



TOWN OF WESTPORT

Westport, Massachusetts

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Marlene M. Samson
Town Clerk

This is to certify that the following Article was voted on and amended at the Annual Town Meeting held on April 3, 2001.

ARTICLE 21

To see if the Town will vote, pursuant to the provisions of M.G.L. Chapter 44B, Section 5, to adopt a new general by-law creating a Community Preservation Committee to read as follows:

Community Preservation Committee By-law

Chapter 1: Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of M.G.L. Chapter 44B, Section 5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows:

- (1) One member of the Conservation Commission as designated by the Commission;
- (2) One member of the Historical Commission as designated by the Commission;
- (3) One member of the Planning Board as designated by the Board;
- (4) One member of the Recreation Commission/Community Center Committee as designated by the Commission/Committee;
- (5) One member of the Housing Authority as designated by the Authority;
- (6) One member of the Finance Committee as designated by the Finance Committee;
- (7) Three members as appointed by the Board of Selectmen.

Each member of the Committee shall serve for a term of one year, or with respect to those persons designated as members of the Committee in subsections (1) through (6) above, until the person no longer serves on the commission, board, committee or authority as set forth above, whichever is earlier.

Should any of the commissions, boards, authorities or committees who have appointing authority under this by-law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

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 Conservation Commission, the Historical Commission, the Planning Board, the Highway Department, 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 annual public informational hearing, or more at its discretion, 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.

(4) In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.

Chapter 3: Requirement for a Quorum and Cost Estimates

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. Chapter 39, Section 23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

Chapter 4: Amendments

This by-law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of M.G.L. Chapter 44B.

Chapter 5: Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

Chapter 6: Effective Date

Provided that the Community Preservation act is accepted at the 2002 Annual Town election, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of M.G.L. Chapter 40, Section 32 have been met. Each appointing authority shall have thirty (30) days after approval by the Attorney General to make their initial appointments.

and/or take any other action relative thereto.

The following changes were made as part of the main motion of Article 21:

Chapter 1, Section 7, was amended to read, "Three members as appointed by the Board of Selectmen and six (6) members of the Committee designated by subsections (1) through (6)."

Next to last paragraph: insert after "the Board of Selectmen" the phrase "and six (6) members of the Committee designated by subsections (1) through (6)".

Chapter 2, (4): in the last line, delete the symbol "©" and insert "(c)" therefore.

Chapter 6. Effective Date: delete existing text and replace with the following:

"Provided that this by-law is approved by the Attorney General, this by-law shall take effect upon acceptance of the Community Preservation Act at the 2002 Annual Town Election, and after all requirements of G.L. c. 40, sec. 32 have been met. Each appointing authority shall have thirty days after acceptance at the 2002 Annual Town Election to make their initial appointments."

A motion to postpone Article 21 to a time certain, the Annual Town Meeting of 2002 and following the completion of the Master Plan Update, was ruled out of order.

VOTED: to postpone Article 21 indefinitely was lost.

VOTED: To amend Article 21, chapter 1, section 7 to the original language printed in the warrant. Carried.

VOTED: Article 21 as amended. Carried.

A true copy,

Attest:

Marlene M. Samson

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Town Clerk