

Town of Southwick, MA

Division 1, Bylaws

Part I, Administrative Legislation

Chapter 60. Community Preservation Committee

[HISTORY: Adopted by the Annual Town Meeting 5-21-2002 by Art. 21. Amended by the Annual Town Meeting 5-21-2019 by Art. 7]

CHAPTER 60-1. Establishment.

- A. There is hereby established a Community Preservation Committee, consisting of nine voting members pursuant to the provisions of M.G.L. c 44B, § 5. The composition of the committee, the number to be elected, 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) One member of the Park and Recreation Commission as designated by the Commission;
 - 5) One member of the Housing Authority as designated by the Authority; and
 - 6) Four members who shall be elected by the voters at the Annual Town Election and who shall reside in the Town and be registered voters therein.
- B. 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 commission, board or authority as set forth above, whichever is earlier. The initial terms of the four (4) persons elected by the voters at the next Annual Town Election shall be one person for one (1) year, two (2) persons for two (2) years and one (1) person for a three (3) years term. Thereafter, these members shall be elected for three (3) year terms at the Annual Town Election.
- C. Should any of the commissions, boards or authorities who or which have appointing authority under this chapter be no longer in existence for whatever reason, that position that would have been appointed shall thereafter be elected by the voters and whomever is elected must be a resident of and a registered voter in the Town.
- D. Any member of the Committee may be removed for cause by his respective appointing authority after hearing.
- E. Any vacancy occurring in the Committee from any cause shall be filled for the remainder of the unexpired term by the commission, board, or authority that made the appointment, such appointment shall be made not less than twenty-one (21) days following notice of such vacancy. Any vacancy occurring in one of the positions elected by the voters shall be filled F.by appointment by the Select board but only until the next Annual Town Election at which time the vacant position shall be filled by election by the registered voters of the Town of Southwick for the balance of the unexpired term if any otherwise for the new term.

§ 60-2 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 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 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 use of monies in the Community Preservation Fund for 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 the Community Preservation Act. 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 in each of the following areas: for open space (not including land for recreational use); historic resources; and community housing.

§ 60-3 Requirement for a quorum and cost estimates.

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.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 Committee. The Community Preservation Committee shall approve its actions by majority vote of members present and voting. Recommendations to the Town Meeting shall include the Committee's anticipated costs.

§ 60-4 Amendments.

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

§ 60-5 Severability.

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

§ 60-6 Effective date.

Provided that the Community Preservation Act is accepted at the November 2002 state elections, this chapter shall take effect upon approval by the Attorney General of the commonwealth, and after all requirements of M.G.L. c. 40, § 32 have been met. Each appointing authority shall have 30 days after approval by the Attorney General to make its initial appointments.



COMMONWEALTH OF MASSACHUSETTS

Town of Southwick

454 COLLEGE HIGHWAY, SOUTHWICK, MA 01077

Town Clerk, Collector, Treasurer

Telephone (413) 569-5504 Fax (413) 569-0667

Doings At The Annual Town Meeting

Tuesday May 21, 2002

ARTICLE 21. Voted, pursuant to the provisions of G.L. c.44B, §5, known as the Massachusetts Community Preservation Act, to amend the Southwick Code to add, as Chapter 60, a new general by-law creating a Community Preservation Committee.

The text of the by-law shall read as follows:

Community Preservation Committee By-law

Chapter 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, §5. 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) One member of the Park & Recreation Commission as designated by the Commission;
- (5) One member of the Housing Authority as designated by the Authority; and
- (6) Four members appointed by the Board of Selectmen.

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 perform like duties.

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

Chapter 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 publicly 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 use of monies in the Community Preservation Fund for 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 the Community Preservation Act. 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 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 in each of the following areas for (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.

Chapter 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 committee. The community preservation committee shall approve its actions by majority vote of members present and voting. Recommendations to the Town Meeting shall include the committee's anticipated costs.

Chapter 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.

Chapter 5: Severability


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

Chapter 6: Effective Date

Provided that the Community Preservation Act is accepted at the November 2002 state elections, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, §32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

Majority
Article Passed

A True Copy Attest:


John Zanolli, Town Clerk