

TOWN OF TYNGSBOROUGH

Office of the Town Clerk
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Joanne Shifres
Town Clerk

July 14, 2008

This is to certify that the following votes were taken by the Town of Tyngsborough:

Town Election, May 8, 2001

"Shall the Town of Tyngsborough accept sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?"
YES 1138 NO 575

Summary: Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act (Act), establish a dedicated funding source to enable cities and towns to (1) acquire open space, which includes land for park and recreational uses and the protection of public drinking water well fields, aquifers and recharge areas, wetlands, farm land, forests, marshes, beaches, scenic areas, wildlife preserves and other conservation areas, (2) acquire and restore historic buildings and sites, and (3) create affordable housing.

In Tyngsborough, the funding source for these community preservation purposes will be a surcharge of three percent (3%) on the annual property tax assessed on real property and annual distribution made by the state from a trust fund created by the Act. If approved, the following will be exempt from the surcharge: (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town as defined in Section 2 of said Act; (2) \$100,000 of the value of each taxable parcel of residential real property. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge.

A Community Preservation Committee will be established by by-law to study community preservation resources, possibilities and needs to make annual recommendations to Town Meeting on spending the funds. At least 10% of the funds for each fiscal year will be spent or reserved for later spending on each of the Act's three community preservation purposes: (1) open space, (2) historic resources and (3) affordable housing.

Annual Town Meeting, May 15, 2001
Article 17:

Section 1. With the acceptance of the Community Preservation Act Sections 3 to 7, inclusive, there shall be a Community Preservation Committee consisting of nine (9) citizens of the town. The Community Preservation Committee shall include the following: one member of the Conservation Commission, one member of the Planning Board, one member of the Historical Commission, one member of the Tyngsborough Housing Authority, one member of the Recreation Commission, and one member of the Finance Committee. These boards, commissions and the Housing Authority shall recommend members to the Board of Selectmen for appointment to the Committee. The remaining three (3) members shall be at large citizens appointed by the Board of Selectmen. These appointments shall be for a term of three (3) years staggered such that the members of Tyngsborough Housing Authority, Recreation Committee, and one (1) at large member shall serve an initial one (1) year appointment. The Planning Board, Historical Commission and one (1) at large member shall serve an initial two (2) year appointment. All remaining members shall have initial three (3) year appointments. All subsequent appointments shall be for three (3) years.

Section 2. 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 Recreation Committee and the Housing Authority, or persons acting in those capacities or performing those duties, in conducting such studies. As part of its study, the committee shall hold at least one public hearing on the needs, possibilities and resources of the town regarding community preservation possibilities and resources. Notice of such public hearings shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. Such notice shall also be sent to the following: Board of Selectmen, Planning Board, Conservation Commission, Housing Authority, Historical Commission, Recreation Committee.

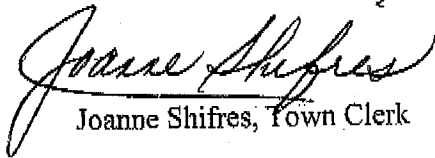
Section 3. The Community Preservation Committee shall make recommendations to Town Meeting as the town's legislative body, for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for 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 Committee shall recommend wherever possible the reuse of existing buildings or construction of new buildings on previously developed sites.

Section 4. The Community Preservation Committee may include in its recommendation to 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.

Section 5. 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 Committee shall approve its actions by majority vote. Recommendations to Town Meeting shall include their anticipated costs.

Section 6. Town Meeting as the town's legislative body, shall then take such action on the recommendations and expenditures from the Community Preservation Fund as set forth in accordance with Massachusetts General Law c. 44B section 6.

Attest: true copy


Joanne Shifres, Town Clerk