

## CHAPTER XXI - Community Preservation Act

### 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 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 a term of three years.

One member of the Land Use Committee as designated by the Land Use Committee for a term of three years.

One member of the Park Commission as designated by the Park Commission for a term of three years.

One member of the Mendon Housing Authority as designated by the Housing Authority for a term of three years.

One member appointed by the Select Board for a term of three years.

**One alternate member-at-large, will be appointed to act in the absence of disability of any of the seven appointed Community Preservation Committee members with all the powers of such absent or disabled members. The alternate member will be appointed by the Select Board from a list of names submitted to the Select Board.** Should any of the Committees, Commissions, Boards or Councils who have appointment authority under this chapter be no longer in existence for **whatever** reason, the appointment authority for that Committee, Commission, Board or council shall become the responsibility of the Select Board.

### Section 2 Duties

- a. 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 land use committee, the select board, the park commission** 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.
- b. The Community Preservation Committee shall make presentations to the Town Meeting for the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation and support of community housing, and for the 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 or previously developed sites.

c. 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 alter spending funds for general purposes that are consistent with community preservation.

### **Section 3 Requirement for a quorum and cost estimates**

The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve of its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

### **Section 4 Amendments**

This chapter may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL chapter 44B.

### **Section 5 Severability**

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 6 Effective Date**

Following Town Meeting approval, this Chapter shall take effect immediately upon passage of the ballot question accepting sections 3 to 7 inclusive of Chapter 44B of the General Laws and approval by the Attorney General of the Commonwealth. Each appointing authority shall have ten days after passage of the ballot question to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the ~~Town Moderator~~ the Select Board shall make the appointment.

*Added 5/10/2002; AG Approved 7/19/2002; Effective 7/23/2002*