



TOWN OF EDGARTOWN

Office of Town Clerk
Post Office Box 35
Edgartown, Massachusetts 02539
Telephone (508) 627-6110
Fax (508) 627-6123

October 24, 2005

I hereby certify the following to be a true and exact copy of Article 12 for the Special Town Meeting, held on October 17, 2005, and a true and exact copy of the vote passed under said Article on October 17, 2005.

ARTICLE 12. To see if the Town will vote to adopt a Community Preservation Committee Bylaw, or take any other action in relation thereto.

Community Preservation Committee Bylaw

Chapter - 1 Establishment

There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to M.G.L. Chapter 44B, the Massachusetts Community Preservation 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 Conservation Commission as designated by the Conservation Commission for a term of three years.

One member of the Planning Board as designated by the Planning Board for a term of three years.

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

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

One member of the Resident Homesite Committee as designated by the Resident Homesite Committee for an initial term of one year and thereafter for a term of three years.

One member of the Financial Advisory Committee as designated by the Financial Advisory Committee for an initial term of two years and thereafter for a term of three years.

One at-large member as designated by the Board of Selectmen for an initial term of two years and thereafter for a term of three years.

Each member of the Committee shall serve for the term as set forth above, 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 Commissions, Boards or Committees who have appointing authority under this Chapter be no longer in existence for what ever reason, the appointing authority for that Commission, Board, or Committee shall become the responsibility of the Board of Selectmen.

Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

Chapter - 2 Duties

(1). The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing town boards, including the conservation commission, the historical commission, the planning board, the parks and recreation commission, the housing authority, the resident homesite committee, 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 the meetings shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

(2). The community preservation committee shall make one or more recommendations at 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 and preservation of land for recreational use; for the acquisition, creation and preservation of land for natural resources and conservation purposes; for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, 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.

(3). The community preservation committee may include a recommendation at Town Meeting 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 those specific purposes or to set aside for later spending funds for general purposes that are consistent with community preservation.

(4). In every fiscal year, the community preservation committee must recommend either that the Town Meeting body spend, or set aside for later spending, not less than 30% of the annual revenues in the Community Preservation Fund consistent with the provisions in M.G.L. Chapter 44B Section 6. The Town Meeting shall make appropriations from the Fund as it deems necessary for the administrative and operating expenses of the community preservation committee up to, but not to exceed, five percent (5%) of the annual revenues in the Community Preservation Fund.

As provided by the Massachusetts Community Preservation Act, M.G.L Chapter 44B, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.

Chapter - 3 Requirement for a quorum and cost estimates

The community preservation committee shall comply with the provisions of the Open Meeting Law, M.G.L. Chapter 39 Section 23B. The committee shall not meet or conduct business without the presence of a majority of the members of the community preservation committee, which shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

Chapter - 4 Amendments

This Bylaw may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of M.G.L. Chapter 44B.

Chapter - 5 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.

Chapter - 6 Effective Date

Following Town Meeting approval, this Bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of M.G.L. Chapter 40 Section 32, have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the current acting Chairman on each of the seven groups listed under the Establishment section, will sit on the Community Preservation Committee until another representative is appointed.

Moved and seconded; thereafter voted in favor by a unanimous vote.

ARTICLE 12. Moved that the Town vote to adopt a Community Preservation Committee Bylaw, or take any other action in relation thereto.

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Moved and seconded; thereafter voted in favor by a unanimous vote.

Attest:

Wanda M. Williams
Wanda M Williams, Town Clerk