



Town Clerk

TOWN HALL
ESSEX, MASSACHUSETTS 01929-1219
978-768-7111

I hereby certify that the following action was taken at the Special Town Meeting of the Town of Essex held on March 12, 2007.

Article 2. COMMUNITY PRESERVATION COMMITTEE

Motion by Jeffrey Soulard, duly seconded, that the Town vote, pursuant to the provisions of G.L. c.44B, §5, to amend the General By-laws by inserting a new section, Section 2-23, entitled "Community Preservation Committee" to read as follows:

2-23 COMMUNITY PRESERVATION COMMITTEE

2-23.1 *ESTABLISHMENT.*

There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to the provisions of G.L., c.44B, §5. The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows

- (1) One member of the Conservation Commission as designated by the Commission;
- (2) One member of the Historical Commission as designated by the Commission;
- (3) One member of the Planning Board as designated by the Board;
- (4) The Public Works Director, whose responsibilities include the duties of the Board of Park Commissioners established under G.L. c.45, §2, or his designee;
- (5) One member of the Housing Authority as designated by the Authority;
- (6) One member of the Board of Selectmen or the Board's designee;
- (7) One additional member as designated by the Board of Selectmen.

Each member of the Committee shall serve for a term of three years 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 officers and commissions, boards, or committees who have appointing authority under this by-law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

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



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2-23.2 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 municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Department of Public Works, 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 hold one annual public informational hearing, or more at its discretion, 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.

(2). The Community Preservation Committee shall make recommendations to the Town Meeting **for the acquisition, creation and preservation of open space, [bold text was added by motion on the floor 3/12/07]** for the acquisition, preservation, restoration and rehabilitation 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 such open space, land for recreational use and community housing that is acquired or created as provided in G.L. c.44B. 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 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.

(4). In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of the following purposes: (a) open space (not including land for recreational use); (b) historic resources; and (c) community housing.

2-23.3 REQUIREMENT FOR A QUORUM AND COST ESTIMATES.

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, G.L. c.39, §23B. The Committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the Committee's anticipated costs.



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2-23.4 AMENDMENTS.

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

2-23.5 SEVERABILITY.

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

2-23.6 EFFECTIVE DATE.

Provided that the Community Preservation Act is accepted at the 2007 Annual Town election, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, §32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments;

Voted unanimously.

A true copy.

Attest:

Sally A. Soucy

Sally A. Soucy, Town Clerk



Town Clerk

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I hereby certify that the following action was taken at the Annual Town Meeting of the Town of Essex held on May 6, 2002:

Article 9. COMMUNITY PRESERVATION ACT

Motion by Rolf P. Madsen, duly seconded, that the Town, pursuant to the provisions of G.L. c44B, sect. 5, amend the Town of Essex General By-laws by adding a new Section 2-23 creating a Community Preservation Committee as described in Article 9 of the Warrant with the following revision: That the first sentence of Section 2-23.1 be revised to read "There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to the provision of G.L., c.44B, sect. 5," in order to make the number of voting members specified in that text consistent with the actual list of voting members detailed there under.

Voted.

A true copy.

Attest: Sally A. Soucy
Sally A. Soucy



Town Clerk

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ARTICLE 9

To see if the Town will vote, pursuant to the provisions of G.L. c.44B, §5, to add Section 2-23 to the Town By-laws, to adopt a new general By-law creating a Community Preservation Committee to read as follows:

2-23 COMMUNITY PRESERVATION COMMITTEE

2-23.1 ESTABLISHMENT.

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of G.L., c.44B, §5. The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows

- (1) One member of the Conservation Commission as designated by the Commission;
- (2) One member of the Historical Commission as designated by the Commission;
- (3) One member of the Planning Board as designated by the Board;
- (4) The Public Works Director, whose responsibilities include the duties of the Board of Park Commissioners established under G.L. c.45, §2, or his designee;
- (5) One member of the Housing Authority as designated by the Authority;
- (6) One member of the Board of Selectmen or the Board's designee as designated by the Board;
- (7) One additional member as designated by the Board of Selectmen.

Each member of the Committee shall serve for a term of three years 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 officers and commissions, boards, or committees who have appointing authority under this by-law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

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



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2-23.2 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 municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Department of Public Works, 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 hold one annual public informational hearing, or more at its discretion, 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.
- (2). The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, 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 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.
- (4). In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of the following purposes: (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.

2-23.3 REQUIREMENT FOR A QUORUM AND COST ESTIMATES.

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, G.L. c.39, §23B. The Committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the Committee's anticipated costs.



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2-23.4 *AMENDMENTS.*

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

2-23.5 *SEVERABILITY.*

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

2-23.6 *EFFECTIVE DATE.*

Provided that the Community Preservation Act is accepted at the 2002 Annual Town election, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, §32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments;

or take any other action relating thereto.



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Article 14. COMMUNITY PRESERVATION COMMITTEE

Motion by Gordon H. Martin, duly seconded, that the Town Vote, pursuant to the provisions of G.L. c.44B, sect. 5, to amend the General By-laws by inserting a new section, Section 2-23, entitled "Community Preservation Committee" as printed in Article 14 of the Warrant.

Motion by Rolf P. Madsen, duly seconded, to amend line one to delete (9) voting members and replace with (7) voting members

Amendment – Voted unanimously.

Motion by Gordon Martin, duly seconded, to amend 2-23.2 (2) by changing "relational" to "recreational".

Amendment - Voted.

2-23 COMMUNITY PRESERVATION COMMITTEE

2-23.1 ESTABLISHMENT.

There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to the provisions of G.L., c.44B, §5. The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows

-
- (1) One member of the Conservation Commission as designated by the Commission;
 - (2) One member of the Historical Commission as designated by the Commission;
 - (3) One member of the Planning Board as designated by the Board;
 - (4) The Public Works Director, whose responsibilities include the duties of the Board of Park Commissioners established under G.L. c.45, §2, or his designee;
 - (5) One member of the Housing Authority as designated by the Authority;
 - (6) One member of the Board of Selectmen or the Board's designee as designated by the Board;
 - (7) One additional member as designated by the Board of Selectmen.

Each member of the Committee shall serve for a term of three years 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 officers and commissions, boards, or committees who have appointing authority under this by-law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

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

2-23.2 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 municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Department of Public Works, 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 hold one annual public informational hearing, or more at its discretion, 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.

(2). The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, preservation, restoration and rehabilitation of historic resources, for the acquisition, creation 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, 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 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.

(4). In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of the following purposes: (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.

2-23.3 REQUIREMENT FOR A QUORUM AND COST ESTIMATES.

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, G.L. c.39, §23B. The Committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the Committee's anticipated costs.

2-23.4 *AMENDMENTS.*

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

2-23.5 *SEVERABILITY.*

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

2-23.6 *EFFECTIVE DATE.*

Provided that the Community Preservation Act is accepted at the 2006 Annual Town election, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, §32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments;

Vote on main motion as amended – Voted by majority.

A true copy.

Attest:

Sally A. Soucy

Sally A. Soucy
Town Clerk