



CITY OF AMESBURY  
IN THE YEAR TWO THOUSAND TWENTY-FOUR

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**SPONSORED BY:** Councilor Nicholas Wheeler      **BILL No.** 2024-083

At the meeting of the Amesbury City Council held on July 23, 2024, the following action was taken:

**An Ordinance to Establish a Community Preservation Committee**

**Summary:** This Ordinance will Establish the Community Preservation Committee for the City of Amesbury.

WHEREAS, the Amesbury City Council previously approved City Council Bill # 2023-053, accepting Sections 3-7, inclusive, of Chapter 44B of the Massachusetts General Laws, otherwise known as the Massachusetts Community Preservation Act (CPA); and

WHEREAS, the voters of the City of Amesbury ratified the acceptance noted above via their approval of Ballot Question #1 at the November 7, 2023, Municipal Election by a vote of 2,214 in favor to 1,449 against; and

WHEREAS, pursuant to the local adoption of the Community Preservation Act, a Community Preservation Committee must now be established via a local ordinance or by-law in accordance with MGL Chapter 44B Section 5(a); now, therefore:

**Be it Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:**

1. That the Amesbury Code of Ordinances is hereby amended as follows:

a. Chapter 12, "*Boards, Commissions and Committees*" is amended by inserting the following new Article III, immediately following Article II, §12-6:

Article III Community Preservation Committee

§ 12-7 Establishment.

1. 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:

- a. One (1) member of the Planning Board (created by Section 81a of Chapter 41) as designated by the Board for an initial term of one (1) year, and thereafter for a term of three (3) years.
  - b. One (1) member of the Conservation Commission (created by Section 8C of Chapter 40) as designated by the Commission for a term of three (3) years.
  - c. One (1) member of the Historical Commission (created by Section 8D of Chapter 40) as designated by the Commission for an initial term of two (2) years, and thereafter for a term of three (3) years.
  - d. One (1) member of the Housing Authority (created by Section 3 of Chapter 121B) as designated by its Board of Directors for an initial term of two (2) years and thereafter for a term of three (3) years.
  - e. One (1) member of the Open Space, Natural Resources and Trails Committee as designated by the Committee for an initial term of one (1) year and thereafter for a term of three (3) years.
  - f. Two (2) members of the general public, not city employees or currently holding elected or appointed positions, to be appointed by the mayor for a term as described below:
    - a. One (1) member to be appointed for an initial term of one (1) year and thereafter for a term of three (3) years;
    - b. One (1) member to be appointed for an initial term of two (2) years and thereafter for a term of three (3) years; and
2. 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 the above for the remaining unexpired term.
  3. All members shall be residents of the City. Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the mayor in accordance with Section 2-3 of the Amesbury City Charter.

§ 12-8 Duties.

1. The community preservation committee shall study the needs, possibilities, and resources of the city regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the parks commissioners 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 city 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 city. 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 the City Council for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. 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 City Council 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.

#### § 12-9 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 of the quorum. Recommendations to the City Council shall include their anticipated costs.

#### § 12-10 Amendments.

The Community Preservation Committee shall, from time to time, review the administration of this Ordinance, making recommendations, as needed, for changes in the Ordinance and in administrative practice to improve the operations of the Community Preservation Committee. This ordinance may be amended from time to time by a majority vote of the City Council, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

#### § 12-11 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.

§ 12-12 Effective Date.

This Ordinance shall take effect upon passage. Following City Council approval of this ordinance, each appointing authority shall have sixty days to make their initial appointments to the Community Preservation Committee.

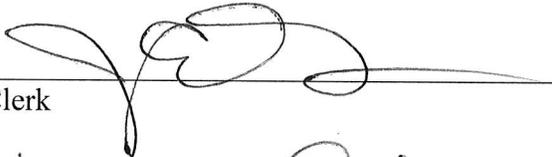
**Councilor Wheeler offered a motion to approve 2024-083 as presented. Councilor Owen Corcoran seconded.**

**Councilor Jessica Redfern made a motion to amend by making the committee size 7, by reducing members of the public to 2, and remove section f(c) from Section 12-7. Councilor Michael Hogg seconded, and the motion passed a roll call vote of 5-2, Councilor Nicholas Wheeler abstained.**

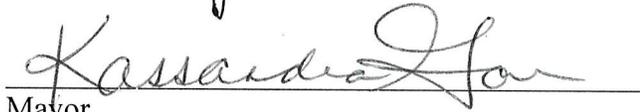
**The main motion was called and passed on a roll call vote of 7-1, Councilor Steven Stanganelli opposed.**

Witness my hand and seal for the City of Amesbury this 24<sup>th</sup> day of July 2024.

City Clerk



Mayor



Date

