



# **GENERAL BY-LAWS**

## **Town of Lakeville**

**1994 REVISION**

***(WITH AMENDMENTS THROUGH NOVEMBER 8, 2021)***

accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All monies remaining in the trust at the end of any fiscal year, whether or not expended by the Board within one (1) year of the date they were appropriated into the trust, remain trust property.

*(Adopted June 13, 2005; approved by Attorney General September 30, 2005)*

***(Name change from Board of Selectmen to Select Board Adopted at STM November 8, 2021, approved by Attorney General December 15, 2021.)***

## **COMMUNITY PRESERVATION COMMITTEE**

### **Section 1-Establishment**

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. 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 Commission for a term of three (3) years.

One member of the Historical Commission as designated by the Commission for a term of three (3) years.

One member of the Planning Board as designated by the Board for a term of three (3) years.

One member of the Park Commission as designated by the Commission for an initial term of one (1) year and thereafter for a term of three (3) years.

One member of the Housing Authority as designated by the Authority for an initial term of two (2) years and thereafter for a term of three (3) years.

One member of the Open Space Committee as designated by the Committee for an initial term of one (1) year and thereafter for a term of three (3) years.

Three members to be appointed by the Select Board, one member to be appointed for a term of one (1) year and thereafter for a term of three years and two members to be appointed for a term of two (2) years and thereafter for a term of three (3) years.

Each member of the Committee shall serve for the term specified above, or until the person no longer serves on the board, committee, commission or authority as set forth above, whichever is earlier.

Should any of the Commissions, Boards, Authorities, or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Authority or Committee shall become the responsibility of the Select Board.

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

### **Section-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 Park Commission 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 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.

(2). The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, 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 rehabilitation or restoration of such open space, land for recreation 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 open space (not

including land for recreational use); not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing.

### **Section-3 Requirement for a quorum and cost estimates**

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. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

### **Section-4 Amendments**

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

### **Section-5 Severability**

In case 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 upon the Town's acceptance of the Community Preservation Act in accordance with the procedures set forth in Chapter 44B of the General Laws and after all requirements of MGL Chapter 40 Section 32 have been met. (*\*Adopted Nov. 8, 2021; approved by Attorney General February 24, 2022.*)

*(Adopted June 13, 2005; approved by Attorney General September 30, 2005)*

***(Name change from Board of Selectmen to Select Board Adopted at STM November 8, 2021, approved by Attorney General December 15, 2021.)***