

WELLESLEY COMMUNITY PRESERVATION COMMITTEE
HANDBOOK OF POLICIES AND PROCEDURES

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Introduction

The Wellesley Community Preservation Committee (the “CPC”) functions as the Town’s “community preservation committee” for purposes of the Massachusetts Community Preservation Act codified at Massachusetts General Laws Chapter 44B (the “Community Preservation Act”). The CPC’s members (“CPC Members”) are nine residents of the Town who are appointed for staggered three-year terms as provided in Article 18-A of the Town Bylaws.

The CPC has no paid staff or office, but may be reached by mail addressed to the Wellesley Community Preservation Committee, Town Hall, 525 Washington Street, Wellesley, MA 02482, by voicemail at 781-431-1019 Ext. 297, or by e-mail addressed to wcdc@ci.wellesley.ma.us. General information about the CPC and the Community Preservation Act can be found on the CPC’s website at www.ci.wellesley.ma.us/town/cpc.

Capitalized terms used in this Handbook (the “Handbook”) without definition shall have the respective meanings set forth in the Town Bylaws.

1. Purpose of this Handbook

Article 5 of the Town Bylaws encourages each Town Board to adopt written policies and procedures regarding the services which it provides to the public and to keep such policies and procedures in a usefully organized and up-to-date book that is available to the public during regular business hours. Section 6.8 of the Town Bylaws requires each Town Board to adopt policies and procedures governing the conduct of its affairs. The purpose of this Handbook is to comply with those sections of the Town Bylaws. Since CPC has no office, the CPC will maintain an updated copy of this Handbook on file in the office of the Town Clerk.

If any provision of this Handbook addresses the same issues set forth in a provision of the Massachusetts Open Meeting Law, codified at Massachusetts General Laws Chapter 39, Sections 23A, 23B, and 23C (the “Open Meeting Law”), the Community Preservation Act, or the Town Bylaws, a reasonable effort shall be made to interpret the provisions harmoniously. If this is not practicable, then the provision of the Open Meeting Law, the Community Preservation Act or the Town Bylaws, as the case may be, shall govern.

2. General Procedures

A. Meetings

i. Open Meeting Law. As provided in Section 2.2 of the Town Bylaws, all CPC meetings are subject to the Open Meeting Law. Under the Open Meeting Law, no quorum of CPC Members may meet in private for the purpose of deciding on or deliberating toward a decision on any matter within the CPC’s jurisdiction. The Open Meeting Law does not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached, but no chance meeting or social meeting may be used to avoid the Open Meeting Law to discuss or act upon any CPC matter. Except for executive sessions, which are discussed below, all CPC meetings must be held in “open session”, *i.e.*, the meetings must be open to the

public and any person who wishes may attend.

ii. Schedule. Regular meetings of the CPC are usually held in Town Hall at 7:30 p.m. on the first and third Thursday of each month, or at such other locations or on such other days and times as may be selected by the Chair from time to time with the approval of a majority of the CPC Members. The CPC endeavors to limit the length of its regular meetings to approximately two and one-half hours.

Special meetings of the CPC may be held at such locations and on such days and times as may be called by the Chair or by any three CPC Members.

iii. Notice. Notice of the date, place and hour of each CPC meeting is generally given at least two days before the meeting to each CPC Member by hand, by mail or by e-mail to the CPC Member's address on file with the CPC Secretary.

To comply with the Open Meeting Law and Article 3 of the Town Bylaws, except in emergencies, two copies of a notice of the date, time and place of each CPC meeting must be signed by the CPC Chair, Secretary or any designee of either, and filed with and posted by the Town Clerk at least forty-eight (48) hours (including Saturdays but not Sundays and legal holidays) before such meeting convenes.

iv. Agenda. The Chair shall prepare an agenda for each CPC meeting. Any CPC Member may request that an item be placed on the agenda for consideration.

The Chair will endeavor to deliver the agenda to each CPC Member reasonably in advance of each regularly scheduled meeting. The purpose of the agenda is to indicate the matters to be discussed at the meeting and to identify the individual citizens, citizen groups or Town Boards likely to be interested in each matter. In conducting each CPC meeting, the Chair or other presiding Officer may deviate from the agenda as the Chair or other presiding Officer may in his or her sole discretion deem necessary, desirable or appropriate.

The Chair, or the individual CPC Member, if any, assigned responsibility for any particular matter (herein, a "Responsible Member"), will endeavor to provide, reasonably in advance of each CPC meeting, the other CPC Members with a summary in draft form of any relevant information with respect to each agenda item.

v. Citizen/Town Board Appearance before the CPC. Individual citizens, citizen groups or Town Boards wishing to appear before or make a presentation to the full CPC should contact the Chair or the Responsible Member as far in advance as possible (such individual citizens, citizen groups or Town Boards are each referred to in this Handbook as a "Proponent"). The Chair or the Responsible Member in such case will endeavor to resolve or otherwise respond to the matter of concern to the Proponent without the need of a formal meeting with a presentation to the full CPC. If the Chair or the Responsible Member determines it would be necessary, desirable or otherwise appropriate for the Proponent to appear before or make a presentation to the full CPC, the following procedures shall apply:

a. If the Proponent has contacted the Chair or Responsible Member at least one week prior to a regularly scheduled CPC meeting, the Chair will endeavor to provide the Proponent with a place on the agenda for such CPC meeting. Requests received less than one week prior to a regular meeting will typically be scheduled and placed on the agenda for a subsequent CPC meeting unless the Chair determines that postponement would not be in the best interests of the Town. The Chair shall set aside in the meeting agenda an amount of time reasonably sufficient in the Chair's judgment for the full CPC to meet with, and hear and ask questions about the presentation by, such Proponent.

b. The Chair shall have the authority and responsibility to obtain such information from such Proponent as she or he deems necessary to provide the CPC with sufficient background to understand the matter that the Proponent intends to present to or discuss with the full CPC.

vi. Citizen Speak. The first item on the agenda for each CPC meeting shall be a "public comment/citizen speak" opportunity. Promptly after convening the CPC meeting, the Chair or other presiding Officer will ask if any members of the audience wish to provide the CPC with any information on or comments regarding the Community Preservation Act, any proposed community preservation activity or any other matter within the jurisdiction of the CPC. The Chair or other presiding Officer will have the discretionary authority to limit the length of any audience member's comments, and to limit or prohibit repetitive, irrelevant or inappropriate comments. The purpose of this "public comment/citizen speak" portion of each CPC meeting is not for the public to engage in a dialogue with the CPC, but rather for the public to provide the CPC with information and comments.

B. Executive Sessions

To go into executive session, the CPC must first convene in an open session, the Chair or other Officer must state the purpose for the executive session, a majority of the CPC Members present must vote to go into executive session, the vote of each Member must be recorded on a roll call vote and entered into the minutes, and the Chair or other presiding Officer must state before the executive session whether or not the CPC will reconvene in open session after the executive session. Once the CPC has voted to go into executive session, the public shall be excluded from the meeting.

Executive sessions may be held only for those specific purposes enumerated in the Open Meeting Law. Set forth below are those executive session purposes most likely to be pertinent to the activities of the CPC:

i. To discuss strategy with respect to litigation if discussing such matters in an open session may have a detrimental effect on the litigating position of the CPC or other Town Board or party seeking action by the CPC.

- ii. To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position.
- iii. To comply with the provisions of any general or special law or federal grant-in-aid requirements.
- iv. To consider and interview applicants for employment.
- v. To meet with a mediator with respect to any litigation or decision on any public business within the CPC's jurisdiction that involves another party, provided that the decision to enter mediation must be made in open session and the parties, issues involved and purpose of the mediation must be disclosed, and any decision regarding the issues that are the subject the mediation must be taken in an open session.

C. Public Hearings

The purpose of public hearings held pursuant to the CPC's obligations under the Community Preservation Act is to provide an open forum in which the CPC and the interested public may exchange information about the particular community preservation program and activities being proposed by the CPC. Notice of each public hearing must be posted publicly and published for each of the two weeks preceding the hearing in a newspaper of general circulation in the Town. Whenever possible, public hearings will be limited to three hours. The Chair or other presiding Officer will have the authority to manage the conduct of the public hearing in such manner as to limit or prohibit repetitive, irrelevant or inappropriate comments.

The CPC will endeavor to schedule public hearings so as not to conflict with holidays, significant Town events and hearings of other Town Boards.

D. Public Participation and Comment

Sections 5.3 and 6.13 of the Town Bylaws require each Town Board to establish a written procedure to allow members of the public to comment at each open meeting on matters within the jurisdiction of such Town Board and on policies, procedures and agenda items being discussed or acted upon at the meeting. The CPC has established the following procedures to ensure that the public has the opportunity to comment on such matters:

- i. As provided in the Introduction to this Handbook, the public may send comments to the CPC by mail, voicemail and e-mail.
- ii. As provided in Paragraph 2.A.v of this Handbook, Proponents may schedule formal appearances before the full CPC.
- iii. As provided in Paragraph 2.A.vi of this Handbook, individual citizens have the opportunity to deliver comments to the CPC during the public comment/citizen

speak portion of each CPC meeting.

iv. The Chair or other presiding Officer is encouraged, acting in his or her discretion, during the course of each CPC meeting to recognize members of the audience who indicate they wish to comment on matters under discussion at the meeting. This opportunity for the public to provide comments is in addition to the public's opportunity to speak during the public comment/citizen speak portion of the meeting. In exercising such discretion, the Chair or other presiding Officer will have the authority to limit the length of any audience member's comments and to limit or prohibit repetitive, irrelevant or inappropriate comments.

v. To comply with Section 6.13 of the Town Bylaws, the CPC requires that any person appearing before or providing comments to the CPC, who has a personal or financial interest in any matter before the CPC, must disclose such interest to the CPC, before, during or immediately after commenting to the CPC on such matter, with the timing of such disclosure to be at the choice of such person.

E. Meeting Minutes

Minutes of all CPC meetings and public hearings will be taken by the Secretary, or by any other CPC Member designated from time to time by the Chair or other presiding Officer to serve as secretary pro tempore. The minutes shall include the names of all CPC Members present or absent, the text of any votes or resolutions adopted by the CPC, and a brief summary of the substance of the discussion, if any, among the CPC Members that preceded such votes. As provided in Section 6.11 of the Town Bylaws, copies of the minutes of CPC Meetings and public hearings will be made available to the public upon request. Meetings or portions of CPC meetings and public hearings may also be tape-recorded.

Once reviewed and approved by vote of the CPC Members, a copy of the approved minutes of each CPC meeting will be placed on file with the Town Clerk.

The minutes and other records of any executive session may remain secret only for so long as publication may defeat the lawful purposes of the executive session. All votes taken in executive session must be recorded roll call votes and become part of the record of the executive session. In accordance with Section 6.11 of the Town Bylaws, at least once each calendar year, the CPC shall generate a list of its executive session minutes that still have to be withheld and those that no longer need to be withheld. The list must set forth the date and reason for going into the executive session for those minutes still being withheld, and the date and subject matter of those minutes being made available to the public. The list will also indicate if only portions of the minutes of any particular executive session are being made available to the public.

F. Quorum and Votes

In accordance with Sections 6.9 and 6.10 of the Town Bylaws and the Community Preservation Act, (i) for so long as the CPC consists of nine Members, five

CPC Members shall constitute a quorum, (ii) the CPC may take no action, except to adjourn or schedule another meeting, unless a quorum is present, and (iii) if a quorum is present, the vote of a majority of the CPC Members present is necessary and sufficient for the CPC to take any action or make any decision, except for actions or decisions taken by the CPC pursuant to the exercise of its rights and obligations under the Community Preservation Act, which shall require the vote of at least five CPC Members. To comply with the Open Meeting Law, no votes taken in any open session may be taken by secret ballot.

G. Election of Officers

As provided in Section 6.8 of the Town Bylaws, the CPC shall elect a Chair, a Vice-Chair, a Secretary and may elect such other officers as the CPC may deem appropriate and shall inform the Town Clerk of those so elected (each an “Officer”). Such Officers shall be elected annually by the CPC at the CPC’s first regular meeting occurring after July 1 each year. Each Officer will hold office for the term provided in the CPC’s vote, except that each Officer will be subject to removal from office at the discretion of the CPC Members as provided herein.

In addition to the specific responsibilities of the Chair set forth in this Handbook, the Chair shall have charge of and general supervision over the activities of the CPC and such other duties as may be assigned to the Chair by the full CPC. The Chair will preside at all CPC meetings and public hearings at which he or she is present. In the absence of the Chair, the Vice-Chair shall preside. If neither the Chair nor the Vice-Chair is present, then those CPC Members present shall select one of themselves to act as presiding Officer.

H. Resignation

Any Officer may resign by delivering a written resignation to the Chair or the Secretary. Any CPC Member may resign from the CPC by delivering a written resignation to (i) the Chair or the Secretary, (ii) the Town Commission, Board, Authority or Moderator, as the case may be, who originally appointed such Member to the CPC, and (iii) the Town Clerk.

I. Removal

Any Officer of the CPC may be removed from office, with or without cause, by vote of two-thirds (2/3rds) of the other CPC Members then in office.

J. Vacancies

As provided in Section 7.4 of the Town Bylaws, vacancies, as defined in section 7.1 of the Town Bylaws, shall be filled as follows: if any CPC office becomes vacant, the CPC Members may elect or appoint a successor, who will hold office for the unexpired term; any vacancy among the Members of the CPC will be filled by the Town

Commission, Board, Authority or Moderator, as the case may be, who originally appointed the CPC Member whose seat had become vacant.

K. Advisory Committees

In accordance with Section 6.5 of the Town Bylaws, the CPC may establish advisory committees consisting of Town residents to make special studies or investigate special topics within the general jurisdiction of the CPC. If any such advisory committee is established, the CPC shall give the Town Clerk and the Board of Selectmen written notice of the creation of such advisory committee and the names and addresses of the advisory committee members.

3. CPC's Statutory Responsibilities

A. Community Preservation Act

The CPC's rights and obligations as the Town's community preservation committee are set forth in Sections 5 and 13 of the Community Preservation Act and the Massachusetts Department of Revenue's guidelines and bulletins. The CPC's principal rights and obligations under the Community Preservation Act are summarized briefly below:

i. Annual Needs Study.

a. The CPC must conduct an initial study of the Town's community preservation needs, possibilities and resources. In conducting such study, the CPC must consult with existing Town Boards, particularly the Natural Resources Commission, the Historical Commission, the Planning Board, the Recreation Commission and the Housing Authority.

b. Based upon such initial study, the CPC will develop a community preservation program and financial plan for the Town. The community preservation program will identify long term and short term goals and needs, set criteria for evaluating projects and other initiatives, prioritize projects and estimate their costs. The financial

plan will include a multi-year revenue and expenditure forecast and identify the sources of financing for each proposed project; i.e., whether the financing will come out of one of the sources (each a “Fund Financing Source”)¹ within the Town’s Community Preservation Fund (the “Fund”) or some other municipal financing source.

c. The community preservation program and financial plan will be reviewed and updated annually to reflect changes in the Town’s needs, priorities and resources.

d. The CPC must hold one or more public informational hearings as part of the initial study and the annual review process.

ii. Annual Recommendation and Budget.

a. Each year, the CPC must make recommendations to Town Meeting for the funding of community preservation activities. These recommendations will be included in an annual community preservation budget presented as part of the Town’s annual budget process and shall be subject to review by the Advisory Committee.

b. As part of its annual recommendation to Town Meeting, the CPC may recommend that funds be set aside for later spending for specific purposes that are consistent with community preservation but for which sufficient revenues are not yet available, or set aside for later spending for general purposes that are consistent with community preservation.

c. CPC recommendations with respect to community housing must, whenever possible, promote the reuse of existing buildings or the construction of new buildings on previously developed sites.

d. The CPC’s annual recommendation must provide that Town Meeting appropriate, or set aside for later spending, not less than ten percent (10%) of the revenues available that year in the Fund for each of the following community preservation categories: (i) open space (not including recreation use), (ii) historic resources, and (iii) community housing.

e. The community preservation budget should include the CPC’s revenue projections for the fiscal year and identify all expenditures the CPC proposes funding out of Fund Financing Sources. In addition to appropriations and recommendations for

¹ The DOR, in Informational Guideline Release No. 00-209, identifies the following examples of Fund Financing Sources: (1) annual Fund revenues, consisting of the estimated receipts from both the local surcharge and the Commonwealth’s trust fund for the fiscal year; (2) monies reserved in the open space, historic resources and community housing reserves established within the Fund; (3) the unencumbered and unspent balance in the Fund as of the fiscal year end resulting from the actual revenues exceeding actual expenditures and reservations; (4) proceeds of bonds issued for specific community preservation projects; and (5) the unencumbered and unspent balance of bond proceeds remaining for projects which have been completed or abandoned.

projects or categories of projects, this budget will include the CPC's administrative and operating expenses, debt service and any other existing or ongoing obligations.

iii. Record Keeping. The CPC will maintain the following records relating to the use of the Fund:

a. Recommendations

The CPC must keep a record of its recommendations to Town Meeting and the specific Town Meeting actions taken on such recommendations.

b. Expenditures

Under the Community Preservation Act, the Town Clerk will certify all appropriation votes and the Town Accountant will maintain the Town's official financing records. The CPC will periodically monitor spending from the Fund, however, in the same manner as other Town Boards review monthly reports from the Town Accountant on the status of their budgets.

c. Property Interests

The CPC will maintain an inventory of all real property interests acquired, disposed of or improved by the Town with recommendation of the CPC.

iv. Annual Reporting. On or before August 15 each year, the CPC must submit to the Massachusetts Executive Office of Environmental Affairs a "Community Preservation Initiatives Report" (DOR Form CP-3) which details acquisitions and other community preservation initiatives during the preceding fiscal year.

In addition, the CPC must join with the Town Clerk, the Town Accountant and Board of Assessors in filing Schedule A-4 (Community Preservation Fund) to the Town's annual Tax Rate Recapitulation.

B. Public Records

Under Massachusetts General Laws Chapter 66, Section 10 and Chapter 4, Section 7, the following are generally considered to be public records:

i. Meeting Agenda and Minutes

The agenda for, and minutes of and tape recordings of the CPC's regular meetings, special meetings and public hearings, except for the minutes of executive sessions.

ii. Memoranda.

Memoranda and letters relating to policy positions being developed by the

CPC are not considered a public record prior to discussion of the material contained therein at a regular or special meeting of the CPC. After discussion by the CPC, such memoranda and letters become public records unless the material is withheld for further consideration or revision.

iii. General.

All other information on file with the CPC is considered to be public records, with the exception of personnel files and private notebooks or diaries.

4 CPC's Responsibilities under Town Bylaws.

In addition to the CPC's responsibilities under those provisions of the Town Bylaws referenced elsewhere in this Handbook, the Town Bylaws impose the following responsibilities of the CPC:

A. Annual Report

Article 4 of the Town Bylaws requires that the CPC prepare and submit an annual report to the Board of Selectmen on or before September 1 each year. Such annual report must include a summary statement of the receipts and disbursements of the Community Preservation Fund for the preceding fiscal year, a statement of the CPC's significant activities during the preceding fiscal year, and a discussion of any significant issues which the Town may face over the next several years within the CPC's jurisdiction.

B. New Member Orientation

Section 6.2 of the Town Bylaws obligates the CPC, acting through the CPC Chair, to provide for the orientation of new CPC Members to their duties, to the CPC's jurisdiction and authority, to the CPC's current activities and consideration and other matters.

5. Amendment of Handbook

This Handbook may be amended from time to time by a majority vote of the CPC at any regular or special meeting of the CPC.

Adopted at the regular meeting of the Wellesley Community Preservation Committee on Thursday, February 6, 2003.

WELLESLEY COMMUNITY PRESERVATION COMMITTEE