

Town of Wellfleet

ARTICLE 12. To see if the Town will vote to amend the General Bylaws, by inserting a new ARTICLE XIV, Community Preservation Act Committee, to read as follows:

TOWN OF WELLFLEET GENERAL BYLAWS
ARTICLE XIV
COMMUNITY PRESERVATION ACT COMMITTEE

Section 1: Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to G.L. 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 Committee as designated by the Committee 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 Authority 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.

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

Two 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, one member to be appointed for a term of two years and thereafter for a term of three years.

Should any of the Commissions, Boards, Authorities or Committees who have appointment authority under this Bylaw no longer exist for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen. Any person designated by a Commission, Board, Authority or Committee may be recalled by an affirmative vote of that Commission, Board, Authority or Committee.

Section 2: Duties

(1). The Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The committee may 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 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 legislative body 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 community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.~~ Recommendations to the Town Meeting shall include their anticipated costs.

(3). The Community Preservation Committee may include, in its recommendation to the Town Meeting, a recommendation to set aside funds for later spending 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.

The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to section 3 of the Act, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. The Town shall make every effort to limit the administrative costs of issuing such bonds by cooperating with other cities and towns using methods including, but not limited to, common issuance of bonds or common retention of bond counsel.

Except as otherwise provided in this bylaw, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of G.L Chapter 44. The maturities of each issue of bonds or notes issued under this bylaw may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.

The Community Preservation Committee shall submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to the Town Administrator and Town Meeting for approval.

Section 3: Requirement for a quorum and majority vote

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 (five members) shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote.

Section 4: Amendments

This bylaw 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 G.L. Chapter 44B.

Section 5: Severability

In case any section, paragraph or part of this bylaw 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.

FINANCE COMMITTEE RECOMMENDS 8-0

BYLAW COMMITTEE RECOMMENDS 3-0

CONSERVATION COMMISSION RECOMMENDS 6-0

HISTORICAL COMMISSION RECOMMENDS 7-0

PLANNING BOARD RECOMMENDS 6-0

RECREATION COMMITTEE RECOMMENDATION

HOUSING AUTHORITY RECOMMENDS 5-0

OPEN SPACE/LAND BANK COMMITTEE DOES NOT RECOMMEND 3-1-1

LOCAL HOUSING PARTNERSHIP RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote as printed

4/25/2005
A true copy
attest:
Dawn E. Subman
Town Clerk