

# CHAPTER S

## ***COMMUNITY PRESERVATION COMMITTEE***

### **Section 1. Establishment; appointment of members; membership; terms of office**

**1.1** *There is hereby established, pursuant to the Community Preservation Act, a Community Preservation Committee ("Committee") consisting of nine (9) voting members. The composition of the Committee, the appointing authority and the terms of office for the Committee members shall be as follows:*

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

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

*One member of the Planning Board as designated by the Planning Board for an initial term of two years and thereafter a term of three years;*

*One member of the Recreation Commission as designated by the Recreation Commission for an initial term of two years and thereafter a term of three years;*

*One member of the Housing Authority as designated by the Housing Authority for a term of three years;*

*One member of the Board of Selectmen as designated by the Board of Selectmen for an initial term of one year and thereafter for a term of three years;*

*Three members at-large to be appointed by the Board of Selectmen who are legal residents of the Town of Acton, two members at-large to be appointed for one year and thereafter for a term of three years, and one member at-large to be appointed for two years and thereafter for a term of three years.*

**1.2** *If a person designated by one of the boards, commissions, or authorities set forth above, no longer serves on the appointing authority, the appointing authority may appoint a new member to complete that term if the existing member no longer wishes to serve on the Committee. Otherwise, that member may complete his or her term on the Committee. If any of the commissions, boards or authorities listed in this section no longer be in existence for whatever reason, the Board of Selectmen shall appoint a person with similar experience and responsibilities to serve in his or her place.*

**Section 1. Establishment; appointment of members; membership; terms of office continued**

**1.3** In addition to the members of the Committee set forth in Section 1.1, the Committee may include up to two associate members who are legal residents of the Town of Acton. Associate members shall be appointed by the Board of Selectmen for one-year terms. The chairperson of the Committee may designate any such associate member to sit on the Committee for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any member at-large, or in the event of a vacancy in a member at-large position on the Committee, until said vacancy is filled.

**Section 2: Meetings; quorum; chairman**

**2.1** The Committee shall comply with the provisions of the Open Meeting Law (MGL c. 39 §23B). The Committee shall not meet or conduct business without the presence of a quorum, which shall be a majority of members of the Committee. The Committee shall approve its actions by a majority vote of the members present, except as otherwise required by law.

**2.2** At the first meeting of each fiscal year, the Committee shall elect a chairperson, a vice chairperson, and a clerk by majority vote. These officers shall not be associate members

**Section 3: Duties**

**3.1** The Committee shall study the needs, possibilities, resources, and preferences of the town regarding community preservation. The Committee shall consult with existing municipal boards, including, but not limited to, the Conservation Commission, Historical Commission, Historic District Commission, Planning Board, Recreation Commission, Housing Authority, Acton Community Housing Corporation, Finance Committee and Board of Selectmen in conducting such study. The Committee may consult with other town boards, committees, and commissions as it sees fit. The Committee shall hold at least one (1) public informational hearing each year on the needs, possibilities and resources of the town regarding community preservation for which it shall publicly post notice by the Town Clerk and publish such notice in a newspaper of general circulation in town for each of the two weeks preceding the hearing.

**3.2** The Committee shall make recommendations in proper form 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 with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 1 to 17, as amended. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

**Section 3: Duties - continued**

**3.3** *The Committee shall engage in public discussion of all proposed acquisitions prior to the Town Meeting at which such acquisitions will be considered.*

**3.4** *In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of open space (not including land for active recreation purposes), historic resources, and community housing. The Committee may also recommend an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses. The Committee shall report each year to the Town Meeting on its actual expenditures and anticipated expenditures for administration and operating costs.*

**3.5** *The Committee may recommend to Town Meeting that funds be set aside for later spending for specific purposes consistent with the Community Preservation Act, when sufficient revenues are not then available in the Community Preservation Fund, or for general purposes that are consistent with Community Preservation.*

**3.6** *Recommendations to Town Meeting shall include the anticipated costs of the proposed appropriation consistent with the Community Preservation Act and a description of the project. In addition to approving appropriations from the Community Preservation Fund as recommended by the Committee, Town Meeting may approve such additional appropriations to meet the objectives of the Community Preservation Act as it deems appropriate.*

**3.7** *The Committee may recommend to Town Meeting that it authorize the taking of the fee or any other interest in real property, in accordance with Chapter 79 of the Massachusetts General laws for any of the purposes of the Community Preservation Act.*

**3.8** *The Committee shall keep a full and accurate account of all of its actions including its recommendations and the action taken on them, and records of all appropriations or expenditures made from the Community Preservation Fund. The records of the Committee shall be public records, to the full extent provided by law.*

**Section 4: Town Meeting, Legislative Body**

**4.1** *All duties and responsibilities of the legislative body as set forth in the Community Preservation Act shall be vested in the Town of Acton's legislative body, Town Meeting.*

**4.2** *In performing the duties and responsibilities of the legislative body as set forth in the Community Preservation Act, Town Meeting shall act pursuant to and in accordance with the requirements of the Community Preservation Act, the Town of Acton Charter and any applicable Town of Acton Bylaws, as from time to time amended.*

**Section 4: Town Meeting, Legislative Body - continued**

**4.3** Subject to and without limitation of the foregoing, in performing the duties and responsibilities of the legislative body as set forth in the Community Preservation Act, Town Meeting shall, in its sole and absolute discretion, have the power and authority to accept, reject, or modify, in whole or part, any recommendation of the Community Preservation Committee.

**Section 5: Amendments**

**5.1** This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that such amendments would not cause a conflict to occur with the Community Preservation Act.

**Section 6: Severability**

**6.1** 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

**Section 7: Effective Date**

**7.1** This chapter shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL Chapter 40, §32 and Chapter 44B Section 3-7 inclusive have been met. Each appointing authority shall have 30 days after approval by the Attorney General and the town election whichever come later to make its appointments.