

Under Article 3 it was moved and seconded that the town vote to amend its Town By-Laws to add to and establish a Community Preservation Committee, pursuant to M.G.L. c.44B, §5, as printed below.

## **Section 1: Establishment**

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of G.L. c. 44B. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows

- (1) One member of the Conservation Commission as designated by the Commission;
- (2) One member of the Historical Commission as designated by the Commission;
- (3) One member of the Planning Board as designated by the Board;
- (4) The Highway Superintendent, whose responsibilities include the duties of the board of Park Commissioners established under G.L. c. 45, §2, or his designee;
- (5) One member of the Housing Authority as designated by the Authority;
- (6) One member of the Finance Committee as designated by the Committee; and
- (7) One member of the Board of Selectman, as designated by the Board of Selectman.

Each member of the committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.

Should any of the officers and commissions, boards, or committees who have appointing authority under this by-law be no longer in existence for whatever reason, the Town Manager shall appoint a suitable person to serve in their place.

Any member of the committee may be removed for cause by their respective appointing authority after hearing.

## **Section 2: Duties**

- (1) 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 Department of Public Works, 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 annual public informational hearing, or more at its discretion, on the needs, possibilities and resources of the town regarding Community Preservation possibilities and resources, notice of which shall be posted public and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.
- (2) The Community Preservation committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, 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 building 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 to set aside for later spending funds for general purposes that are consistent with Community Preservation.
- (4) 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 (a) open space (not including land for recreational use), (b) historic resources; and ( c ) community housing.

### ***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.39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation. The Community Preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

### ***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 G.L., C.44B.

### ***Section 5: Severability***

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

### ***Section 6: Effective Date***

Provided that the Community Preservation act is accepted at the 2001 Annual Town Election, this by-law shall take effect upon approval by the Attorney of the Commonwealth, and after all requirements of G.L. C40, §32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

An amendment was made and seconded that the Town vote to amend Article 3 by making the following revisions to the text of the proposed by-law as printed in the warrant.

- (1) In section 1, add the following after item number (7) in the first paragraph:  
Two members at large, to be appointed initially by the Board of Selectman and, starting with the 2002 Annual Town Election, to be thereafter elected for a term of three years.
- (2) In section 1, delete the words "Town Manager" in the third paragraph and substitute therefore the words "Board of Selectman."
- (3) In section 6, delete the words "Provided that the Community Preservation Act is accepted at the 2001 Annual Town Election."

A vote on the amendment Motion carried 1 opposed

Vote on the article as amended. After and few questions and answers, there was a call to the question made and seconded. Unanimous vote

A vote on the Article as amended.

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- (4) The Highway Superintendent, whose responsibilities include the duties of the Board of Park

Commissioner established under G.L.c. 45, §2, or his designee'

- (5) One member of the Housing Authority as designated by the Authority;
- (6) One member of the Finance Committee as designated by the committee; and
- (7) One member of the Board of Selectman, as designated by the Board of Selectman
- (8) Two members at large, to be appointed initially by the Board of Selectmen and, starting with the 2002 Annual Town Election, to be thereafter elected for a term of three years.

Each member of the committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.

Should any of the officers and commissions, boards, or committees who have appointing authority under this by-law be 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 by their respective appointing authority after hearing.

## **Section 2: Duties**

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- (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 to set aside for later spending funds for general purposes that are consistent with Community Preservation.
- (4) 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 (A) open space (not including land for Recreational use), (b) Historic resources; and (c) Community Housing.

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Carried Majority Vote.

Four voters asked to have a recorded count. The moderator stated needed seven voters to request it. Vote stayed at a Majority Vote.

Motion made and seconded to adjourn at 7:25p.m

A true copy of the warrant, return of the warrant, and minutes of the meeting.

Attest:

  
Eileen Couture, Clerk  
Town of Southampton