

TOWN OF BILLERICA
COMMUNITY PRESERVATION COMMITTEE
OPERATING PROCEDURES

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TOWN CLERK
BILLERICA

PURPOSE

To accomplish the duties and tasks for the Town of Billerica that are described in the Community Preservation Act (CPA) and the local bylaw.

COMPOSITION

Members and terms: The Community Preservation Committee consists of nine (9) members pursuant to MGL Chapter 44B.

- The Chief Assessor
- One member of the Finance Committee, as designated by the Finance Committee, for a term of three years
- One member of the Conservation Commission (created by Section 8C of Chapter 40) as designated by the Conservation Commission for a term of three years.
- One member of the Historical Commission (created by Section 8D of Chapter 40) as designated by the Historical Commission for a term of three years.
- One member of the Planning Board (created by Section 81a of Chapter 41) as designated by the Planning Board for a term of two years and thereafter for a term of three years.
- One member of the Recreation Commission (created by Section 2 of Chapter 45) as designated by the Recreation Commission for a term of two years and thereafter for a term of three years.
- One member of the Housing Authority Board (created by Section 3 of Chapter 121B) as designated by its Board of Commissioners for a term of one year and thereafter for a term of three years.
- One at-large member, a citizen of Billerica, to be appointed by the Town Manager for an initial term of one year and thereafter for three years.
- One at-large member, to be appointed by the Board of Selectmen, for an initial term of two years, and thereafter for a term of three years.

Officers – CPC members will elect a Chairman and Vice-Chairman. The Chairman will prepare the meeting agendas with the Community Development Coordinator and lead the meetings. The Vice-Chairman will perform those duties in the absence of the Chairman. The Committee may also choose to elect a Secretary and a Treasurer. The Chair may assign responsibilities to officers and other members as needed. The Secretary and Treasurer will assist the Chairman and will work with the Community Development Coordinator to account for all invoices for approved projects and balance with the Town Accountant.

CONDUCT OF MEETINGS

Schedule: The CPC meets on the 2nd Thursday of each month at Town Hall at 7p.m. or as needed. The date will be confirmed and posted on the calendar on the Town's website and at Town Hall.

Agendas: The agenda will be drafted by the Chair and the Coordinator with input from CPC members and Town staff. The agenda will be posted as much in advance as possible, and always at least forty-eight hours before a meeting, in accordance with Massachusetts Open Meeting Law. The meetings will follow the posted agenda.

Quorum: A majority of the nine members, which is five members, must be present to achieve a quorum.

Voting: All actions must be approved by a majority of the members that are present and voting. Members follow the recusal requirements that are described in the Conflict of Interest Law. Any member who is absent during the presentation or substantial discussion of an Application for Funding will either review the minutes from that meeting or abstain from voting on that application. All decisions will require a motion, a second, further discussion, and a vote by voice or hand, as determined by the Chair.

The Chair will not make or second motions, but can vote. A hand vote on any action shall be required if requested by any member of the Committee.

Public Participation: Public comment will be taken during the public comments section of the agenda. Before speaking, members of the public must be acknowledged by the Chair. The Chair may impose time limits on public comment when necessary. Order and decorum shall be observed by everyone present at the meeting. Committee members and members of the public are prohibited from interrupting others and from making personal, impertinent, threatening or profane remarks.

Sub-Committees: Sub-committees will be appointed by the Chair and shall operate in accordance with Massachusetts Open Meeting Law and Conflict of Interest Law.

Standing subcommittees will act only under the direction of the full CPC and will report out to the full CPC. Furthermore, they will be in consultation with the Coordinator. No CPC sub-committee or individual member shall have the authority to represent or act on behalf of the CPC unless, by majority vote, the body has delegated such authority and such delegation is recorded in the meeting minutes.

Minutes: Minutes will be prepared and approved in accordance with the Open Meeting Law. Record of votes will identify abstaining and dissenting member votes. The approved minutes and all hand-outs will be posted publicly on the CPC website.

CONDUCT OF BUSINESS

Administration: Up to five percent of the annual revenues in each fiscal year may be used to fund administrative support and operating expenses. A part-time Coordinator will prepare for CPC meetings, assist with the CPA application process, review the budget, and approve bills for reimbursement from project applicants. The CPC will review annually, or as needed, the workload of the Coordinator, and take measures to adjust hours accordingly. A paid secretary will record meeting minutes.

Community Preservation Plan: Each spring, the CPC will conduct a study of the needs, possibilities, and resources of the town, regarding community preservation. The CPC will do this by soliciting input from all Town boards, committees, and departments; holding a public hearing; and updating the Community Preservation Plan by the end of the fiscal year (June 30). The operating procedures may also be updated at that time.

CPA Application Process:

Timeline: The CPC will create a timeline, including meeting dates and deadlines for application submission, annually after Spring Town Meeting. Deadlines for Fall Town Meeting should be approximately two months prior to the Meeting, and deadlines for the Spring Town Meeting should be approximately five months prior to the Meeting. The Coordinator will post the timeline on the CPC page on the Town website. The timeline will also be advertised in local newspapers and on social media.

Application Review: The CPC will first review the Application for Eligibility. The CPC may request that the Coordinator consult with the Commonwealth, the Community Preservation Coalition, or Town Counsel for their input on eligibility. Once determined to be eligible, the CPC will review the Application for Funding based on the general and specific criteria that are detailed in the Community Preservation Plan. CPC members will also attempt to make site visits to any properties under consideration for CPA projects, in accordance with Open Meeting Law. The CPC will then vote on whether or not to recommend the project to Town Meeting. All applications will be reviewed in the order in which they have been received.

Funding: Each year a minimum of ten percent of the annual CPA revenues must be appropriated for each of the three project categories: open space and recreation, historic resources, and community housing. The ten percent may be allocated to a project or projects, or it may be reserved for future projects. The CPC has a goal of reserving a portion of the revenues each year in order to support future projects. The CPC may recommend that a project be directly funded or bonded with debt service. The CPC may recommend that organizations that submit multiple applications prioritize the projects, or may recommend partial funding where an applicant may be required to secure additional funding from other sources. Projects that are not funded in one funding cycle may be resubmitted again for consideration. On large projects the CPC may request that a clerk of the works be retained to oversee the project or that the applicant demonstrates that proper project management and oversight will be in place to ensure the proper execution and completion of the proposed work. The CPC may require project completion by a set deadline.

Before preparing a Warrant Article for Town Meeting, the CPC will discuss its project recommendations and funding strategies with the Board of Selectmen and the Finance Committee.

Grant Awards: Following approval at Town Meeting, the Coordinator will send a formal award letter to each grantee that specifies when funds will be available, billing procedures, semi-annual reporting deadlines and the required deadline determined by the CPC which will be detailed in the warrant article voted at Town Meeting. The letter will also introduce the Coordinator or CPC member who will act as a liaison to the grantee through the life of the project.

Payment: All requests for payment and/or bills will be approved by a vote of the CPC, unless the CPC authorizes the Coordinator to arrange payment through the Town Treasurer.

COMMUNICATIONS

All communication should be conducted in accordance with Massachusetts Open Meeting Law. Email communications between a quorum of CPC members will be restricted to drafting agendas, scheduling meetings and confirming attendance. Less than a quorum of CPC members may discuss projects amongst themselves. Applicants should address questions to the Chair or the Coordinator. The Coordinator may provide suggestions to applicants. CPC members will only discuss applications with applicants at public meetings. Once an application has been approved at Town Meeting, the project manager may correspond with the Coordinator and a designated liaison from the CPC.

Updated 1/12/23