

## OFFICE OF THE TOWN CLERK

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TOWN CLERK

ELEANOR J. WHITE

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## FALL ANNUAL TOWN MEETING – NOVEMBER 13, 2001

The following is a copy of the final vote taken at the  
Fall Annual Town Meeting of NOVEMBER 13, 2001, under Article 5  
As amended:

ARTICLE 5.ACCEPTANCE OF COMMUNITY PRESERVATION ACT –  
GENERAL BY-LAW AMENDMENT

MOVED and duly seconded:

That the Town accept the provisions of the Community Preservation Act, so-called, as set out in Massachusetts General Laws chapter 44B, §§ 3 through 7 which would provide for a surcharge of one and one-half (1 and ½) per cent of real estate property tax which is subject to acceptance by the voters of the Town by means of a majority vote of approval of a ballot question at the next regular Town election; and to adopt the general by-law that would become Section 9 of the Dartmouth General By-Laws, all of which is subject to acceptance by the voters of the Town by means of a majority vote of approval of a ballot question at the next regular Town election.

Pursuant to § 3(e) of Massachusetts General Laws chapter 44B the following exemptions to the surcharge are accepted:

- (1) The first \$100,000 of assessed value of each taxable parcel of residential real estate in the Town.
- (2) All abatements or exemptions of real property authorized by Massachusetts General Laws chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected. The surcharge to be paid by a taxpayer receiving an abatement or exemption on real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such abatement or exemption.

Community Preservation Committee - General By-LawSection 1 – Establishment

Pursuant to Massachusetts General Laws chapter 44B, §5 a Community Preservation Committee consisting of nine (9) members is hereby established for the purpose of making recommendations to the Town Meeting for community preservation in accordance with the said statute, the Town ballot voter acceptance and this by-law. The composition of the Committee, the appointing authorities and the terms of office of its members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Housing Authority as designated by the Authority for a term of three years.

One member of the Park Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

One member of the Planning Board as designated by the Board for an initial term of two years and thereafter for a term of three years.

Four citizen members to be appointed by the Select Board; two members to be appointed for a term of one year and thereafter for a term of three years; and two members to be appointed for a term of two years and thereafter for a term of three years.

The members of the Community Preservation Committee may be re-appointed for as many terms as authorized by the Select Board.

#### Section 2 – Duties

- a) The Community Preservation Committee shall study the needs, possibilities and resources of the Town of Dartmouth regarding community preservation. The Committee shall consult with existing municipal boards, including but not limited to, the Conservation Commission, the Historical Commission, the Planning Board, the Park Board and the Housing Authority. As part of its study, the Committee shall hold one or more public information hearings annually on the needs, possibilities and resources of the Town of Dartmouth 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.
- b) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition and preservation of open space; for the acquisition and preservation of historic resources; for the acquisition 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 in Sections 3 through 7, inclusive, of Chapter 44B of the Massachusetts General Laws (the "Community Preservation Act"), and within the framework of this Article. With respect to community housing, the Committee shall, whenever possible, recommend use of funds for housing for senior citizens or modifications that allow senior citizens to remain in their homes and, wherever possible, the Committee shall recommend use of funds, the reuse of existing buildings or construction of new buildings on

previously developed sites. Recommendations to Town Meeting 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 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, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. The Town shall make every effort to limit the administrative costs of issuing such bonds by cooperating with other cities and towns using methods including, but not limited to, common issuance of bonds or common retention of bond counsel. Except as otherwise provided in this chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of Chapter 44. The maturities of each issue of bonds or notes issued under this chapter may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.
- d) As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.
- e) The Community Preservation Committee will submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to Town Meeting for approval.

### Section 3 – Requirements for a quorum

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by a majority vote.

### Section 4 – Amendments

This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided the amendments would not cause a conflict to occur with MGL, Chapter 44.

Section 5 – Severability

In case by 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.

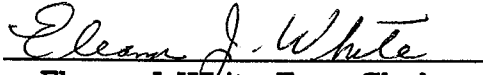
Section 6 – Effective Date

[Following Town Meeting approval and voter approval of the Community Preservation Act adoption, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have ten days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointments within the allotted time, the Select Board shall make the appointment or take any other action relative thereto.]

SO VOTED. MAJORITY 8:35 P.M.

MOVED and duly seconded:

Attest:

  
Eleanor J. White, Town Clerk