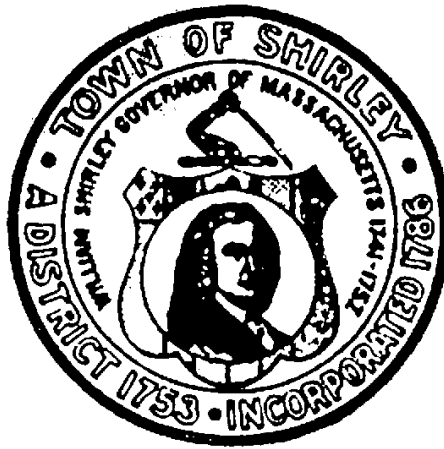


Town of **Shirley, Massachusetts**



General Town By-Laws **as Amended**

Includes all general town bylaws as previously approved
by the Attorney General's Office

Revision date: July 24, 2023

Article XXXV
Community Preservation Committee By Law

Section 1: Establishment, Membership, and Appointing Authority

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

- One (1) member of the Shirley Conservation Commission as designated by that Commission.
- One (1) member of the Shirley Historical Commission as designated by that Commission.
- One (1) member of the Shirley Planning Board as designated by that Board.
- One (1) member of the Shirley Recreation Commission as designated by that Commission.
- One (1) member of the Shirley Housing Committee as designated by that Committee.
- Two (2) members to be appointed at large by the Shirley Select Board. At large members must be residents of Shirley and not Town employees.

Each appointment of a member to the CPC shall be by majority vote of the appointing body, a certified copy of which vote shall be sent by the clerk of the appointing body to the Town Clerk. The members of the CPC shall be appointed for two (2) year terms, but the terms of initial appointments by the Conservation Commission, the Planning Board, and the Parks Commission members shall be one (1) year, to allow for staggered terms, and may be reappointed. No member of the CPC shall serve no more than 4 consecutive terms. After the initial appointment of the members of the Committee, any vacancy occurring in the Committee from any cause may be filled for the remainder of the unexpired term by the appointing authority that made the initial appointment. Should any of the Commissions, Boards or Committees that have appointment authority under this Chapter be no longer in existence for whatever reason, a person serving in a similar capacity shall be appointed by the Select Board. The CPC shall elect a Chair and Vice Chair from among its members and shall elect a Secretary who need not be a member of the Committee. After having a public hearing and requesting recommendations from Town boards and committees, the Committee shall adopt policies, rules and regulations for conducting its affairs and for carrying out its responsibilities. Any member of the Committee may, after a public hearing before the Commission, Board or Committee which appointed the said member, be removed for cause by majority vote of such Commission, Board or Committee, except that no member shall be removed from office solely on account of any vote or position taken on any matter pending before or decided by the Committee.

Section 2: Powers and Duties

- (1) The Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the appointing bodies identified in Section 1 of this bylaw, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold at least one annual public informational hearing, 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) The Committee shall make recommendations to the Town Meeting for the reservation, setting aside, or expenditure of monies from the Community Preservation Fund, including estimated annual revenues, reserve accounts and fund balances, all in accordance with G. L. c. 44B, Sections 5 and 6, as such sections may be amended from time to time. No reservation, set aside or expenditure shall be made from the Community Preservation Fund without the approval of Town Meeting; provided further, that the Committee may submit to the Town Meeting for approval an annual administrative and operating budget for expenses incurred by the Committee for the implementation of the Community Preservation Act; said budget cannot exceed five percent (5%) of the Community Preservation Fund estimated annual revenues. Community Preservation Funds may be used for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation and rehabilitation 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 as provided in this section.
- (3) The 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 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.
- (4) In every fiscal year, the Committee shall 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 in each of the following areas for (a) open space and recreation; (b) historic resources; and (c) community housing. As provided in the Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.

Section 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, G.L. c. 30A, §20-22. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of the quorum present.

Section 4: Severability

In case any section, paragraph or part of this Bylaw 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. Upon revocation of the Community Preservation Act, the Committee shall continue to provide spending recommendations to Town Meeting for any remaining community preservation funds that are not required for the satisfaction of outstanding obligations.

Section 5: Effective Date

This Bylaw shall take effect after all requirements of MGL Chapter 40, Section 32 have been met, including approval by the Attorney General of the Commonwealth. Each appointing authority shall have 30 days after approval by the Attorney General to make its initial appointments.

(Adopted at May 8, 2023 Annual Town Meeting, approved by AG July 17, 2023)