

CHAPTER 6 COMMITTEES

- 6.1.1. Except as otherwise provided by law or these by-laws, the provisions of this chapter shall apply to appointed town committees. For the purpose of this chapter, the terms "Committee" or "Committees" shall include boards and commissions.
- 6.1.2. Any person chosen to serve as a member of a committee shall be a registered voter of the Town and shall receive notice of appointment from the appointing authority. The Town Clerk shall keep a record of the members of a committee.
- 6.1.3. The first appointed member of a newly created committee shall call the first meeting and preside over the election of a chairman and clerk.
- 6.1.4. A committee vacancy occurs when a committee member:
 - a. resigns or is removed by the appointing authority or is removed for cause as defined in MGL, chapter 41, sec. 109.
 - b. ceases to be a registered voter of the Town;
 - c. is barred by law from service in the position;
 - d. no longer qualifies to hold office;
 - e. completes his term of office.
- 6.1.5. A vacancy in a committee shall be filled by the appointing authority in accordance with its powers and applicable authority.
- 6.1.6. Committees created by state statute or these Town by-laws shall be permanent. Committees created by vote of Town Meeting shall have a term as set forth in the Town Meeting vote; if no such term is set forth, the committee shall continue until discharged by the Selectmen upon completion of its duties. Committees created by the Selectmen shall serve at the discretion of the Selectmen. Appointments to standing committees shall be made not earlier than 30 days prior to, and shall become effective as of, the first day of the next fiscal year, except as otherwise provided by statute, these by-laws, or vote of Town Meeting. Unless otherwise provided by law or these by-laws, the term of a committee shall commence on the first day of the next fiscal year or, in the case of a newly-created committee, then within 30 days of the committee's creation, and shall be for a term ending at the last day of the current fiscal year, unless another term is established or the original term is extended by vote of Town Meeting or the appointing authority. All standing committees with terms in excess of three years shall have appointments made in such manner that the expiration of terms shall be on a staggered basis, and accordingly the original appointments may be for lesser terms.
- 6.1.7. A committee shall be discharged from its duties upon occurrence of any of the following:

- a. when required by law;
- b. by vote of a Town Meeting or other appointing authority;
- c. at the expiration of a committee's term of office, or any extension thereof;
- d. when the work of the committee is completed.

The Town Clerk shall be notified upon the discharge of a committee.

- 6.1.8. All committees of the Town shall meet at least annually.
- 6.1.9. All committees of the Town shall cause records of their activities and accounts to be kept in suitable form.
- 6.1.10. All officers and committees of the Town shall file annual reports with the Selectmen on or before October 15th of the following year. The Town shall print all Reports of Town officials and boards, committees and commissions on a Fiscal Year basis in its Annual report.

6.2. BOARD OF APPEALS - ZONING

- 6.2.1. The Board of Appeals-Zoning shall consist of five members appointed by the Selectmen. The Selectmen shall also appoint at least two associate members annually.
- 6.2.2. The Board of Appeals -Zoning appointed and acting under the (Zoning) Protective By-Law, Section 906, shall constitute the Board of Appeals under the Subdivision Control Law with the powers and duties granted by the law.

6.3. BOARD OF HEALTH

- 6.3.1. The Board of Health shall consist of five members appointed by the Selectmen for three-year staggered terms. The Board of Health shall perform the duties as set forth in the General Laws.

6.4. CEMETERY TRUSTEES

- 6.4.1. The Board of Cemetery Trustees shall consist of five (5) members appointed by the Moderator for five-year staggered terms.
- 6.4.2. The Cemetery Trustees shall act the Town's advisory board for cemetery issues. They shall serve as advisors to Town Meeting, the Board of Selectmen, the Town Manager, the Director of Public Works, the Cemetery Superintendent, and to any other board, committee or official requesting its assistance. In addition to the duties contained in M.G.L. c. 114, sec. 25 and Chapter 266 of the Acts of 1985, the specific duties of the Cemetery Trustees shall include:

- a. The annual establishment of rates for cemetery and crematory services including the sale of lots, with approval from the Board of Selectmen.
- b. Assisting the Director of Public Works and the Cemetery Superintendent on the development and implementation of long-range cemetery expansion and improvement.
- c. Advising town authorities on all matters affecting cemeteries.
- d. Maintaining of special trust funds pertaining to cemeteries which are in the hands of the Treasurer and advising the Town Manager, Board of Selectmen, the Department of Public Works Director and the Town Meeting as to the annual disposition of these funds.

6.5. CONSERVATION COMMISSION

- 6.5.1. The Conservation Commission shall consist of seven members appointed by the Selectmen for three-year staggered terms. The Conservation Commission shall perform the duties as set forth in the General Laws.

6.6. DUXBURY BEACH COMMITTEE

- 6.6.1. The Duxbury Beach Committee shall consist of twelve Members appointed by the Moderator, which shall include the Police Chief, the Harbormaster/Shellfish Warden and the Conservation Administrator or their designees; three designees of the Duxbury Beach Reservation, Inc., and six members at-large, one of whom shall be a Duxbury Beach year-round resident, to three-year staggered terms.
- 6.6.2. The Duxbury Beach Committee shall have the following powers and duties:
 - a. The Committee shall advise the Board of Selectmen, the Town Manager, the Finance Committee and any other relevant agency of the Town on the use and management of the town leased portion of the beach, and make recommendations to the Town Manager for the coordinated management of the beach so that its use will be a safe, sanitary and enjoyable recreation experience, and for the proper maintenance of the Powder Point Bridge.

- b. The Committee shall also prepare a Beach Use Management Plan for action by the 1995 Town Meeting and every five years thereafter.
- c. The Committee shall consult and cooperate with the Duxbury Beach Reservation, Inc., the Gurnet Saquish Association and the Duxbury Beach Improvement Association, for the protection and preservation of the beach.

6.7. FINANCE COMMITTEE

- 6.7.1. The Finance Committee shall consist of nine members appointed by the Moderator for three-year staggered terms. Members of the Committee shall hold no other Town office except as herein provided. The Finance Committee shall consider all municipal questions for the purpose of making reports and recommendations to the Town in accordance with M.G.L. c. 39, sec. 16.
- 6.7.2. Before a warrant for a Town Meeting is published, the Town Manager shall transmit a copy thereof to the Chairman of the Finance Committee, and such Committee shall hear all citizens known to it to be interested in any article of the warrant, and shall confer or consult with such departments, officers, committees or employees as may have information concerning the subject matter of the articles in the warrant, following which the Committee shall return the warrant to the Selectmen, together with their recommendations thereto which shall be included with a copy of the warrant when published for distribution.

6.8. FISCAL ADVISORY COMMITTEE

- 6.8.1. The Fiscal Advisory Committee shall consist of nine members appointed by the Moderator for three year staggered terms. When practical, at least three members shall be former members of the Finance Committee.
- 6.8.2. Before a warrant for Town Meeting is published, the Town Manager shall transmit a copy thereof to the Chairman of the Fiscal Advisory Committee. The Committee shall consult with any town departments, officers, committees or employees having information pertaining to warrant articles on the following matters:
 - a. the acquisition or improvement of land;
 - b. new construction or major reconstruction of major town facilities such as streets, bridges or buildings;
 - c. renovation or preventive maintenance projects not normally undertaken within a department;

- d. a purchase or project with a cost of \$25,000 or more;
- e. a program requiring the hiring of additional personnel;
- f. any article pertaining to or involving the use of group insurance, town retirement, borrowing or the Stabilization Fund.

Following its financial analysis, the Fiscal Advisory Committee shall return its recommendations to the Selectmen, the Town Manager and the Finance Committee, which shall be included with a copy of the warrant when published for distribution.

6.8.3. The Fiscal Advisory Committee shall review annual financial projections and make a report to the Annual Town Meeting. Its report shall include an analysis of:

- a. Free Cash
- b. the Retirement Fund
- c. the Stabilization Fund
- d. the Interest and Maturing Debt
- e. the status of the Water Enterprise Account.

6.8.4. In addition to other matters that may be referred to them by the Selectmen, the Town Manager, the Finance Committee or Town Meeting, the Committee shall regularly review the Town's financial policy, including but not limited to:

- a. the adequacy of current and future revenues to meet present and future appropriations;
- b. the adequacy of local receipts to meet the cost of services that are or might be covered by fees;
- c. the maximization of earnings on idle cash and other funds,
- d. the allocation of adequate resources to meet the Town's retirement liability costs;
- e. the establishment of an orderly schedule for vehicle and major equipment replacement for the Town.

6.9. HISTORICAL COMMISSION

6.9.1. The Historical Commission shall consist of seven members appointed by the Selectmen for three-year staggered terms. The Historical

Commission shall perform the duties set forth in M.G.L. c. 40, sec. 8D, as from time to time amended.

6.10. PERSONNEL BOARD

- 6.10.1. The Personnel Board shall consist of five members appointed by the Moderator for three-year staggered terms.
- 6.10.2. The duties of the board shall be to advise and review the administration of the Personnel Plan of the Town, amended annually, governing the personnel practices of the Town.

6.11. WATER ADVISORY BOARD

- 6.11.1. The Water Advisory Board shall consist of three members appointed by the Moderator for three-year staggered terms.
- 6.11.2. The Water Advisory Board shall act the Town's official research, monitoring and advocacy board for water quality and supply issues. It shall serve as advisor to Town Meeting, the Board of Selectmen, the Town Manager, the Director of Public Works, the Superintendent of Water and any other board, committee or official requesting its assistance.
- 6.11.3. The specific duties of the Water Advisory Board shall include:
 - a. making recommendations to the Board of Selectmen with regard to the annual setting of water rates in accordance with M.G.L. c. 41, sec. 69B, and other rate structures as may apply to the services of the DPW Water Division, with approval from the Board of Selectmen;
 - b. assisting the Department of Public Works Director and Superintendent of Water in the development and implementation of long-range system improvement plans;
 - c. holding review authority over water resource matters that arise as the result of subdivision and Special Permit applications made to the Planning Board and/or the Zoning Board of Appeals; as specified in the Protective By-Law, which shall include but may not be limited to available water supply, ground water quality, and the general impacts of development on the Town's water system and capacity of water production facilities, and any proposals submitted to the Town to extend public water to new developments or areas previously not serviced by the public system;

- d. monitoring and advising Town authorities on legislation, regulatory changes, technology and DPW Water Division management needs;
- e. coordinating with the Director of Public Works, the Superintendent of Water and the Town Engineer, to schedule and implement system improvements or additions, institute new or revised rules and regulations, conduct studies and projects as may be required to maintain and improve the distribution system or enhance public appreciation for water quality and conservation activities, and advise and oversee the implementation of new or revised water division programs.

6.11.4. To meet its responsibilities, the Water Advisory Board shall be afforded reasonable access to consulting engineers to the Division of Water, DPW, Town Engineer and Director of Public Works and shall meet regularly with the DPW Director and Superintendent of Water.

6.12 COMMUNITY PRESERVATION ACT COMMITTEE

6.12.1 Establishment

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:

One member of the Conservation Commission as designated by the Conservation Commission for a term of three years.

One member of the Historical Commission as designated by the Historical Commission for a term of three years.

One member of the Planning Board as designated by the Planning Board for a term of three years.

One member of the Housing Authority as designated by the Housing Authority for an initial term of two years and thereafter for a term of three years.

One member of the Open Space and Recreation Planning Committee as designated by the Open Space and Recreation Planning Committee for an initial term of one year and thereafter for a term of three years.

Two members to be appointed by the Board of Selectmen, one member to be appointed for a term of one year and thereafter for a term of three years and one member to be appointed for a term of two years and thereafter for a term of three years.

Should any of the Commissions, Boards, 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 Board of Selectmen.

6.12.2 Duties

- (1) The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with the existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Open Space and Recreation Planning 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.

6.12.3 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.

6.12.4 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 44B.

6.12.5 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.

6.12.6 Effective Date

Each appointing authority shall have ten days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Board of Selectmen shall make the appointment.

6.13 Economic Advisory Committee

The Economic Advisory Committee shall consist of nine members appointed by the Board of Selectmen for three-year staggered terms. The committee membership shall include a recommended representative and/or designee from each of the following boards: The Board of Selectmen, the Planning Board and the Board of Appeals, and three representatives from the business Community and three residents at large who may submit letters of interest to the Board of Selectmen. The Economic Advisory Committee shall support and promote efforts to foster economic strategies working with the local business community within the Town of Duxbury.

6:14 Local Housing Partnership Committee

The Local Housing Partnership Committee shall consists of eleven (11) members appointed by the Board of Selectmen for three-year terms staggered. The committee membership shall consist of a recommended representative and/or designee from each of the following boards: The Board of Selectmen, Planning Board, Duxbury Housing Authority, Board of Health, Conservation Commission, Community Preservation Committee, Council on Aging, along with four (4) residents at large who may submit letters of interest to the Board of Selectmen. The Local Housing Partnership Committee shall support and promote efforts to meet the affordable housing needs of Duxbury through the implementation of recommendations from various planning studies, seek funding resources for housing and promote public and private efforts to increase the affordable housing stock in the Town of Duxbury.