

Town of Shutesbury, Massachusetts  
October 21, 2008 Special Town Meeting

At a legal meeting of the Inhabitants of the Town of Shutesbury qualified to vote in elections and town affairs, held at the Shutesbury Elementary School, 23 West Pelham Road on the twenty-first day of October in the year two thousand and eight, in the presence of a quorum the following business was conducted.

In the absence of a Moderator and with a quorum present, Town Clerk Leslie Bracebridge opened the meeting at 7:12 P.M. and accepted nominations from the floor for a temporary moderator. Penelope Kim was nominated and seconded to serve as temporary moderator; there were no other nominations. It was then unanimously voted that Penelope Kim serve as a temporary moderator for the special town meeting and she was sworn to her duties.

Article 1. A motion was made and seconded that the Town vote to adopt the Community Preservation Act Bylaw as written into the October 21, 2008 Special Town Meeting Warrant and as written.

Town of Shutesbury  
Community Preservation Bylaw  
Chapter 1: Establishment

The Town of Shutesbury hereby establishes a Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B, Section 5. 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 Commission for a term of three years.

One member of the Planning Board as designated by the Board for a term of one year and thereafter for a term of three years.

One member to act in the capacity of, or perform like duties of, a member of a housing authority; this member is to be appointed by the Select Board for an initial term of two years and thereafter for a term of three years.

One member of the Open Space Committee as designated by the Committee for an initial term of three years.

One member to act in the capacity of, or perform like duties of the Board of Park Commissioners; in the absence of such Board the Select Board shall designate a member of the Select Board for a term of one year, and to reappoint thereafter on an annual basis.

One At-large member to be appointed by the Board of Selectmen, for a term of two years and thereafter 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 Select Board.

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 conservation commission, the historical commission, the planning board, the recreation committee 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.

(2). The community preservation committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation 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 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 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 to set aside for later spending funds for general purposes that are consistent with community preservation.

(4) In every fiscal year, the annual revenues of the community Preservation Fund shall be distributed among open space, historic resources, community housing, and administrative and operating expenses of the community Preservation committee, according to the following allocation:

\* Not less than ten percent (10%) of the annual revenues in the community preservation Fund shall be spent , or set aside for later spending, for open space (not including land for recreational use); additional revenues allocated to open space beyond this ten percent may include land for recreational use

\* Not less than ten percent (10%) of the annual revenues shall be spent, or set aside for later spending, for historic resources

\* Not less than ten percent (10%) of the annual revenues shall be spent, or set aside for later spending for community housing

#### 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. 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 44 B

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 Appointments

Each appointing authority shall have thirty (30) days after the bylaw takes effect to make their initial appointments. Should any appointing authority fail to make their appointments within that allotted time, the Select Board shall make the appointment.

A motion was made and seconded to amend Article 1 Chapter 1 by adding one member of the Recreation Committee and one member of the Finance Committee to the membership of the Community Preservation Committee and changing the number of the committee from 7 to 9 members for terms of two years for the Recreation Committee member and 1 year for the Finance Committee member and then thereafter for terms of three years. Amendment approved unanimously. A motion was made to delete the word "creation" from Chapter 2 section 2; it was not seconded.

Main motion as amended, voted unanimously.

Article 2. A motion was made and seconded that the Town vote to transfer the sum of \$23,300 from Free Cash to the Fin Com Reserve Fund to replace that amount used to pay for current invoices/cost to clean up the gasoline contamination at the Fire Station.  
Voted unanimously

Article 3. A motion was made and seconded that the Town vote to transfer the sum of \$25,000 from Free Cash to the Hazardous Waste Clean-up account in anticipation of additional clean-up costs of the contamination at the Fire Station.  
Voted unanimously

Article 4. A motion was made and seconded that the Town vote to transfer \$5,997.22 from Overlay Surplus Account to the following Allowance for Abatements accounts: \$400.05 FY89 Allowance for Abatements; \$804.27 FY92 Allowance for Abatements; \$4,792.90 FY08 Allowance for Abatements, or take any other action relative thereto.  
Voted unanimously

Article 5. A motion was made and seconded that the Town transfer \$150,000 from Stabilization to the Wyola Dam Project account for the dam repair.  
Voted unanimously

The meeting was dissolved at 8:15 P.M.

Respectfully submitted  
Town Seal

Leslie Bracebridge  
Shutesbury Town Clerk

A true copy. Attest: \_\_\_\_\_  
Shutesbury Town Clerk