

ARTICLE XXIII Community Preservation Committee (§ 22-128 — § 22-131)

[Adopted 10-5-2006]

§ 22-128 Establishment.

There is hereby established a Community Preservation Committee, in accordance with the Chapter 267 of the Acts of 2000, Massachusetts Community Preservation Act, consisting of nine voting members pursuant to MGL Chapter 44B.

§ 22-129 Membership; terms.**A.**

The composition of the Committee, the appointment authority and the term of office for the Committee members shall be as follows:

(1)

One current member of the Conservation Commission as designated by said Commission for an initial term of one year, and thereafter for a term of three years.

(2)

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

(3)

One current member of the Planning Board as designated by said Board for a term of three years.

(4)

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

(5)

One current member of the Housing Authority as designated by said Authority for an initial term of two years, and thereafter for a term of three years.

(6)

Two persons be elected at large for four-year terms in the next municipal election following the Charter change approving their election.

(7)

One member of the public to be elected by the City Council for an initial term of one year, and thereafter for a term of three years.

(8)

One member of the public to be appointed by the Mayor for an initial term of one year, and thereafter for a term of three years.

B.

Committee members shall be classified as special municipal employees for the purpose of Chapter 268A of the Massachusetts General Laws.

C.

If any appointed Committee member misses half of the scheduled meetings of the Committee during any calendar year, the Chair shall review the absences of the Committee member and the Chair shall recommend appropriate action to the City Council.

D.

The commissions, boards, or authorities who have appointment authority under this article shall appoint such representatives within 45 days of the effective date of this article, and said names shall be forwarded to the City Council for approval.

E.

In addition, all commissions, boards or authorities who have appointment authority under this article shall appoint an alternate representative for each such position, within 45 days of the effective date of this article, to ensure

attendance in the event the primary representative cannot attend a Committee meeting. Said names shall be forwarded to the City Council for approval.

F.

Should there be a vacancy or resignation in any of the Community Preservation Committee positions, the commissions, boards or authorities who have appointment authority under this article shall appoint a new representative within 45 days of the first date of vacancy or resignation, otherwise said vacancy may be filled by the City Council. Said names shall be forwarded to the City Council for approval.

[Amended 11-1-2007]

G.

Should any of the commissions, boards, or authorities who have appointment authority under this article be no longer in existence for whatever reason, the appointment authority for that commission, board or authority shall become the responsibility of the City Council.

§ 22-130 Powers and duties.

The Community Preservation Committee shall study the needs, possibilities and resources of the City regarding community preservation. The Committee shall consult with existing municipal boards, including the Mayor, City Council, Conservation Commission, the Historical Commission, Agricultural Commission, Housing Authority, Youth Commission, Council on Aging, Tree Committee, the Planning Board, the Recreation Commission, the Housing Partnership and the Department of Public Works, 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 City of Northampton 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 City.

A.

The Community Preservation Committee shall make recommendations to the Mayor and City Council for the acquisition and preservation of open space which includes parks, conservation land, wildlife preserves, public drinking water supplies and scenic areas, farmland and forests; for the acquisition and restoration of historic buildings and sites; and for the creation and preservation of affordable housing. At least 10% of the funds for each fiscal year will be spent, or reserved for later spending, on each of the three community preservation purposes; open space, historic resources and affordable housing.

B.

The Community Preservation Committee may include in its recommendation to the Mayor and City Council 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.

§ 22-131 Officers; rules and regulations.

A.

Officers. The Committee shall annually elect one of its members as Chair and one of its members as Vice-Chair. In the event a Chair is unavailable, the Vice-Chair shall run the meeting, and in the event the Vice-Chair is unavailable the most senior member of the Committee shall chair the Committee.

B.

Rules and regulations. By majority vote of the members of the Committee, the Committee may adopt and promulgate rules and regulations for the conduct of its business on any matter within the Committee's jurisdiction under the Massachusetts Constitution, Massachusetts General or Special Laws, the Code of Massachusetts Regulations (CMR), ordinance, or other legal right or authority granted to or conferred upon the Committee.

(1)

The proposed rule or regulation shall be submitted to all Committee members at least 48 hours prior to any vote to adopt the same; provided, however, the Committee may make such amendments to the proposed rules or regulations as it deems appropriate at the meeting.

(2)

Upon approval of any rule or regulation by the Committee, a copy of the same shall be filed with the City Clerk and become effective as of the date of filing thereof unless the specific vote of the Committee establishes a later effective date.