

A TRUE COPY. ATTEST: *Lisa Ackerman*, TOWN CLERK

October 29, 2001

Article 19. The Town voted to amend the General By-laws of the Town of Hampden pursuant to the acceptance of the Community Preservation Act and as specifically authorized by the General Laws, Chapter 44B, Section 5, by inserting a new Chapter III (A) to the General By-Laws of the Town, as fully described in the warrant of this Special Town Meeting with the following amendments:

A motion was duly made, seconded and passed to strike Section 6 from the General By-Laws of the Town.

A motion was duly made, seconded and defeated to amend section 1a to increase the number of committee members to nine (9) with 4 members to be elected at the annual town election.

A motion was duly made, seconded and passed by a vote of 35 to 28 to amend the main motion with respect to Article 19 as follows:

By striking the first paragraph of Section 1(a) as it appears in the warrant and replacing it with the following:

- a. The Committee will consist of nine members. The committee shall include one designee from the Conservation Commission, the Historical Commission, the Planning Board, the Park Commission and the Housing Authority and two persons designated by the Board of Selectmen and two persons designated by the Town Moderator.

Community
Preservation
Committee

Article 19. To see if the Town will amend the General By-Laws of the Town pursuant to the Town's acceptance of the Community Preservation Act and as specifically authorized by General Laws, Chapter 44B, Section 5, by inserting a new Chapter III (A) to the General By-Laws of the Town, as follows, or take any other action relative thereto:

Section 1. The vote of the Town of Hampden at the annual town election held on May 7, 2001 accepting Sections 3 to 7, inclusive, of Chapter 44B of the General Laws and all actions taken pursuant thereto, are hereby ratified, validated and confirmed as if such vote had been taken pursuant to Section 3 of the said Chapter 44B.

Section 2. This act shall take effect upon its passage.

**Community
Preservation
Committee**

Article 19. To see if the Town will amend the General By-Laws of the Town pursuant to the Town's acceptance of the Community Preservation Act and as specifically authorized by General Laws, Chapter 44B, Section 5, by inserting a new Chapter III (A) to the General By-Laws of the Town, as follows, or take any other action relative thereto:

Section 1: There shall be a Community Preservation Committee for the Town which shall perform the duties set forth in the following sections and be governed by the provisions thereof and by the provisions of General laws Chapter 44B, Section 5 and any other applicable statutes.

- a. The Committee will consist of five (5) member, unless by Town Meeting vote, the Town increases the membership to not more than nine (9) members and determines how the additional members are to be chosen, by election, by appointment, or both. The Committee shall include a designee from each of the following boards, commissions or authorities: the Conservation Commission, the Historical Commission, the Planning Board, the Board of Park Commissioners, and the Housing Authority.

(At its first meeting, the members of the Committee shall determine, by lot or otherwise, which of its members shall serve a term of one year, which for a term of two years and which for a term of three years so that the terms of approximately one-third of its members expire each year. After expiration of their initial terms, members of the Committee shall serve for terms of three years. A member of the Committee shall

serve until his or her successor has been appointed (or elected) and qualified.

- b. A quorum, consisting of a majority of the entire membership of the Committee, must be present for the Committee to meet and act. A majority vote of the entire Committee membership is needed to take any action.

Section 2: The 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 Board of Park Commissioners and the Housing Authority, or persons acting in these 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 which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

Section 3: The 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 Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. Recommendations to the Town Meeting shall include their anticipated costs.

Section 4: The 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 established by the Town to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

Section 5: After receiving recommendations from the Committee, the Town Meeting shall then take such action and approve such appropriations from the Community Preservation Fund and such additional appropriations as it deems appropriate to carry out the recommendations of the Committee.

Section 6: For the purposes of community preservation and upon the recommendation of the Committee, the Town may take by eminent domain under General Laws Chapter 79, 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 a Town Meeting. 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.

Section 7: The foregoing provisions shall be subject to the provisions of General Laws Chapter 44B, Sections 3 through 7 or any other general or special act relating to community preservation and the rights and obligations of the Committee.

**Stabilization
Fund**

Article 20. To see if the Town will vote to transfer from unappropriated available funds in the treasury a sum of money to the Reserve Account or to the Stabilization Fund; or take any other action relative thereto.

**Reducing
Tax Rate**

Article 21. To see if the Town will vote to transfer from unappropriated available funds in the treasury a sum of money for the purpose of reducing the tax rate for Fiscal Year 2002; or take any other action relative thereto.