding a new section (insert reference as appropriate) as follows:

COMMUNITY PRESERVATION COMMITTEE

Section 1. Establishment and Membership

- a. There is hereby established a Community Preservation Committee consisting of nine (9) members. The membership shall be composed of one member of the Conservation Commission as designated by such Commission, one member of the Preservation Commission as designated by such Commission, one member of the Planning Board as designated by such Board, one member of the Park and Recreation Commission as designated by such Commission, one member of the Brookline Housing Authority as designated by such Commission authority, one member of the Housing Advisory Board and three (3) at-large members appointed by the Select Board. The Select Board shall endeavor to appoint such at-large members to provide balance to the overall committee, so that the Town's overall priorities, considered in the context of the areas of preservation, housing, and open space, are as balanced as practicable.
- b. At-large members shall be appointed to the following initial terms: One (1) for a one-year term, one (1) for a two-year terms, and one (1) for a three-year term. All subsequent terms shall be for three years. All other members shall serve a term determined by their designating bodies not to exceed three years. All members, at-large and otherwise, are eligible for reappointment. Should any appointing or designating authority fail to appoint a successor to a CPC member whose term is expiring, such member may continue to serve until the relevant authority names a successor.
- c. A vacancy of the committee shall be filled by the relevant appointing or designating authority.

Section 2. Duties and Responsibilities

- a. The Community Preservation Committee shall have all of the duties and powers set forth in G.L. c. 44B §5, including, but not limited to, the following: 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 Select Board, Conservation Commission, the Preservation Commission, The Planning Board, the Park and Recreation Commission, the Council on Aging, the Housing Authority, the Housing Advisory Board and the Advisory Committee. 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 the hearing in a newspaper of general circulation in the Town.

- b. The Community Preservation Committee shall make recommendations to the 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 rehabilitation or restoration of such open space and community housing that is acquired or created with CPA funds. 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. The Committee's recommendations to Town Meeting shall be subject to G.L. c. 44B, s. 5(b)(2) and shall include their anticipated costs.
- c. 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.
- d. Prior to making its final recommendations to Town Meeting for approval, the Committee shall present draft recommendations to the Select Board and the Advisory Committee for comment. A designated member of the Select Board and the Advisory Committee may serve as liaisons to the Committee.

Section 3. Administration and Operation

- a. 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.
- b. The Community Preservation Committee shall approve its actions by majority vote of the quorum.
- c. Each fiscal year, the Committee shall recommend to Town Meeting an operational and administrative budget. The timing of such budget recommendation shall be coordinated with the Town Administrator's annual operating budget submission to the Select Board.

Section 4. Amendments

The Community Preservation Committee shall, from time to time, review the administration of this by-law and make recommendations, as needed, for amendments to the by-law and the Committee's administrative practices to improve its operations.

Section 5. Construction and Severability

At all times this by-law shall be interpreted in a manner consistent with G.L. c. 44B, the Community Preservation Act. Should any section, paragraph or part of this chapter 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.

Section 6. Effective Date

This Bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have forty-five (45) calendar days after approval by the Attorney General to make their initial appointments.