

MAYNARD

ANNUAL TOWN MEETING, MAY 15, 2006

Motion By: _____

FinCom By: _____

Pres. / Quest. By: _____

Slides: _____

Yes: _____ No: _____

Vote Required: _____

Secret: _____

Majority: _____

2/3

4/5

9/10

Comments: _____

Article 24 – Amend General Town BYLAW
RE: Establishing CPA Committee
Selectmen, Bill Cranshaw

Motion: Move that, pursuant to the provisions of MGL chapter 44B, section 5, the Town amend the By-Laws by adopting a new general by-law, Chapter XXIX, as printed in the warrant.

Hand Vote: Pass: ✓ Unanimous: _____ Fail: _____

Teller / Ballot Vote:

Pass: _____ Fail: _____ Votes: Total _____ Req. _____ In Favor _____ Opposed _____

Attest: A True Copy

Michelle J. Scholowski

Town Clerk

MAYNARD

ARTICLE 24:

AMEND GENERAL TOWN BYLAWS RE: ESTABLISHING CPA COMMITTEE

SUMMARY

The Town approved adoption of the Community Preservation Act at the Special Town Meeting on October 24, 2005. The required second step of approval at a regular town election is scheduled for May 1, 2006. Upon approval by election, the legislation (Mass. General Laws Ch. 44B) requires that the Town establish a Community Preservation Committee. This article amends the By-laws of the Town to establish such a committee.

This By-law would create a nine-person committee to study the needs, resources and opportunities of the Town regarding community preservation. It has the responsibility to consult with town boards and it must hold at least one public hearing each year. The Committee would be responsible for making recommendations to Town Meeting for the expenditure of monies from the Community Preservation Fund in accordance with Mass. General Laws Ch. 44B, and it may recommend that funds be set aside for later spending. In making its recommendations, the Committee must provide information on the anticipated costs of any Community Preservation project and a description of each project. }

To see if the Town will vote, pursuant to the provisions of G.L. c.44B, s5, to amend the Town By-laws by adopting a new general by-law, Chapter XXIX, creating a Community Preservation Committee to read as follows:

Chapter XXIX

Community Preservation Committee General By-Law

Section 1: Establishment; Appointment of Members; Membership; Terms of Office

- 1.1.1 There is hereby established, pursuant to the Community Preservation Act, a Community Preservation Committee ("Committee") consisting of nine (9) voting members. The composition of the Committee, the appointing authority and the terms of office for the Committee members shall be as follows:
- One member of the Conservation Commission as designated by the Conservation Commission for a term of three years;
 - One member of the Historical Commission as designated by the Historical Commission for an initial term of one year and thereafter for a term of three years;
 - One member of the Planning Board as designated by the Planning Board for an initial term of two years and thereafter for a term of three years;
 - One member of the Recreation Commission as designated by the Recreation Commission for an initial term of two years and thereafter a term of three years;
 - One member of the Housing Authority as designated by the Housing Authority for a term of three years;
 - One member of the Capital Planning Committee as designated by the Capital Planning Committee for an initial term of two years and thereafter for a term of three years;
 - Three members to be appointed by the Board of Selectmen who are citizens of the Town of Maynard; one member to be appointed for three years, one member to be appointed for two years and thereafter for a term of three years and one member to be appointed for one year and thereafter for three years.

- 1.2 The Commissions, Boards, Committees or authorities who have appointment authority under this chapter shall appoint such representatives within 45 days of the effective date of this By-law.
- 1.3 Should there be a vacancy or resignation in any of the Community Preservation Committee positions, the Commissions, Boards, Committees or authorities who have appointment authority under this chapter shall appoint a new representative within 45 days of the of the first date of vacancy or resignation.
- 1.4 Should any of the Commissions, Boards, Committees or authorities listed in this section no longer be in existence for whatever reason, the Board of Selectmen shall appoint a person with similar experience and responsibilities to serve in his or her place.
- 1.5 Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

Section 2: Meetings, Quorum, Chair:

- 2.1 The Committee shall comply with the provisions of the Open Meeting Law (MGL c.39, §23B). The Committee shall not meet or conduct business without the presence of a quorum, which shall be a majority of members of the Committee. The Committee shall approve its actions by a majority vote of the members present, except as otherwise required by law.
- 2.2 At the first meeting of each fiscal year, the Committee shall elect a chairperson and a clerk by a majority vote.

Section 3: Powers and Duties

- 3.1 The Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including, but not limited to, the Conservation Commission, Historical Commission, Planning Board, Recreation Commission, Housing Authority, Finance Committee and Board of Selectmen in conducting such study. The Committee may consult with other town boards, committees, commissions and community organizations as it sees fit. The Committee shall hold at least one (1) public informational hearing each year on the needs, possibilities and resources of the town regarding community preservation for which it shall publicly post notice by the Town Clerk, such notice to be published in a newspaper of general circulation in the town for each of the two weeks preceding the hearing.
- 3.2 The Committee shall make recommendations in proper form to the Town Meeting for:
 - The acquisition, creation, and preservation of open space;
 - The acquisition and preservation of historic resources;
 - The creation, preservation, and support of community housing,
 - The acquisition, creation, and preservation of land for recreational use; and
 - The rehabilitation or restoration of such open space, historic resources, land for recreational use, and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 3 to 7.

With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

- 3.3 The Committee shall hold at least one public hearing to discuss any proposed acquisition prior to making any recommendation to Town Meeting.
- 3.4 In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for

each of open space (not including land for active recreation purposes), historic resources, and community housing. The Committee may also recommend an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses. The Committee shall report each year to the Town Meeting on its actual expenditures and anticipated expenditures for administration and operating costs.

3.5 The Committee may recommend to Town Meeting that funds be set aside for later spending for specific purposes consistent with the Community Preservation Act, when sufficient revenues are not then available in the Community Preservation Fund, or for general purposes that are consistent with Community Preservation.

3.6 Recommendations to Town Meeting shall include the anticipated costs of the proposed appropriation consistent with the Community Preservation Act and a description of the project.

3.7 The 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 records of the Committee shall be public records, to the full extent provided by law.

Section 4: Amendments

This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that such amendments would not cause a conflict to occur with the Community Preservation Act.

Section 5: Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid 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 by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, s32 have been met. Each appointing authority shall have 45 days after approval by Town Meeting to make its initial appointments.

SPONSORED BY: Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

FinCom Comments: Must be established according Mass. Law prior to approval by town election votes. It will only be formed contingent upon adoption of the CPA at town meeting and regular town election.

The following action was taken:

Voted: that pursuant to the provisions of MGL Chapter 44B, Section 5, the Town amend the By-Laws by adopting a new general By-Law, Chapter XXIX, as printed in the warrant.

The Finance Committee recommended.

Attest: A True Copy

Michelle L. Sokolowski
Town Clerk

**Annual Town Meeting, May 15 and 16, 2006, held at the Fowler Middle School,
3 Tiger Drive.**