

Town of Whately
Community Preservation Committee

Section 1. Establishment

There is hereby established a Community Preservation Committee, consisting of seven (7) 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 one year and thereafter for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of one year and thereafter for a term of three years.

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

One individual with interest or expertise in Housing appointed by the Selectmen for an initial term of two years and thereafter for a term of three years..

One individual with interest or expertise in Parks and Recreation appointed by the Selectmen for an initial term of two years and thereafter for a term of three years.

Two members, who are residents of the Town, to be appointed by the Selectmen, each member to be appointed 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 the Commission, Board, or Council shall become the responsibility of the Selectmen.

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

Section 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, Agricultural Commission, the Historical Commission, the Planning Board, the Department of Public Works, Open Space Committee and the Regional 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 of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly, including on the Town's website, 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, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, 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, where ever 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 each of (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.
5. The Committee shall submit an annual administrative and operating budget for the Committee, which cannot exceed five percent (5%) of the annual revenues in the Fund, to Town Meeting for approval.
6. The Committee shall provide a summarized report and explanation in the Annual Report in such a manner to give the citizens a fair and full understanding and methods of such expenditures.

Section 3. Requirement for quorum and cost estimates

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

Section 4. Exemptions

Taxpayers qualifying for the low-income exemption or the low and moderate-income senior exemption as provided for in the Act and approved by the voters, shall submit an application for the exemption on a form provided by the Assessors, within three months after the bill or notice is sent.

Section 5: Amendments

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

Section 6: 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.

Section 7: Effective Date

Provided that this by-law is accepted at the 2009 Annual Town Meeting, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of MGL Chapter 40 section 32 have been met.