

TOWN CLERK

Town of Upton

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Massachusetts

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UPTON, MASSACHUSETTS 01568

Submission #2

CERTIFICATION

At the Annual Town Meeting held at 7:30 pm on May 8, 2003 at the Nipmuc Regional Middle/High School, the voters of Upton took the following action:

ARTICLE 32: Upon motion of Richard Holmes, it was voted to adopt a Community Preservation By-Law to make recommendations to Town Meeting concerning appropriations from the Community Preservation Fund. Said By-Law determines the membership of the Community Preservation Committee, its duties, and requirements for actions. The full text of the Community Preservation By-Law is available for review at the Town Hall, Office of the Town Clerk.

Upon motion of Richard Holmes, it was voted to amend the Community Preservation Bylaw as follows:

Change: 2 Members to be appointed for a term of 2 years and thereafter for a term of 3 years

To: 1 member to be appointed for a term of 1 year and thereafter for a term of 3 years and 1 member to be appointed of a term of 3 years.

The Moderator declared the amendment motion carried by majority

Upon motion of Royce Beatty, it was voted to amend the Community Preservation Bylaw as follows:

Section I, Establishment by deleting "three members to be appointed by the Board of Selectmen, one member to be appointed for a term of one year and thereafter for a term of three years and two members to be appointed for a term of two years and thereafter for a term of three years."

And substituting the following: "Three member to be appointed by the Moderator, one member for a one year term, one member for a two year term and one member for a three year term, and thereafter each for a term of three years.

The Moderator declared the amendment motion lost

Upon motion of Robert Snow, it was voted to amend the Community Preservation Bylaw as follows:

Add Section 13, Chapter 44B of the Massachusetts General Laws, in its entirety, to the proposed Community Preservation Bylaw, under the subtitle: "VII. Records, Accounting and Reporting"

The Moderator declared a standing vote for the amendment

Yes Vote 57 No Vote 35

The Moderator declared the amendment motion carried by majority

Upon motion of Royce Beatty, it was voted to amend the Community Preservation Bylaw as follows:

Delete "shall take effect immediately" and substitute "shall take effect July 1, 2004" and
Add a new sentence: "This bylaw will become null and void if the Commonwealth of Massachusetts fails to match 100 percent of local revenues in any one year."

The Moderator declared the amendment motion lost

Upon motion of Paul Flaherty, it was voted to amend the Community Preservation Bylaw as follows:

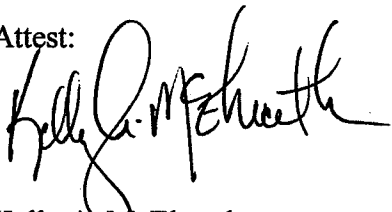
To replace the reference to Recreation Council with Recreation Commission and the reference to Housing Council with Housing Authority.

The Moderator declared the amendment motion carried by majority

The Moderator declared the amended motion carried by majority

A True Copy

Attest:



Kelly A. McElreath
Town Clerk

Attachment B

Community Preservation Committee Bylaw

I. Establishment

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

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Planning Board as designated by the Board for a term of three years.

One member of the Recreation Council as designated by the Council for an initial term of one year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Council for an initial term of two years and thereafter for a term of three years.

One member of the Open Space Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.

Three members to be appointed by the Board of Selectmen, one member to be appointed for a term of one year and thereafter for a term of three years and two members to be appointed for a term of two years and thereafter for a term of three years.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for what ever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

II. 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 recreation council 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 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.

(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 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.

III. Requirement for a quorum and cost estimates

The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

IV. 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.

V. 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.

VI. Effective Date

Following Town Meeting approval, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have ten days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Town Moderator shall make the appointment.

A TRUE COPY

ATTEST: 

TOWN CLERK, UPTON