

Chapter 15. Boards, Commissions, Councils, Committees and Authorities

Article II. Specific Multiple-Member Bodies

§ 15-22. Community Preservation Committee.

[Added 6-19-2013 by Ord. No. 51]

- A. Establishment. There is hereby established a Community Preservation Committee, in accordance with Chapter 267 of the Acts of 2000, the Massachusetts Community Preservation Act, MGL c. 44B, § 1 et seq., as amended, which shall consist of nine members.
- B. Membership, appointing authority and terms.
- (1) The composition of the Committee, the appointment authority and term of office for the Committee members shall be as follows:
- (a) One member of the Historic Districts Commission, acting as the Historic Commission, as designated by the Commission, for an initial term of three years and thereafter for a term of three years.
 - (b) One member of the Conservation Commission as designated by the Commission, for an initial term of two years and thereafter for a term of three years.
 - (c) One member of the Planning Board as designated by the Board, for an initial term of one year and thereafter for a term of three years.
 - (d) One member of the Parks and Recreation Commission as designated by the Commission, for an initial term of three years and thereafter for a term of three years.
 - (e) 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.
 - (f) One member of the Open Space and Recreation Committee as designated by the Committee, for an initial term of year and thereafter for a term of three years.
[Amended 6-18-2014 by Ord. No. 126]
 - (g) Three at-large members being residents of the City not currently holding elected office, as appointed by the City Council:
 - [1] One member to be appointed for an initial term of three years, and thereafter for a term of three years.
 - [2] One member to be appointed for an initial term of two years, and thereafter for a term of three years.
 - [3] One member to be appointed for an initial term of one year, and thereafter for a term of three years.

- (2) The at-large seats shall be open to any resident, and members may include citizens who have expertise or demonstrated interest in open space, recreation, historic preservation, affordable housing, municipal finance or fiscal accounting practices. Preference will be given to applicants who are not currently members of any of the six boards, commissions and committees listed in Subsection **B(1)(a)** through **(f)**, inclusive.
[Amended 6-18-2014 by Ord. No. 126]
- (3) If possible, Committee membership as a whole should be drawn from all wards.
- (4) The commission, board or committee that has appointment authority under this section shall appoint such representative(s) within 45 days of the effective date of this section. The City Council shall also appoint its representatives within 45 days of the effective date of this section.
- (5) Any vacancy on the Community Preservation Committee shall be filled by the commission, board or committee that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term, and within 45 days of the date of vacancy.
- (6) The City Council shall also fill any vacancy in its appointments by designating another member in accordance with the above for the unexpired term, and within 45 days of the date of vacancy.
- (7) Should the City Council fail to make an appointment authorized by Subsection **B(4)** or **(6)** above, the Mayor shall fill the position within an additional 45 days.
- (8) Should any of the commissions, boards or committees that have appointment authority under this section no longer be in existence for whatever reason, the appointment authority for that commission, board or committee shall become the responsibility of the City Council.
- (9) All Committee members shall serve on the Committee without compensation.
- (10) Vacancies shall be publicly posted.

C. Duties.

- (1) The Community Preservation Committee shall study the needs, possibilities, and resources of the City regarding community preservation, including the consideration of regional projects for community preservation, and shall develop and publish community preservation guidelines within six months of the Committee's first meeting. Development of the guidelines shall include a public hearing.
 - (a) The Committee shall consult with the public in addition to existing municipal boards, including the City Council, the Conservation Commission, the Historic Districts Commission, the Planning Board, the Open Space and Recreation Committee, the Parks and Recreation Commission and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies.
 - (b) The Committee shall annually hold at least one public informational hearing (and may hold more than one such meeting in a given year) on the needs, possibilities and resources of the City regarding community preservation, 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 City and posted electronically on the City's website. 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 the City Council 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. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.

- (3) The Community Preservation Committee may include in its recommendation(s) to the City Council 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, or to set aside for later spending funds for general purposes that are consistent with community preservation.
 - (a) The Community Preservation Committee may recommend the issuance of general obligation bonds or notes, in accordance with the provisions of MGL c. 44B, § 11, in anticipation of revenues to be raised pursuant to MGL c. 44B, § 3, the proceeds of which shall be deposited in the Community Preservation Fund.
 - (b) In every fiscal year, the Committee shall recommend that the City Council either spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: open space (not including land for recreational use); historic resources; and community housing.

D. Quorum requirements and cost estimates.

- (1) 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.
- (2) When making a recommendation(s) to the City Council, the Community Preservation Committee shall provide the Council with estimates of cost for each recommendation.

E. Rules and regulations.

- (1) The Committee shall annually elect one of its members to serve as Chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittee(s) as it deems appropriate.
- (2) A Committee member may serve as Chairperson for two consecutive years, after which she or he shall not be eligible to be nominated for the same position for a third year. However, the Committee may waive this provision by a two-thirds vote.
- (3) The Committee shall clearly define and make public its application requirements and evaluation procedures.
- (4) By majority vote of the members of the Committee, the Committee may adopt and promulgate rules and regulations for the conduct of its business on any matter within the Committee's jurisdiction under the Massachusetts Constitution, Massachusetts General or Special Laws, the Code of Massachusetts Regulations (CMR), ordinance, or other legal right or authority granted to or conferred upon the Committee.
- (5) The proposed rule or regulation shall be submitted to all Committee members at least 48 hours prior to any vote to adopt the same; provided, however, the Committee may make such amendments to the proposed rules or regulations as it deems appropriate at the meeting.
- (6) Upon approval of any rule or regulation by the Committee, a copy of the same shall be filed with the City Clerk and publicly posted and become effective as of the date of filing thereof unless the specific vote of the Committee establishes a later effective date.
- (7) To enhance communication, minutes of each meeting shall be sent to the City Clerk for distribution to the City Council and shall be publicly posted.

- F. Amendments to the Community Preservation Committee Ordinance. The Community Preservation Committee shall from time to time review the administration of this section and make recommendations as needed for changes to this section and in administrative practice to improve the operations of the Community Preservation Committee. This section may be amended from time to time by the City Council, provided that the amendments do not conflict with MGL Chapter 44B.
- G. Community Preservation Act surcharge. Applications for exemption from the Community Preservation Act surcharge must be filed with the Board of Assessors three months after actual (not preliminary) tax bills are mailed for the fiscal year in the year in which the exemption is sought.
[Added 6-18-2014 by Ord. No. 126]