

**Annual Town Meeting
May 3, 2021**

Article 11: To see if the Town will vote to amend the General Bylaws of the Town of West Stockbridge, as on file and available for viewing in the Town Clerk's Office and at the Town's website at www.weststockbridge-ma.gov, by inserting a Community Preservation Bylaw, as follows, and to assign it as Chapter 110, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes, particularly as to numbering and formatting, so as to ensure consistency with the rest of the Town Bylaws as necessary, *or take any other action in relation thereto:*

**COMMUNITY PRESERVATION COMMITTEE BYLAW
PURSUANT TO MGL 44B**

Chapter 1: Establishment

There is hereby established 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:

- a. One member of the Planning Board (created by Section 81A of Chapter 41) as designated by the Board for a term of three years.
- b. One member of the Conservation Commission (created by Section 8C of Chapter 40) as designated by the Commission for a term of three years.
- c. One member of the Historical Commission (created by Section 8D of Chapter 40) as designated by the Commission for a term of three years.
- d. One member of the Park Commissioners (created by Section 2 of Chapter 45) as designated by the Board for an initial term of one year, and thereafter, for a term of three years.
- e. One member of the Housing Authority Board (created by Section 3 of Chapter 121B) as designated by its Board of Directors for an initial term of two years, and thereafter, for a term of three years.
- f. Four members of the general public, who are not Town employees or currently holding elected or appointed positions, as designated by the Select Board. Two members will be appointed for an initial term of one year, and thereafter, for a term of three years. The other two members will be appointed for an initial term of two years, and thereafter, for a term of three years.

Any vacancy on the Community Preservation Committee shall be filled by the commission, authority, or board that designated the member who creates the vacancy by designating another member in accordance with the above for the remainder of the unexpired term.

Should any of the Commissions, Boards, Councils, or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment

authority for the designee or member of that Commission, Board, Council, or Committee shall become the responsibility of the Select Board.

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 Select Board, the Conservation Commission, the Historical Commission, the Planning Board, the Parks Commissioners 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. The Committee may, after proper appropriation, incur expenses as permitted by state law using funds from the Community Preservation Fund to pay such expenses.
2. The Community Preservation Committee shall make recommendations to 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, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. 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 that the Town 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 recommended action to set aside for later spending funds for general purposes that are consistent with community preservation, provided, however, that Town Meeting spend or set aside for later spending at least 10 percent of the annual revenues in the Community Preservation Fund for each of the following: open space; historic resources; and community housing.

Chapter 3: Requirement for a Quorum and Cost Estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. 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 of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

Chapter 4: Amendments

The Community Preservation Committee shall, from time to time, review the administration of this Bylaw, making recommendations, as needed, for changes in the Bylaw and in administrative practice to improve the operations of the Community Preservation Committee. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

Chapter 5: Severability

In the event that 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 6: Effective Date

Following Town Meeting approval of this Bylaw, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.