

Community Preservation Committee - Bylaws

Adopted 2/9/06, Amended 10/30/2008

Section 1 - Establishment

The Community Preservation Committee was established under Article 36 of the bylaws of the Town of Sharon, for the purpose of administering the Community Preservation Act, M.G.L. c. 44B, consisting of seven (7) members as follows:

One member from the Conservation Commission established under section 8C of chapter 40, as designated by that Commission, who shall serve for an initial term of three years;

One member from the Historical Commission established under section 8D of chapter 40, as designated by that Commission, who shall serve for an initial term of two years;

One member from the Planning Board established under section 81A of chapter 41, as designated by that Board, who shall serve for an initial term of three years;

One member appointed by the Board of Selectmen, acting as Park Commissioners under section 2 of chapter 45, as designated by that Board, who shall serve for an initial term of two years;

One member from the Housing Authority established under section 3 of chapter 121B as designated by that Authority, who shall serve three years;

One at-large member appointed by the Board of Selectmen for an initial term of one year; and
One at-large member appointed by the Moderator for an initial term of one year.

Thereafter each member shall be appointed for a three-year term. Members may be reappointed for consecutive terms. Vacancies shall be filled by the original appointing authority.

Town bylaw Article 36 may be amended from time to time in as provided by M.G.L. c. 44B.

Section 2 - Duties

(a) The committee shall study the needs, possibilities, and resources of the Town regarding community preservation in accordance with Section 5(b)(1) of M.G.L. c. 44B. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the recreation council, and the housing authority, in conducting such studies.

(b) The committee shall make recommendations to the Town Meeting, in accordance with Section 5(b)(2) of M.G.L. c. 44B, 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 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 Section 5(b)(2) of M.G.L. 44B. With respect to community housing, the committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

(c) The Committee will give consideration to every project proposal submitted, following a three-step process: First, acceptance of the project application; second, a review, duly noticed, in which a recommendation may be voted; third, following an affirmative recommendation, a duly noticed final vote to be held not fewer than seven days thereafter, required before referral to the Town Meeting. *Note:* Due notice means publication on an agenda published in accordance with the Open Meeting Law.

(d) The 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 and otherwise conform to the requirements of Section 5(b)(2) of M.G.L. c. 44B. As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.

(e) The committee will submit an annual administrative and operating budget for the committee, which cannot exceed 5 percent of the annual revenues in the Community Preservation Fund, to Town Meeting for approval.

Section 3 - Organization

(a) The Officers of the Community Preservation Committee shall consist of the following:

(1) A Chair, whose responsibility is to preside at meetings and to call and to post notice of the meeting in accordance with the Open Meeting Law M. G .L. c. 39, sec. 23B, seeing that a notice of every meeting of the committee is filed with the Town Clerk and the notice or a copy thereof shall, at least forty-eight hours prior to such meeting, be publicly posted and conspicuously visible to the public at all hours in the office of the Clerk or on the principal official bulletin board.

(2) A Clerk, who is responsible for distributing the minutes of each meeting to the members of the committee in advance of the following meeting for their review. The Clerk may advise the Chair of items that bear consideration on the meeting notice. In the absence of the Chair, the Clerk shall preside at meetings. The Clerk will assist the Chair by seeing that the meeting notice and agenda is not only filed with the Town Clerk and posted in accordance with G .L. c. 39, sec. 23B but that the agenda and minutes, when available, are promptly posted on the Town website.

(3) A Treasurer, who will prepare reports from time to time on funds available and any other information available to the committee from the Town Treasurer and the Board of Assessors relating to the Community Preservation Fund. Furthermore, reports prepared for the EOEEA including a full and accurate account of all of the actions of the CPC, including its recommendations and the action taken on them, recording all appropriations or expenditures made from the Community Preservation Fund. The Treasurer shall also keep records of any real

property interests acquired, disposed of, or improved by the city or Town upon the recommendation of the committee, including the names of the grantors or grantees and the nature of the consideration and that these records and accounts shall be public records. In the absence of the Chair and the Clerk, the Treasurer shall preside at meetings.

(b) The terms of office of the Officers shall be one-year terms.

(c) Any committee member may request that an item be placed on the agenda for consideration.

(d) The bylaws of this committee may be amended by majority vote after due notice of a meeting of the committee at which the amendment is to be considered.

(e) The bylaws of this committee may be temporarily suspended only by a unanimous vote of the committee acting in accordance with Section 4 of this bylaw.

(f) The committee will meet no fewer than once each quarter each fiscal year with at least one such meeting advertised specifically as a public hearing. In accordance with Section 5(b)(1) of M.G.L. c. 44B, the committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the Town 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 Town.

(g) If for any reason, three or more members of the Committee believe there is cause for a meeting that has not been otherwise scheduled, a notice containing the subject of the meeting, filed in accordance with the Open Meeting Law G .L. c. 39, sec. 23B, may be submitted to the Town Clerk.

Section 4 - Requirement for a Quorum

The committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the committee shall constitute a quorum. The committee shall approve its actions by majority vote.

Section 5 - Town Meeting Recommendations

(a) Prior to recommending a project to Town Meeting, the following duly noticed actions are required: The committee votes an affirmative recommendation on the project. The committee, not fewer than seven days after that previous vote, confirms the recommendation by a final affirmative vote.

(b) Recommendations to the Town Meeting shall be accompanied by estimates of the costs of the recommended projects and an explanation of the project's relation to the Town's overall preservation goals.

Section 6 - Award Letter

For projects approved by Town Meeting, the Committee will issue award letters with information on funding amount, funding conditions, project modification as voted by Town Meeting (if any), and Town contact information.

Section 7 - Receipt of Funding

(a) Funding for approved projects will be available following the issuance of the award letter subject to conditions contained therein.

(b) Projects financed with CPC funds and carried out on public property or by a public entity must comply with all state and municipal requirements, including where applicable the state procurement law, which requires special procedures for the selection of products, vendors, services, and consultants.

(c) All CPC funds are administered and disbursed by the Town of Sharon. Project management, oversight, execution, and financial control will be the responsibility of the applicable Town agency or their designee. All bid documents or requests for proposals must be approved by the Town Administrator before publication. The applicable Town department must do the following:

- (1) issue a Town of Sharon purchase order covering purchases of require goods and services;
- (2) approve and sign all contractual agreements with vendors or service providers;
- (3) make payments only after the receipt of goods or services or for partially completed service; may approve partial payments as may be specified in a Town-approved service contract or on a case-by-case basis.

(d) The aforementioned guidelines do not strictly apply where a CPA appropriation is made as a grant to a nongovernmental entity or a governmental or quasi-governmental entity other than the Town of Sharon.

Section 8 - Funding Partnerships

(a) Where a private funding source supplements a CPA appropriation for a single-phase project to be carried out by the Town of Sharon, or on land owned by the Town of Sharon, all such private funds must be donated to the Town before any goods or services are procured for the project.

(b) In a multiphase project, the use of combined private and CPA funding will be per legal agreement reviewed and approved by Town Counsel.

Section 9 - Severability

Should any section, paragraph, or part of this bylaw be, for any reason, declared invalid or unconditional, the remainder shall continue in effect.