

ANNUAL TOWN MEETING
FIRST and SECOND SESSION
APRIL 24 and APRIL 26, 2006

ARTICLE 29

VOTED: That the General By-laws be amended by adding the following new Article XVI, Section 19:

Section 19 Community Preservation Committee

19.1 The Community Preservation Committee is established consisting of nine voting members pursuant to G. L. Chapter 44 B.

19.2 The Community Preservation Committee shall be appointed by the Board of Selectmen and consist of one member each from the:

19.2.1 Conservation Commission as designated by the Conservation Commission, Historical Commission as designated by the Historical Commission and Planning Board as designated by the Planning Board for an initial term of three years and thereafter for a term of three years;

19.2.2 Recreation Commission as designated by the Recreation Commission and Housing Authority as designated by the Housing Authority and the Canton School Committee as designated by the Canton School Committee, for an initial term of two years and thereafter for a term of three years;

19.2.3 Board of Selectmen as designated by the Board of Selectmen, Capital Planning Committee as designated by the Capital Planning Committee and one community member, appointed for an initial term of one year and thereafter for a term of three years.

19.3 The Community Preservation Commission shall study the needs, possibilities, and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards and hold one or more public informational hearings yearly on the needs, possibilities and resources of the Town regarding community preservation. Notice of these public hearings shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

19.4 The Community Preservation Committee shall make recommendations 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 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 G.L. Chapter 44 B. 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.

19.5 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 consistent with the Community Preservation Act.

19.6 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 its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

ADOPTED MAJORITY VOICE VOTE

A true copy.

Attest:

Tracy K. Kenney, Town Clerk

Canton Community Preservation Committee

Rules Of Procedures

Adopted June 10, 2013

SECTION 1.0--PURPOSE & INTENT

These Rules of Procedure shall govern the operation of meetings and business before the Canton Community Preservation Committee (the Committee) in carrying out its duties and responsibilities as assigned to it by the Community Preservation Bylaw Section 19 of the General Bylaws of the Town of Canton and Chapter 44B – Community Preservation Act of the General Laws of the Commonwealth of Massachusetts.

For any item of parliamentary procedure not governed by these rules or by applicable laws, the Chair's ruling, subject to override by a majority of the Community Preservation Committee, will govern.

SECTION 2.0--ORGANIZATION

Section 2.1 – Election of Officers

- a. Four officers, Chair, Vice Chair, Treasurer and Secretary shall be elected for a one-year term by a majority of the quorum at the first meeting in June of each calendar year.
- b. A Committee member may serve as Chair or Vice Chair for 3 consecutive years, after which he/she shall not be eligible to be nominated for the same position until one year has passed. However, a two-thirds (2/3) vote of the Committee can waive this provision.

Section 2.2 – Chair: Powers and Duties:

The Chair shall preside at meetings, establish agendas, call special meetings, provide an orientation of the Committee's functions to new members, represent the Committee in certain matters, and have the power to appoint Committee members to standing and special sub committees of the Committee.

Section 2.3 - Vice Chair: Powers and Duties:

The Vice Chair shall carry out the functions of the Chair in his/her absence and shall lead the annual review of the Canton Community Preservation Plan per bylaw (19 §3)

Section 2.4 - Treasurer: Powers and Duties:

The Treasurer shall carry out the financial recording and reporting function of the Committee. In particular, the Treasurer shall be responsible for maintaining the budget, financial reports, and serve as a liason between the town Finance Director and Town Accountant.

Section 2.5 - Secretary: Powers and Duties:

The secretary shall maintain the minutes, agendas and various reports including applications to the Committee. The secretary shall be responsible for posting of all public meetings and for providing all copies of record.

Section 2.6 – Vacancies or Resignations:

Any member may resign by delivering a written resignation to the Chair or the Secretary and the Town Clerk and the town commision, board, or authority which originally nominated such member to the Committee. Should there be a vacancy or resignation in any of the positions, the commission, board or authority which has nomination authority under the Canton Community Preservation Act Bylaw shall appoint a new representative within 45 days of the first date of vacancy or resignation; otherwise, said vacancy may be filled by the Board of Selectmen. Said names shall be forwarded to the Board of Selectmen for approval. The new representative shall fill the balance of the unexpired term of the departing member.

Section 3.0--MEETINGS & HEARINGS

Section 3.1 – Notice of Committee Meetings:

Notice of all regular meetings will be delivered, e-mailed or mailed (postmarked) to members of the Committee and posted with the Town Clerk, no later than 48 hours prior to the time of the meeting, and notices of all regular and special meetings shall be posted in Memorial Hall at least 48 hours prior to the time of the meeting. When time is a constraint, telephone calls or e-mail may be used to supplement such notices.

Section 3.2 – Notice of Public Hearings:

Notice of hearings shall be advertised as required by the provisions of the General Laws, Chapter 40A and Chapter 41 §81A

Section 3.3 – Regular Meetings:

The Committee generally meets once a month. A second monthly meeting is held when necessary.

Section 3.4 – Special and Emergency Meetings:

Special meetings may be called by the Chair at a time and location generally convenient to the Public. There shall be at least 48 hours notice given for a special meeting except for emergencies, as defined by state statute.

Section 3.5 – Subcommittee/Miscellaneous/Workshop Meetings:

The Committee may also hold other types of public meetings, subcommittee meetings, information sessions, or workshops in which the public is invited to participate.

Section 3.6 – Public Participation During Meetings:

The Committee encourages public participation. There is a formal Public Comment period at the beginning of each meeting. The purpose of this “Public Comment” period is not for the public to engage in dialogue with the Committee, but rather for the public to provide the Committee with information and comments.

Additionally, members of the public are generally allowed to participate in Committee discussions, either upon the invitation of the Chair or the invitation of a Committee member and consent of the quorum.

Section 3.7 – Calling of Public Hearings:

Public hearings, which require newspaper advertising in each of the two weeks prior to such a hearing, are held under the following circumstances:

- a. For review and consideration of the annual adoption of the Community Preservation Plan. The Canton Bylaw (19 § 3) requires that “the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town of Canton regarding community preservation possibilities and resources.” The Plan contains the Committee’s finding on these topics.
- b. For any other action for which the Committee determines a public hearing will be useful.

Section 3.8 – Quorum and Votes at Regular Committee Meetings:

A majority of the membership of the Committee will constitute a quorum and must be present to conduct a meeting. Unless otherwise stated within these Rules and Regulations or as stated within applicable statutes and regulations of the Commonwealth of Massachusetts, a majority of the quorum at a meeting is required for a passing vote.

Section 3.9 – Attendance of Meetings – Committee Members and Associate Members:

If any appointed Committee member misses half of the scheduled meetings of the Committee during any calendar year, the Chair shall review the absences of the Committee member and

the Chair shall recommend appropriate action to the Board of Selectmen and/or the appropriate appointing board or commission.

SECTION 4.0—DISTRIBUTION OF INFORMATION

Section 4.1 – Use of E-mail within the Committee:

Except as provided for in the next paragraph, e-mail among Committee members is limited to administrative use only. E-mail should not be used for deliberating on substantive matters which are pending, or may be pending before the Committee.

The exception to this general rule is that any Committee member may send a substantive e-mail on any matter, provided the e-mail is sent to only some or all of the following people: the Chair, Vice-Chair, Treasurer, Secretary and Committee staff. Furthermore, the member may send such e-mail with the understanding that the contents of his/her e-mail shall be shared with the full Committee at the next duly constituted meeting, regardless of whether the Committee member sending the e-mail is present at the meeting.

These e-mail rules are intended to ensure that the Committee operates according to the Massachusetts Public Meeting law, which requires that the work of the Committee take place in public.

Section 4.2 – Use of Meetings to Distribute Information

Written comments from committee members and members of the public will be read aloud at the appropriate times during committee meetings.

- a. Comments regarding CPA applications or eligibility forms will be read aloud during discussions of those items.
- b. Other comments will be read aloud either during Public Comment period or during discussion of the item or topic referred to in the comment.

Section 4.3 – Use of E-mail to contact outside organizations

Because of the complexity of the CPA law, it is frequently necessary and helpful to contact other organizations, such as the Community Preservation Coalition, the Massachusetts Department of Revenue, and other CPA communities. All e-mails to such organizations should be sent by either the Chair, Vice Chair, Treasurer or Secretary unless otherwise delegated.

SECTION 5.0--COMMUNITY PRESERVATION COMMITTEE RECORDS

Section 5.1 – Record Keeping of the Secretary

The Committee Secretary, shall be responsible for preparing, keeping and maintaining the following official records and documents of the Committee, physically or electronically:

- a. Minutes of the meetings

- b. Agendas
- c. Staff reports and recommendations
- d. Copies of all Eligibility Forms, Project Applications, and related correspondence
- e. Other Committee records as appropriate

All such Committee records and documents are available to the public upon request.

Section 5.2 – Record Keeping of the Treasurer

The Committee Treasurer, shall be responsible for preparing, keeping and maintaining the following official financial records and documents of the Committee, physically or electronically:

- a. Project records
- b. Public Filings
- c. Disbursements
- d. Receipts
- e. Other Committee records as appropriate

All such Committee records and documents are available to the public upon request.

SECTION 6.0 – FISCAL and STAFFING PROCEDURES

Section 6.1 – Adoption of Community Preservation Committee Administrative Budget:

The Committee is allowed by law to request an appropriation of up to 5% of estimated fiscal year CPA revenues to use for administrative purposes. Before the beginning of each fiscal year, the Committee will determine the administrative budget it needs, and will request the Annual Town Meeting to appropriate that amount.

Section 6.2 – Annual Report and Fiscal Year Budget

As part of the annual report and fiscal year budget, a detailed accounting of all previous and ongoing grants that were funded in the preceding fiscal year will be made available publicly. In addition, a detailed budget will be developed for all set-asides and balances brought forward.

Section 6.3 – Project Recommendations to Town Meeting

It shall be the duty of the Committee to make all project recommendations to any Annual or Special Town meeting. Project recommendations shall be provided via the Town Warrant as well as any other means necessary to carry out this reporting function.

Section 6.4 – Committee Staff:

The Committee may employ staff if it wishes to. Staffing costs are paid out of the Committee’s administrative budget. Staffing agreements must be voted on by the Committee. Staff report to the Chair of the Committee under the terms of any staffing agreement.

SECTION 7.0-ADOPTION & AMENDMENT

Section 7.1 – Procedure for Adopting & Amending:

These By-laws and Rules of Procedures may be adopted and subsequently amended at any regular meeting by a majority vote of the Committee, provided that any original proposal or amendment shall have been proposed at a regular meeting immediately preceding that during which a vote is taken, and further provided that all members are mailed, e-mailed, otherwise provided copies of the proposal.

Revisions: