

Article 4.

To see if the Town will vote to approve amending the Town of Pelham by-laws by adding the following:

**PELHAM COMMUNITY PRESERVATION COMMITTEE BYLAW
PURSUANT TO MGL 44B**

Chapter 1: Establishment

There is hereby established a permanent Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B. The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows:

- a. One member of the Planning Board as designated by the Board;
- b. One member of the Conservation Commission as designated by the Commission.
- c. One member of the Historical Commission as designated by the Commission..
- d. One member of the Recreation Commission as designated by the Commission.
- e. One member to act in the capacity of, or perform like duties of, a member of a housing authority; this member is to be appointed by the Board of Selectmen.
- f. One at-large member shall be appointed by the Board of Selectmen.
- g. One at-large member shall be elected by the residents of Pelham; the initial vacancy shall be filled by appointment by the Board of Selectmen and this member shall serve until the next town election.

Each member of the Committee shall serve for a term of three (3) years or until the person no longer serves in the position or on the commission or board as set forth above, whichever is earlier. Members shall be eligible for re-appointment or re-election.

Residency in the Town of Pelham shall be the only requirement for service on the Community Preservation Committee. Any vacancy on the Committee shall be filled by the commission, board or authority that designated the member who creates the vacancy by designating another member for the unexpired term, and a vacancy in the elected at-large member position shall be filled by appointment by the Board of Selectmen.

Initial appointments shall end on June 30th of the last year of appointment. Thereafter, terms shall run from July 1st through June 30th of the last year of the term.

Any appointed member of the Committee may be removed for cause by his/her respective appointing authority after hearing.

Should any of the commissions or boards who have appointing authority under this Bylaw be no longer in existence or functioning for whatever reason, the appointing authority for that commission or board shall become the responsibility of the Board of Selectmen. The appointments of such individuals shall be for a period of one year or for the period of the unexpired term, whichever is shorter. The appointee shall be eligible for re-appointment.

VOTED UNANIMOUSLY

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Chapter 2: Duties

1. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee, in conducting such studies, shall consult as appropriate and necessary with existing municipal boards, commissions and authorities. As part of its studies, the Committee shall hold a minimum of two public informational hearings on the needs, possibilities and resources of the town regarding community preservation. The purpose of the public information hearings shall be to inform the public of the information and specific projects the Committee has identified and to solicit input from the public on additional needs and possibilities that the public believes important. Notice of these public hearings shall be posted publicly (including on the town website) and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The Committee shall also make use of available town based electronic communications, capabilities to notify citizens of the hearings. The Committee may, after proper appropriation, incur expenses as permitted by state law using funds from the Community Preservation Fund to pay for such expenses.
 2. The Community Preservation Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, restoration and rehabilitation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, 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 with Community Preservation Funds as provided in Section 5 of MGL Chapter 44B. 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 recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.
 4. The annual revenues of the Community Preservation Fund shall be distributed among open space, historic resources, community housing, and administrative and operating expenses of the Community Preservation Committee, according to the following allocation:
 - a. Not less than ten percent of the annual revenues in the Community Preservation Fund shall be spent, or set aside for later spending, for open space (not including land for recreational use); additional revenues allocated to open space beyond this ten percent may include land for recreational use;
 - b. Not less than ten percent of the annual revenues shall be spent, or set aside for later spending, for historic resources;
 - c. Not less than ten percent of the annual revenues shall be spent or set aside for later spending, for community housing;
 - d. Up to five percent of the annual revenues may be appropriated for administrative and operating expenses of the Community Preservation Committee.
 5. The Community Preservation Committee shall make recommendations which may be in the form of proposed articles with supporting information to the Town Meeting prior to an Annual or Special Town Meeting for such action as the Town Meeting deems appropriate.
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Chapter 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall not conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the Community Preservation Committee then serving shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of the quorum.

Recommendations to the Town Meeting shall include the anticipated costs and sources of funding for particular projects other than CPA monies if needed to complete the project.

Chapter 4: Amendments

The Community Preservation Committee shall, from time to time, review the administration of this Bylaw, make recommendations, as needed, to the Selectmen and Town Meeting for changes in the Bylaw and in administrative practice to improve the operations of the Community Preservation Committee. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

Chapter 5: Severability

In case any section, paragraph or part of this Bylaw should 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

Following Town Meeting approval of this Bylaw, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of MGL c.40, §32 have been met. Each appointing authority shall have thirty (30) days after approval by the Attorney General to make their initial appointments.

or take any other action relative thereto.
