

TOWN OF MATTAPOISETT
ANNUAL TOWN MEETING
MAY 8, 2006

ARTICLE 17: COMMUNITY PRESERVATION BY-LAW: Voted for the Town to establish the Mattapoisett Community Preservation Committee in accordance with MGL Chapter 44B.

Mattapoisett Community Preservation Bylaw

Chapter 1: Establishment

There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B (the "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 Mattapoisett Conservation Commission as designated by that Commission.

One member of the Mattapoisett Historical Commission as designated by that Commission.

One member of the Mattapoisett Planning Board as designated by that Board.

One member of the Mattapoisett Recreation Committee as designated by that Committee.

One member of the Mattapoisett Housing Authority as designated by the Authority.

Two members to be appointed at large from the registered voters of the Town by the Mattapoisett Board of Selectmen.

The members appointed by the Conservation Commission, the Historical Commission, the Planning Board, the Parks and Recreation Commission, the Housing Authority, and the Open Space Committee shall be appointed annually for a term of one year. The two persons initially appointed at large by the Board of Selectmen shall be appointed for terms of two and one year, respectively. Upon expiration of the term of each member so appointed by the Board of Selectmen, the Board of Selectmen shall appoint one member for a term of two years. After the initial appointment of the members of the Committee, any vacancy occurring in the Committee from any cause may be filled for the remainder of the unexpired term by the Commission, Board or Authority, as the case may be, which made the initial appointment, for the remainder of the unexpired term. Such appointment shall be made not less than seven days following notice of intent to fill such vacancy.

Should any of the Commissions, Boards, Councils, or Committees who have appointment authority under this Chapter be no longer in existence for what ever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

The Committee shall elect a Chairman and Vice Chairman from among its members and shall elect a Secretary who need not be a member of the Committee. After having a public hearing and requesting recommendations from Town boards and committees, the Committee shall adopt policies, rules and regulations for conducting its affairs and for carrying out its responsibilities. Any member of the Committee may, after a public hearing before the Commission, Board or Authority, which appointed the said member, be removed for cause by majority vote of such Commission, Board or Authority.

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 municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee 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, rehabilitation and restoration 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 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 for general purposes that are consistent with community preservation. The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to section 3 of the Act.

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 in each of the following areas for (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.

As provided in the Massachusetts Community Preservation Act, 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, G.L. c.39, 23B. 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 the Community Preservation Committee's anticipated costs.

Chapter 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.

Chapter 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.

Chapter 6: Effective Date

This bylaw shall take effect after all requirements of MGL Chapter 40, Section 32 have been met, including approval by the Attorney General of the Commonwealth, and the Town has accepted Chapter 44B, Section 3-7 inclusive. Each appointing authority shall have 30 days after approval by the Attorney General to make its initial appointments.

YES 90 NO 10

Motion to reconsider by Michele Bernier, motion carries YES 95 NO 4. Motion by Daniel Goodman to amend the bylaw to" I move that Paragraphs 7 and 8 as appearing in Warrant Article No. 17, Chapter 1, be deleted and replaced with the following:

"Two members to be elected at large from the registered voters from the Town of Mattapoisett.

"The members appointed by the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee and the Housing Authority shall be appointed annually for a term of one year. The two persons initially elected shall be elected for terms of two and one year respectively. Thereafter, members shall be elected for two-year terms. After the initial appointment or election of the members of the committee, any vacancy occurring in the committee from any cause may be filled for the remainder of the unexpired term by the commission, board or authority, as the case may be, which made the initial appointment, or the Board of Selectmen, for the remainder of the unexpired term. Such appointment shall be made not less than seven days following notice of intent to fill vacancy

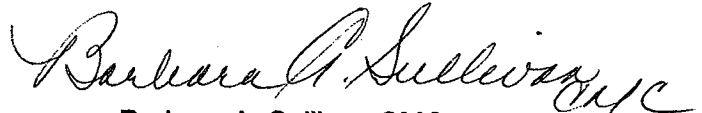
Motion carries, Yes 70 No 3.

Article adopted as amended.

YES 72 NO 1

CERTIFIED TO BE A TRUE RECORD:

ATTEST:

A handwritten signature in cursive script, reading "Barbara A. Sullivan", followed by a stylized flourish.

Barbara A. Sullivan CMC
Mattapoisett Town Clerk

Amendment to the CPC Bylaw

**TOWN OF MATTAPOISETT
ANNUAL TOWN MEETING
MAY 11, 2009**

ARTICLE 20: COMMUNITY PRESERVATION BY-LAW: Voted for the Town to amend the Community Preservation By-law by increasing the voting membership of the Community Preservation Committee from seven members to nine members, and by increasing the number of elected members from two members to four members, provided, however, that initially, one new member shall be elected for a one-year term, and one for a two-year term, as follows (with underlined text to be inserted and strikethrough text to be deleted):

Chapter 1: Establishment - There is hereby established a Community Preservation Committee, consisting of ~~seven (7)~~ nine (9) voting members pursuant to MGL Chapter 44B (the "Act"). The composition of the committee, the appointment authority and the term of office of the committee members shall be as follows:

One member of the Mattapoisett Conservation Commission as designated by that Commission, one member of the Mattapoisett Historical Commission as designated by that Commission, one member of the Mattapoisett Planning Board as designated by that Board, one member of the Mattapoisett Recreation Committee as designated by that Committee, one member of the Mattapoisett Housing Authority as designated by the Authority and ~~two~~ four members to be elected at large from the registered voters from the Town of Mattapoisett. The members appointed by the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee and the Housing Authority shall be appointed annually for a term of one year. ~~The two persons initially elected shall be elected for terms of two and one year respectively. Thereafter, elected members shall be elected for two-year terms, with two members elected each year.~~ After the initial appointment or election of the members of the committee, any vacancy occurring in the committee from any cause may be filled for the remainder of the unexpired term by the omission, board or authority, as the case may be, which made the initial appointment, or the Board of Selectmen, for the remainder of the unexpired term. Such appointment shall be made not less than seven days following notice of intent to fill vacancy."

YES 140 NO 0