

TOWN OF NEEDHAM

Office of the Town Clerk

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Theodora K. Eaton, CMC
Town Clerk

AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON Monday, May 19, 2004

UNDER ARTICLE 60

It was

VOTED: That the Town vote to amend the General By-laws of the Town of Needham by inserting a new Section 2.7.4 and renumbering succeeding sections accordingly:

"SECTION 2.7.4 Community Preservation Committee

2.7.4.1 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 said Commission for a term of three years.

One member of the Historical Commission as designated by said Commission for a term of three years.

One member of the Housing Authority as designated by said Authority for a term of three years.

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

One member of the Planning Board as designated by said Board for an initial term of one year and thereafter for a term of three years.

Two members to be appointed by the Board of Selectmen, one member to be appointed for a term of one year and thereafter for a term of three years and one member to be appointed for a term of two years and thereafter for a term of three years.

Two members to be appointed by the Moderator, one member to be appointed for a term of one year and thereafter for a term of three years and one member to be appointed for a term of two years and thereafter for a term of three years.

No person shall be appointed to the committee for more than two consecutive three year terms.

Should any of the Commissions, Boards, Committees, or individuals who have appointment authority under this by-law be no longer in existence for what ever reason, the appointing authority for that Commission, Board, Committee, or individual shall become the responsibility of the Board of Selectmen.

2.7.4.2 Duties

- 2.7.4.2.1 The Community Preservation Committee shall study the needs, possibilities, and resources of the town regarding community preservation. The committee shall consult with the Finance Committee, the Board of Selectmen and other existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Park and Recreation 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.
- 2.7.4.2.2 The Community Preservation Committee, after consultation with the Finance Committee and the Board of Selectmen, 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.
- 2.7.4.2.3 The Community Preservation Committee may include, in its proposal to the Town Meeting, a recommendation to set aside for later spending funds for purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund. The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to Mass. Gen. Laws, Chapter 44B, Section 3, the proceeds of which shall be deposited in the Community Preservation Fund.
- 2.7.4.2.4 As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.
- 2.7.2.4.5 The Community Preservation Committee will submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to Town Meeting for approval.

2.7.4.3 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. Proposals to the Town Meeting shall include their anticipated costs.

2.7.4.4 Exemptions

Taxpayers qualifying for the low-income exemption or the low and moderate-income senior exemption as provided for in G.L. c. 44B shall submit an application for the exemption on a form provided by the Board of Assessors within three months after the tax bill or notice is sent.

2.7.4.5 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.

2.7.4.6 Effective Date

This by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of M.G.L. c. 40, S. 32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

The provisions of this Community Preservation by-law shall be of no force or effect until such time as the Town Meeting and the voters of the Town vote to accept the provisions of Section 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Community Preservation Act.

A true copy
ATTEST:


Theodora K. Eaton, CMC, Town Clerk