

At the Annual Town Meeting held on May 9, 2007, the Town of Phillipston voted to accept the by-law for the Community Preservation Act.

The Attorney General's Office has approved the by-law

ARTICLE 46: To see if the Town will vote to amend the Town's General By-Laws by adding Article XXII to establish the Phillipston Community Preservation Committee in accordance with MGL Chapter 44 B, as follows:

***"ARTICLE XXII - Community Preservation Committee***

**Section 1. Establishment**

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44 B. 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 the Commission for a term of three years.

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

One member of the Parks and Recreation Committee as designated by the Committee for a term of three years.

One member, to be appointed by the Board of Selectmen, representing the interest of community housing for an initial term of two years and thereafter for a term of 3 years.

One member of the Open Space Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.

One member to be appointed by the Board of Selectmen for a term of three years.

One member to be appointed by the Board of Selectmen for an initial term of two years and thereafter for a term of three years.

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

If any member of the Committee no longer serves on the Commissions, Boards, or Committees set forth above, the member shall no longer serve on the Committee and a new member shall be appointed by the Commission, Board or Committee.

If any of the Commissions, Boards, or Committees who have appointing authority under this Bylaw are no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

Any member of the Committee may be removed for cause, after a hearing, by their respective appointing authority

**Section 2. Duties**

(a) 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.



(b) 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 acquisition, creation, preservation and support of community housing and for rehabilitation or restoration of such 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.

(c) 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 funds for general purposes that are consistent with community preservation.

(d) In every fiscal year, the community preservation committee must 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 for open space (not including land for recreational use); not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing.

### **Section 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. Recommendations to the Town Meeting shall include their anticipated costs.

### **Section 4. Amendments**

This Article 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.

### **Section 5. Severability**

In case any section, paragraph or part of this Article is 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.

### **Section 6. Effective Date**

Each appointing authority shall have twenty days after approval by the Attorney General to make their initial appointments.

### **Section 7. Exemption Application Deadline**

This application deadline for exemption from the surcharge shall be the same as for personal exemption applications, 90 days following the issuance of the actual tax bill.