



# TOWN OF LINCOLN

MASSACHUSETTS

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March 28, 2002

To Whom It May Concern:

This is to certify that under Article 10 (proposed by the Selectmen) of the Warrant for the Annual Town Meeting on March 23, 2002 it was voted unanimously as follows:

**VOTED:** That the Town amend its General By-Laws by adding Article XXII "Community Preservation Committee", to read substantially as follows:

Section 1. Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B (the "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 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 Planning Board as designated by the Board for a term of three years.

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

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

Four members to be appointed by the Board of Selectmen, 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.

Each member of the Committee shall serve for the term as set forth above to which such member is appointed, or until the person no longer serves as a member due to resignation or removal, or by virtue of no longer serving on the appointing commission, board or committee as set forth above, whichever is earlier. Any resulting vacancy in the Committee's membership shall be filled by the same commission, board or committee which originally appointed the vacating member, for the unexpired portion of such vacating member's appointed term.

Should any of the Commissions, Boards, or Committees who have appointment authority under this by-law be no longer in existence for whatever reason, the appointment

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 his or her respective appointing authority after a hearing conducted by such appointing authority.

## Section 2. Duties

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 Recreation Committee, and the Housing Commission, 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.

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.

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, established pursuant to the Community Preservation Act, to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

In every fiscal year, the Community Preservation Committee shall 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: (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.

## Section 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, §23A-C. The Committee shall not meet or conduct business without the presence of a majority of its members. The Committee shall approve its actions by majority vote. Recommendations by the Committee to the Town Meeting shall include the anticipated costs of any such recommendations.

## Section 4. Records

The Community Preservation Committee shall keep a full and accurate account of all of its actions, including its recommendations and the action taken on them and records of all appropriations or expenditures made from the Community Preservation Fund. The

Committee shall also keep records of any real property interest acquired, disposed of or improved by the Town upon its recommendation, including the names and addresses of the grantors or grantees and the nature of the consideration. All such records and accounts shall be public records.

#### Section 5. Amendments

This by-law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of the Community Preservation Act.

#### Section 6. Severability

In case any section, paragraph, or part of this bylaw is declared invalid or unconstitutional by any court of competitive jurisdiction, every other section, paragraph or part shall continue in full force and effect.

#### Section 7. Definitions

Terms used in this by-law which appear in the Community Preservation Act shall have the respective meanings as set forth in the Community Preservation Act.

#### Effective Date

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The foregoing by-law shall become effective only upon (a) completion of compliance with all requirements of c.40, §32 of the General Laws respecting the adoption of general by-laws, and (b) the acceptance by the voters of the Town of sections 3 through 7 of the Community Preservation Act, as approved by the 2002 Annual Town Meeting under Article 9 of the Warrant therefor, pursuant to a ballot question presented at the next regular municipal or state election in accordance with Section 3 (f) of the Community Preservation Act. If the ballot question described above is approved, each appointing authority shall make its initial appointment(s) to the Community Preservation Committee not later than thirty (30) days following such approval.

*Nancy J. Zuelke*  
Nancy J. Zuelke  
Town Clerk