

# **TOWN OF HARVARD COMMUNITY PRESERVATION COMMITTEE RULES AND REGULATIONS**

## **Introduction**

The Community Preservation Act (CPA) of 2000 created a Community Preservation Fund (CPF) to be used to support the preservation endeavors of participating municipalities. The Town of Harvard adopted the CPA in 2001 and collects a surcharge of 1.1% on local property taxes towards the CPF. The Commonwealth of Massachusetts distributes matching funds from the Massachusetts Community Preservation Trust Fund at a rate determined each year by the Commissioner of Revenue in accordance with the CPA.

Under the CPA and the Town of Harvard's General Bylaws (General Bylaw), the Community Preservation Committee (CPC) is responsible for:

1. Studying 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 Park and Recreation Commission, and the Harvard Municipal Affordable Housing Trust Fund, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one (1) or more public informational hearings on the needs, possibilities and resources of the town regarding potential community preservation projects.
2. Receiving and reviewing proposals from local groups and boards and making recommendations to the Town for the approval of funds 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 rehabilitation or restoration of such open space and community housing that is acquired or created as provided in the Act. 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. Considering whether to recommend to the Town the setting aside of funds for later spending 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.

Under the CPA, Community Preservation Funds shall only be used for (1) the acquisition, creation and preservation of open space, and the rehabilitation or restoration of open space that is acquired or created with HCPF funds; (2) the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use ; (3) the acquisition, preservation, rehabilitation and restoration of historic resources; and (3) the acquisition, creation, preservation and support of community (affordable) housing, and the rehabilitation or restoration of community housing that is acquired or created with CPF funds. The CPC is required to set aside or spend not less than 10% of the funds received in any year for each of the following purposes: open space and recreation, historic resources and community housing. The remaining seventy percent (70%) may be appropriated among these three categories or remain unallocated in the CPF available for future expenditure.

## A. Governing Laws

The Community Preservation Fund and the Community Preservation Committee were established by and are governed pursuant to the provisions of MGL c. 44B, as amended by St. 2012, c139, §69-83 and Chapter 18 of the Town of Harvard General Bylaws.

These Rules and Regulations are intended to establish uniform procedures by which the Committee will conduct its business. **These Rules and Regulations are not intended to supersede any requirements set forth in the CPA or said Bylaws.**

These Rules and Regulations may be amended by a majority vote of the Committee. Prior to a vote on an amendment, the Committee shall have a duly posted public meeting on the proposed change(s).

## B. Definitions

In these Rules and Regulations the following terms shall have the following meanings:

**Applicant** - Any person, organization, town board or commission that submits an application for consideration by the CPC

**CPA – MGL c. 44B**, the Community Preservation Act, as amended by St. 2012, c139, §69-83.

**CPF -- Community** Preservation Fund, the Town fund established pursuant to MGL c. 44B, §7.

**Committee, CPC** – Harvard Community Preservation Committee established pursuant to MGL c. 44B, §5 and General Bylaw c. 18.

**General Bylaw** – Code of the Town of Harvard, Part I General, Bylaws.

**MGL** – Massachusetts General Laws.

**Project** – A proposal that has been approved pursuant to the Application Approval Process outlined in Section D (4) of these Rules and Regulations.

**Project Status & Tracking Report** – A report that successful Applicants are required to keep up to date and forward to the CPC as required (see Section G).

**Application** -All documents requesting funding from the CPF that are submitted to the Committee for consideration under MGL c. 44B, General Bylaw c. 18 and these Rules and Regulations.

**Rules** – These Rules and Regulations adopted by the Committee and as set forth herein.

**Town** - The Town of Harvard, Massachusetts.

## C. Organization

### 1. Members and Officers

The Committee shall consist of four (4) elected members and five (5) appointed members, one member each of the Conservation Commission, the Planning Board, the Historic Commission, the Park and Recreation Commission and the Harvard Municipal Affordable Housing Trust Fund as designated, respectively, by the commission, board or authority of which s/he is a member. Elected members shall be elected to a term of three years. Appointed members shall be appointed to a term of one year by their respective boards, trusts or commissions which will run from July 1st through June 30<sup>th</sup>. Officers shall be elected by the members of the CPC in the September meeting. Should an officer be unable to serve his/her term, a replacement will be elected.

- a) **Chairman** - The Chairman shall vote and his/her vote shall be recorded on all matters coming before the Committee. Subject to these rules, the Chairman shall decide all points of order, unless overruled by a majority of the Committee in session at the time. The Chairman, with a simple majority approval of the Committee, shall appoint such subcommittees as may be found necessary or desirable. The Chairman may, subject to availability of funds and a simple majority approval of the Committee, employ experts, clerical and other assistants. The Chairman will prepare the annual report of the committee for inclusion in the Town's Annual Report, and also prepare the report of the committee to be included in the Finance Committee's report to the town prior to Annual Town Meeting. Both reports require majority approval of the CPC prior to submission.
- b) **Vice-Chairman**- The Vice Chairman shall act as Chairman if the Chairman is absent, disabled or otherwise unable to perform his/her duties. If both the Chairman and the Vice Chairman are absent, the Clerk shall act as the Chairman and appoint an acting Clerk.
- c) **Treasurer**- The Treasurer is responsible for maintaining financial records of the Community Preservation Fund and for working with the Town's Finance Department to ensure accurate accounting for CPF expenditures. Included in these duties are the following tasks:
  - 1) Forecast future CPF incomes.
  - 2) Maintain records of project update reporting as described in section G. below. Review all submitted project update forms for accuracy and completeness.
  - 3) Ensure proper accounting of any funds appropriated but not spent, including unspent funds as of a project's sunset date.
  - 4) Report fund status or any related CPA fund issues to the committee upon request by the Chairman.
  - 5) Obtain copies of and review reports submitted to the State. See section I.2. below for the reporting requirements and responsibilities.
- d) **Clerk** - The Clerk shall keep a record of all hearings and meetings of the Committee and provide a copy of approved meeting minutes to the Town Clerk. If the Clerk is not present at any such meeting or hearing, a temporary Clerk shall be appointed to perform the duties of the Clerk at such meeting or hearing.

## 2. Replacement of Members

- a) Appointed members - Any appointed member who resigns from the CPC or the committee that they represent prior to the end of their term must be replaced by that committee at their next available meeting.
- b) Elected members – Upon the resignation of an elected member prior to the end of their term, the CPC and Board of Selectmen must recruit a replacement member to serve until the next Annual Town Election, at which time there will be an election to fill the position for the balance of the unexpired term. Candidates being appointed must be approved by majority vote of both the Board of Selectmen and the CPC.

### **3. Quorum**

Five (5) members of the committee shall constitute a quorum for all business. All Committee actions shall be approved by majority vote of members present. The Committee shall not meet or conduct business without a quorum.

### **4. Meetings**

- a) Unless the Committee votes to go into executive session, all meetings, both regular and special, shall be open to the public in accordance with MGL c. 39, §23B.
- b) Unless an emergency exists, a notice of each Committee meeting shall be filed with the Town Clerk, and a notice or a copy thereof shall be publicly posted by said Clerk at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays, prior to such meetings.
- c) All decisions and votes taken by the Committee shall take place at meetings.
- d) All meetings are open to the public but not all meetings are public hearings. The Committee will seek information or testimony from the public as it deems necessary. The Chairman may rule unsolicited comments from the public out of order.
- e) Where possible, a draft of the meeting's minutes shall be transmitted to members of the Committee for their review within a reasonable amount of time after the meeting.

### **5. Regular Meetings**

Regular meetings of the Committee are normally held monthly. If a regular meeting day falls on a holiday or any day of national, state, or municipal election or caucus or primary or is in conflict with session of town meeting, the regular meeting will be cancelled and instead a special meeting will be held at some proximate and posted time and place. The Chairman or his designate shall draw up the agenda for the meetings. The Committee may entertain items not placed on the agenda under the category "other business".

### **6. Special Meetings**

The Chairman or at least two members may call special meetings. Notice thereof, either written or verbal, shall be given to each member at least forty-eight (48) hours before the time set, or notice at any meeting attended by all members shall suffice.

### **7. Executive Sessions**

The Committee may hold Executive Sessions only for those purposes set forth in MGL c. 39, §23B. An Executive Session may be called by roll call vote of the Committee upon the motion of the Committee Chairman, or at least two Committee members.

## **D. Application Process**

### **1. Applications**

Applications for funding are submitted, reviewed, and recommended to Annual Town Meeting (ATM) on a once-per-year cycle, typically:

- a) End of June – CPC notice seeking applications for funding
- b) End of September – application submittals due to CPC
- c) October – December – schedule and hold meetings with each applicant
- d) January – CPC votes to recommend projects to ATM

- e) February – CPC meeting with Board of Selectmen, Capital Planning and Investment Committee, and Finance Committee to review recommended projects. ATM motions prepared, approved and submitted to the Town Administrator
- f) March – ATM Motions finalized
- g) Late March/early April – ATM for final vote on recommended projects

## **2. Special Town Meeting (STM) Applications**

- a) Applicants needing to submit an application for Community Preservation Funds to be approved at a Special Town Meeting must first obtain CPC approval via majority vote of the CPC and approval of the Board of Selectmen to proceed with the application process.
- b) Applications must be submitted as described below in section 3 at least 60 days in advance of Special Town Meeting.
- c) CPC votes to recommend project to STM at least 3 weeks in advance of STM, following a scheduled and posted meeting with the Applicant, and if favorable, forwards recommendation and STM motion to Finance Committee and Board of Selectmen prior to the deadline for STM Warrant.

## **3. Application Forms**

- a) Application forms are available to download on CPC's page of the Town website by June 30 for the coming year's application cycle. Copies of the application may also be obtained from the Selectmen's Administrative Assistant at Town Hall.
- b) Application forms must be completed (all sections as noted) and include a detailed description of the project.
- c) Forms must be delivered to Town Hall, per application instructions, by the posted deadline for that application year; the deadline is usually near end of September with the exact date being posted in the CPC notice seeking applications.
- d) Applications given prior approval may be modified and/or revised and submitted directly to CPC up to the CPC's December meeting.
- e) Project status reports on prior Applicant projects must be current and submitted to CPC before any future applications from said Applicant will be considered.

## **4. Application Approval Process**

- a) CPC will schedule a meeting to review each application with the Applicant; these meetings will be scheduled during October, November and December of the application cycle year.
- b) The CPC will vote on all applications to decide which projects will be presented at the ATM no later than 60 days before the Annual Town Meeting, identifying the specific funding amount, sunset date (if any), and source of funds.
- c) Applicants will be notified in writing of the Committee's decision within one week of the Committee's determination
- d) A majority vote of the Annual Town Meeting is required for final approval of CPA project funding, except for projects bonded under CPA or eminent domain proceedings under CPA, which require a two-thirds vote.

## E. General Evaluation Criteria

In reviewing requests for funding, the Harvard Community Preservation Committee will consider evaluation criteria, including but not limited to the following:

1. Does the application fit within the restrictions of the Community Preservation Act?
2. Can the CPA dollars “make a difference”? Will the funds have a significant impact? Are there other more appropriate sources of funding?
3. Consistency with the Town Master Plan goals and objectives.
4. Consistency with the Community Preservation Committee's Preservation Goals and Needs Assessments Reports.
5. The leveraging capability of the grant. Can it be used to attract other funds?
6. The precedent setting capability of the grant. Will it serve as a “model” for other projects?
7. The ability of the applicant to execute the grant. Is the project feasible and does the Applicant possess the skills and other resources to implement it?

## F. Specific Criteria by Category

The CPA funds three key community interests: historic preservation, affordable housing and open space and recreation needs.

1. **Historic Preservation** - proposals that address as many of the following criteria as possible will receive preference for funding:
  - a) Acquire, protect, preserve, enhance, restore and/or rehabilitate historic, architectural, archaeological or cultural, resources of significance, especially those that are threatened.
  - b) Protect, preserve, enhance, restore and/or rehabilitate town-owned properties with features or resources of historical significance.
  - c) Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site.
  - d) Demonstrates a public benefit.
  - e) Ability to provide long term protection for the historic resource via an Historic Preservation Restriction.
2. **Affordable Housing** - proposals that address as many of the following criteria as possible will receive preference for funding:
  - a) Contribute to the goal of affordable housing.
  - b) Provide housing that is harmonious in design and scale with the surrounding community.
  - c) Intermingle affordable and market rate housing at levels that exceed state requirements for percentage of affordable units pursuant to chapter 40B.
  - d) Ensure long-term affordability.
  - e) Address the needs of a range of qualified households, including very low, low and low-to-moderate income families and individuals.
  - f) Promote use of existing buildings or construction on previously developed or Town owned sites.
  - g) Convert market rate to affordable units.

**3a. Open Space** - proposals that address as many of the following criteria as possible will receive preference for funding:

- a) Permanently protect important wildlife habitat, particularly areas that include locally significant biodiversity; a variety of habitats with a diversity of geologic features and types of vegetation and endangered habitat or species of plant or animal.
- b) Preserve active agricultural use.
- c) Provide opportunities for passive recreation and environmental education.
- d) Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats.
- e) Provide connections with existing trails, protected open space or potential trail linkages.
- f) Preserve scenic views.
- g) Border a scenic road.
- h) Protect drinking water quantity and quality.
- i) Provide flood control/storage.
- j) Preserve and protect important surface water bodies, including streams, wetlands, vernal pools or riparian zones.
- k) Provide buffer for protected open space, or historic resources.

**3b. Recreation** - proposals that address as many of the following criteria as possible will receive preference for funding:

- a) Support multiple recreation uses.
- b) Serve a significant number of residents.
- c) Expand the range of recreational opportunities available to town residents of all ages.
- d) Jointly benefit Conservation Commission and Park and Recreation Commission initiatives by promoting recreation, such as hiking, biking, and cross-country skiing.
- e) Promote the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities.

## **G. Project Oversight**

Once approved by ATM, an Applicant can submit invoices and request payment from the CPF based on the funding source and the timing of fund availability; note that funds approved by ATM from the next fiscal year's revenue cannot be disbursed prior to July 1.

All requests for payment of invoices must be submitted by the Applicant to the Finance Department at Town Hall, and MUST note account number, Town Meeting date, and warrant article number for proper accounting.

If projects are not completed, and/or all invoices for that project are not submitted by the sunset date (if applicable), then an "Encumbrance Form" (available from the Finance Department) must be submitted to the Finance Department, with a copy to the Chairman of the CPC, prior to the sunset date.

Once a project is approved and funded the Applicant shall be responsible for monitoring and keeping a full and accurate account of all expenditures and progress. Applicants are responsible for providing to the CPC a descriptive project report and an updated CPA Project Status & Tracking

Form twice yearly, on June 1 and December 1, until the project is closed out. Projects with a “sunset date” must be closed out by the “sunset date” or an encumbrance form submitted to the CPC and the Town Finance Director with a project status report prior to the “sunset date”. A blank copy of the CPA Project Status & Tracking Form is available from CPC’s page on the town website or from the CPC Treasurer.

## **H. Record Keeping**

In accordance with MGL c. 44B §13, the Committee shall keep a full account of all of its actions, including its recommendations and the action taken on them and records of all appropriations or expenditures made from the CPF. The Committee shall also keep records of any real property interests acquired, disposed of or improved by the Town upon its recommendations, including the name and addresses of the grantors or grantees and the nature of the consideration. All records and accounts shall be public record.

## **I. Reporting Requirements**

### **1. Committee Reports**

The Chairman or designee shall prepare the following documents of CPC activities:

- a) CPC Report for the Annual (Town) Report, to be submitted to the Town Administrator’s Office no later than the first week of January
- b) Report of the CPC for the Annual Town Meeting Report to be submitted per the instructions of the Finance Committee
- c) CPC Annual Calendar

### **2. State Reporting Requirements**

The Town Assessors Office is responsible for completing and submitting the CPF Recap on Bureau of Accounts Schedule A-4 form. This form recaps the actual total revenues and available funds for the prior FY and provides estimated total revenues and available funds for the following FY. Schedule A-4 is available in November.

The Town Accounting Department +is responsible for completing and submitting the CP-1 (Community Preservation Surcharge Report) and CP-2 (Community Preservation Fund Report) forms.

The CPC is responsible for completing the CP-3 online CPA project data reporting requirement each year.

## **J. Hearings**

The Committee will hold public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities every five years or more frequently at the request of the Chairman to address the changing needs within the Town.

Notice of informational hearings shall be publicly posted in accordance with MGL c. 39, §23B and published in a newspaper of general circulation once in each of two (2) successive weeks. The first such publication shall appear not less than fourteen (14) days before the day of the hearing and a copy of the notice shall be posted in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the date of the hearing. The day of the hearing shall not be counted as one of the required fourteen days.



All hearings shall be open to the public. No person shall be excluded unless he/she is considered by the Chairman to be a serious hindrance to the workings of the Committee.

The hearing shall start no earlier than the time specified in the printed notice.

The Chairman will open each hearing by reading the notice as published and providing an explanation of procedures the hearing will follow.

The Chairman will allow all those present to speak on community preservation needs and possibilities. Upon recognition by the Chairman, individuals shall give their name and address before proceeding with their questions or comments. Questions or comments shall be directed to the Chairman.

When all the information has been presented and all persons wishing to speak have been heard, the Chairman shall close the public hearing.

## **K. Appeals**

Any Applicant who is dissatisfied with the decision of the Committee denying, denying in part or approving in part, a request for funding may seek reconsideration from the Committee. All reconsideration requests shall be made in writing to the CPC Chairman within 14 days of receiving the Committee's determination. Upon receipt of a request for reconsideration the Committee shall review the application as well as any additional information the applicant may provide at the next scheduled CPC meeting. The Committee may affirm, reverse or modify its decision. The Committee's reconsideration determination shall be in writing and shall be included in the committee records. The Committee's decision shall be final.

## **L. Effective Date**

These Rules shall take effect upon filing in the Office of the Town Clerk.