

CHAPTER XXIII
COMMUNITY PRESERVATION COMMITTEE BYLAW
PURSUANT TO MGL 44b
Adopted – S.T.M. 2/28/07

Chapter 1: Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) 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:

- a. One member of the Planning Board as designated by the Board for a term of three years.
- b. One member of the Conservation Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.
- c. One member of the Historical Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.
- d. One member of the Community Center Board who shall act as the representative of the Park Commissioners as designated by the Board for an initial term of one year and thereafter for a term of three years.
- e. One member of the Lenox Housing Authority Board as designated by its Board of Directors for an initial term of two years and thereafter for a term of three years.
- f. Two members to be appointed by the Board of Selectmen, for an initial term of two years and thereafter for a term of three years.
- g. Two members to be appointed by the Board of Selectmen, 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 that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

Chapter 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 Board of Selectmen, the conservation commission, the historical commission, the planning board, the Community Center Board 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. 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 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, wherever 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 recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

Chapter 3: Requirement for a quorum and cost estimates

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. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

Chapter 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.

Chapter 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.

Chapter 6: Effective Date

Following Town Meeting approval of this bylaw this Chapter shall take effect. Each appointing authority shall have twenty days after approval to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Selectmen shall make the appointment.

The term for the first-appointed Community Preservation Committee shall begin upon appointment in accordance with the preceding paragraph. The one-year appointments shall end on June 30, 2008, the two-year appointments shall end on June 30, 2009, and the three-year appointments shall end on June 30, 2010. Subsequent terms will begin on July 1 of each year and will be for a period of three years. Any vacancy on the Community Preservation

Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with Section (1) above for the unexpired term. If any commission, authority or board fail to designate a member within thirty (30) days of the creation of the vacancy, then the Selectmen shall have the authority to make such appointment.