

## TOWN OF TEMPLETON

TOWN CLERK

CAROL A. HARRIS

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BALDWINVILLE, MA 01436

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4 ELM STREET  
BALDWINVILLE, MA 01436

May 30, 2007

To Whom It May Concern:

I, Carol A. Harris, Town Clerk of Templeton, hereby certify that at the Annual Town Meeting held on May 15<sup>th</sup> & 16<sup>th</sup>, 2007, in the Town of Templeton, the Town voted the following:

Article 45. To see if the Town will vote to establish the Templeton Community Preservation Committee in accordance with MGL Chapter 44B.

### **Templeton Community Preservation Committee Bylaw**

#### Chapter 1: Establishment

There is hereby established a Community Preservation Committee ("CPC"), consisting of nine (9) voting members pursuant to MGL Chapter 44B (the "Act"). The composition of the CPC, the appointment authority and the term of office for the CPC members shall be as follows:

One member of the Templeton Conservation Commission as designated by that Commission.

One member of the Templeton Historical Commission as designated by that Commission.

One member of the Templeton Housing Authority as designated by that Authority.

One member of the Templeton Recreation Committee as designated by that Committee.

One member of the Templeton Planning Board as designated by that Board.

One member of the Templeton Board of Assessors as designated by that Board.

Three members to be elected at large from the registered voters of the Town.

Appointed members of the CPC shall serve for two-year terms or until they no longer serve on the appointing body, whichever comes first. A vacancy in an appointed position shall be filled for the remainder of the unexpired term by the appointing Commission, Committee, Board or Authority. Persons appointed to fill a vacancy in an appointed position shall be sworn into office no later than fourteen (14) days after appointment or such appointment will expire and the appointing Commission, Committee, Board of Authority shall make a new appointment.

Elected members of the CPC shall serve for three-year alternating terms; provided, however, that upon the effective date of this bylaw, the Board of Selectmen shall appoint three members to serve until their successors are elected and qualified at the next Annual Town Election, and such positions shall be placed upon the ballot at such election for initial terms of one, two and three-years. A vacancy in an elected position shall be filled in accordance with G.L. c.41, §11.

Vacancies in elected positions are filled in accordance with G.L. c.41, §11. General Laws c.41, §11 requires that the Committee at issue give notice to the Board of Selectmen of the vacancy within one month thereof, and that the Board of Selectmen and remaining members of the Committee make a joint appointment to the position, after one week's notice of the joint meeting. If the Committee fails to give notice, the Board of Selectmen may fill the vacancy on its own.

The terms of all appointed and elected members of the CPC shall commence on June 1; provided, however, that the terms of the initial appointments made hereunder shall commence after appointments have been made in accordance with Section 7 and the appointees have qualified in accordance with the requirements of G.L. c.41, §107.

Should any of the Commissions, Boards, Authorities, or Committees who have appointment authority under this Chapter cease to exist for what ever reason, the appointment authority for that Commission, Board, Authority, or Committee shall become the responsibility of the Board of Selectmen.

Any appointed member of the CPC may, after a public hearing, be removed for cause by majority vote of the appointing Commission, Committee, Board or Authority.

## Chapter 2: Duties

(1). The Community Preservation Committee shall study the needs, possibilities, and resources of the town regarding community preservation. The CPC shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee, the Open Space 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 CPC 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. The CPC will provide an annual report on its activities for inclusion in the Templeton annual report.

(2). 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 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. With respect to community housing, the CPC 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 for general purposes that are consistent with community preservation.

(4). The Community Preservation Committee shall work within the provisions of the Community Preservation Act as it may be amended from time to time.

#### Chapter 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall not conduct business without the presence of a quorum. A majority of the members of the CPC shall constitute a quorum. The CPC shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the CPC's anticipated costs.

#### Chapter 4: Amendments

This Chapter 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.

#### Chapter 5: Exemptions

Applications for an exemption from the Community Preservation surcharge shall be filed with the Board of Assessors no later than 90 days following the issuance of the actual tax bill.

Chapter 6: 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.

Chapter 7: Effective Date

Provided that the Community Preservation Act is accepted by the voters at the 2007 or 2008 Annual Town Election, this bylaw shall take effect upon approval by the Attorney General of the Commonwealth and after all the requirements of 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.

or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to establish the Templeton Community Preservation Committee in accordance with MGL Chapter 44B.

**Templeton Community Preservation Committee Bylaw**

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Chapter 7:      Effective Date

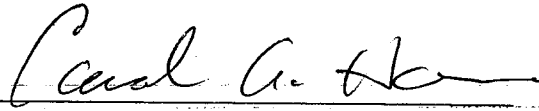
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**Passed Unanimously/May 16<sup>th</sup> @ 9:56**

Date of this Certification:

May 30, 2007

A True Copy, ATTEST:

A handwritten signature in cursive script, appearing to read "Carol A. Harris", written over a horizontal line.

Carol A. Harris, Templeton Town Clerk