

stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40 s. 21, or by non-criminal disposition pursuant to M.G.L. authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under M.G.L. c. 94c, s. 32L

Article 18, May 27, 2009

Approved by Attorney General Sept. 14, 2009

CATEGORY 47 -- COMMUNITY PRESERVATION COMMITTEE

Section 1 – Establishment

Pursuant to Massachusetts General Laws c. 44B, s. 5 a Community Preservation Committee consisting of nine (9) members is hereby established for the purpose of making recommendations to the Town Meeting for community preservation in accordance with the Community Preservation Act, General Laws c. 44B, §§ 3-7 and the Town ballot voter acceptance and this by-law. The composition of the Committee, the appointing authorities and the terms of office of its 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 a term of three years.

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

One member of the Parks and Recreation Committee as designated by the Committee 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 Board for an initial term of two years and thereafter for a term of three years.

Four citizen members to be appointed by the Select Board; two members to be appointed for a term of one year and thereafter for a term of three years; and two members to be appointed for a term of two years and thereafter for a term of three years.

The members of the Community Preservation Committee may be re-appointed for as many terms as authorized by the Select Board.

Section 2 – Duties

- a) The Community Preservation Committee shall study the needs, possibilities and resources of the Town of Seekonk regarding community preservation. The Committee shall consult with existing municipal boards, including but not limited to, the Conservation Commission, the Historical Commission, the Planning Board, the Parks and Recreation Committee and the Housing Authority. As part of its study, the Committee shall hold one or more public information hearings annually on the needs, possibilities and resources of the Town of Seekonk 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 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 such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in Sections 3 through 7, inclusive, of Chapter 44B of the Massachusetts General Laws (the "Community Preservation Act"), and within the framework of this Article. With respect to community housing, the Committee shall, whenever possible, recommend use of funds for low or moderate income senior (as defined by Section 2 of M.G.L. Chapter 44B) housing or modifications that allow low or moderate income seniors (as defined by Section 2 of M.G.L. Chapter 44B) to remain in their homes and, wherever possible, the Committee shall recommend use of funds for the reuse of existing buildings or construction of new buildings on previously developed sites. Recommendations to Town Meeting shall include their anticipated costs.
- 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 for general purposes that are consistent with community preservation. The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to section 3 of the Act, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. The Town shall make every effort to limit the administrative costs of issuing such bonds by cooperating with other cities and towns using methods including, but not limited to, common issuance of bonds or common retention of bond counsel. Except as otherwise provided in this chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of Chapter 44. The maturities of each issue of bonds or notes issued under this chapter may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.
- d) As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.
- e) 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.
- f) 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 each of (a) open space (not including land for recreation use), (b) historic resources; and (c) community housing.

Section 3 – Requirements for a quorum

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by a majority vote.

Section 4 – Amendments

This By-Law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of M.G.L. Chapter 44B.

Section 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.

Section 6 – Effective Date

This By-Law shall take effect upon approval by the Attorney General and after all requirements of M.G.L. c. 40, section 32 have been met.

Article 3 May 27, 2009

Approved by Attorney General Sept. 14, 2009