

HOPKINTON GENERAL BYLAW

Chapter 5

BOARDS, COMMITTEES AND COMMISSIONS

ARTICLE 1

Appropriation Committee

- §5-1. Appointment; compensation; duties.
- §5-2. Vacancies.
- §5-3. Officers; regular meetings.
- §5-4. (Reserved) [5-7-2007 ATM, Art 4]
- §5-5. Insertion of requests in Town Warrant; report by Committee.
- §5-6. Explanation of actions.
- §5-7. (Reserved)

ARTICLE II
(Reserved)

§§5-8 through 5-9. (Reserved)

ARTICLE III
Quarterly Meetings

- §5-10. Coordination of efforts.
- §5-11. Chairman.

ARTICLE IV
Council on Aging

- §5-12. Appointment, purpose.
- §5-13. Membership; terms; compensation.
- §5-14. Filling of vacancies.
- §5-15. Election of officers; vacancies.
- §5-16. Annual report.
- §5-17. Appointment of clerks and other employees.

ARTICLE V
Capital Improvement Program
Committee

- §5-18. Establishment.
- §5-19. Selection of members and term of service.
- §5-20. Vacancies; officers; compensation.
- §5-21. Definitions.

ARTICLE IV
Council on Aging

- §5-12. Appointment, purpose.

- §5-13. Membership; terms; compensation.
- §5-14. Filling of vacancies.
- §5-15. Election of officers; vacancies.
- §5-16. Annual report.
- §5-17. Appointment of clerks and other employees.

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- §5-18. Establishment.
- §5-19. Selection of members and term of service.
- §5-20. Vacancies; officers; compensation.
- §5-21. Definitions.
- §5-22. Duties.

ARTICLE VI
Community Preservation Committee

- §5-23. Establishment; membership; terms vacancies; appointments.
- §5-24. Responsibilities.
- §5-25. Quorum.
- §5-26. Severability; time limit for appointments.

ARTICLE VII
Hopkinton Affordable Housing Trust
Fund Board

- §5-27. Establishment; membership; terms; purpose.
- §5-28. Powers and Duties.

HOPKINTON GENERAL BYLAW

[HISTORY: Adopted by the Town Meeting of the Town of Hopkinton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Municipal Inspections -- See Ch. 24.

Duties of Town officers -- See Ch. 28, Art. I.

ARTICLE I

Appropriation Committee

[Adopted 3-6-1944 ATM, Art. 1]

§ 5-1. Appointment; compensation; duties. [Amended 4-14-1992 ATM, Art. 42; 5-2-2000 ATM, Art. 48, 5-7-2007 ATM, Art. 4, 5-4-2009 ATM, Art. 16, 5-2-2011 ATM, Art. 39]

A. There shall be an Appropriation Committee of five registered voters of sound business experience or good judgment, who shall serve without pay and who shall consider any and all questions involving the expenditure of money, for the purpose of making reports or recommendations thereon to the Town. The Finance Director shall serve on the Appropriation Committee *ex officio*, as a sixth non-voting member.

B. The members of the Appropriation Committee, excluding the Finance Director, shall be appointed to serve terms of three (3) years and shall be chosen immediately following the Annual Town Meeting as provided in the Town Charter.

C. No person holding any other elective or appointive office in his or her individual capacity shall be eligible to appointment or qualified to serve as a member of the Appropriation Committee, with the exception of the Finance Director; provided, however, that a member of the Appropriation Committee may be designated by the Appropriation Committee to serve on another board, committee or commission as a representative of the Appropriation Committee.

§ 5-2. Vacancies.

Whenever a vacancy shall occur in the membership of the Appropriation Committee for any reason, the vacancy shall be filled by appointment, as provided in the Town Charter, for the remainder of the term. [Amended 5-2-2011 ATM, Art. 39]

§ 5-3. Officers; regular meetings.

The Appropriation Committee shall, as soon as possible after the annual appointment of new members as stated above, meet for the purpose of organization and shall elect from the members a Chairman and a Secretary, who shall hold office until the final adjournment of the next Annual Town Meeting and until their successors are appointed. The Appropriation Committee shall meet at regular intervals.

§ 5-4. (Reserved) ¹

§ 5-5. Insertion of requests in Town Warrant; report by Committee.

All requests by the Town boards, officers or committees, or by citizens for appropriations shall be inserted in the Town Warrant in proper form, and all articles calling for an appropriation or

1. Editor's Note: Former § 5-4., Deadline for submission of estimates, as amended, was repealed by 5-7-2007 ATM, Art. 4.

HOPKINTON GENERAL BYLAW

expenditure of money in the Town Warrant shall be referred to the Appropriation Committee. The Committee, after consideration, shall report with suggestions on such appropriation or expenditure, in whole or in part, and shall notify the board, officer or committee requesting same, and also the Board of Selectmen, making such suggestions or recommendations as may be advisable.

§ 5-6. Explanation of actions.

The Appropriation Committee shall at each Town Meeting present and explain its action on each of such articles in the Town Warrant, presenting its budget with advice and explanations, and recommendations as to any appropriation of Town funds.

§ 5-7. (Reserved) ²

ARTICLE II ³ **(Reserved)**

§§ 5-8 through 5-9. (Reserved)

ARTICLE III **Quarterly Meetings** **[Adopted 3-5-1959 ATM, Art. 17]**

§ 5-10. Coordination of efforts.

All town-elected officers, appointees and agents shall meet at least four times each year to exchange information regarding the business of the Town and their actions and duties so that the best interests of the Town will be served through coordination of their efforts.

§ 5-11. Chairman.

The Chairman of the Board of Selectmen shall act as Chairman of the meetings, and shall call the meetings.

ARTICLE IV **Council on Aging** **[Adopted 3-3-1971 ATM, Art. 12]**

§ 5-12. Appointment; purpose.

The Board of Selectmen shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the elderly in cooperation with programs of the Commission on Aging established under MGL c. 6, § 73.

§ 5-13. Membership; terms; compensation.

The Board of Selectmen shall appoint the Council on Aging consisting of seven members. Upon acceptance of this article, the Board shall appoint three members for three years, two members for

² Editor's Note: Former § 5-7, Filling of vacancies, was deleted 5-2-2011 ATM, Art. 39. ³Former Art. II, Board of Health was repealed 5-3-1999 ATM, Art. 38, Former .

HOPKINTON GENERAL BYLAW

two years and two members for one-year terms. Members can be reappointed for concurrent terms. The members of the Council shall serve without pay.

§ 5-14. Filling of vacancies.

Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

§ 5-15. Election of officers; vacancies.

The Council on Aging at its first annual meeting and thereafter annually in April of each year shall elect from its membership a President, First Vice President, Second Vice President, Secretary and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

§ 5-16. Annual report.

The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the Commission on Aging.

§ 5-17. Appointment of clerks and other employees.

The Council may appoint such clerks and other employees as it may require.

ARTICLE V

Capital Improvement Program Committee

[Adopted 9-18-1995 STM, Art. 33; Amended 5-1-2006 ATM, Art. 30]

§ 5-18. Establishment.

A. There shall be established a Capital Improvement Program Committee (hereinafter "Committee") which shall perform the duties set forth in the following sections of this article and shall be governed by the provisions hereof.

B. The Committee shall consist of five registered voters of the Town of Hopkinton (hereinafter "town"), none of whom is a Town employee or Town official (either elected or appointed), who shall be appointed as provided in § 5-19.

§ 5-19. Selection of members and term of service. [Amended 9-18-1995 STM, Art. 33]

A. Of the five members of the Committee, two shall be appointed by the Town Moderator and three by the Board of Selectmen. Subject to the provisions below, members shall be appointed for terms of five years.

B. Upon approval of the provisions of this article, the two most senior incumbent members of the Capital Improvement Program Committee as previously in place, not otherwise in conflict with § 5-18B above, shall continue to serve. Such incumbents shall serve as appointees of the Moderator, one to have a term expiring on June 30, 1997, and the other on June 30, 1999, as the Moderator shall designate. If there are no such incumbents, the Moderator shall otherwise appoint such eligible individuals to terms expiring as aforesaid.

HOPKINTON GENERAL BYLAW

C. The Board of Selectmen shall appoint three members whose terms shall expire on June 30, 1996, June 30, 1998, and June 30, 2000, and shall thereafter upon expiration of each term appoint or reappoint an individual for a term of five years.

§ 5-20. Vacancies; officers; compensation.

A. Whenever a vacancy occurs on the Committee, it shall be filled by the appointment authority that appointed the member whose position has become vacant. Any person appointed to fill a vacancy shall hold office for the unexpired term of the person succeeded.

B. The Committee shall annually elect from among its members a Chairperson and such other officers as it shall deem appropriate and shall adopt such rules and regulations affecting its governance as may be deemed necessary.

C. Committee members shall serve without compensation.

§ 5-21. Definitions. (Amended 5-1-2006 ATM, Art. 30)

For the purpose of this article, the following terms shall have the meanings indicated

CAPITAL EXPENDITURE -- Any expenditure, financed in whole or in part by Town funds, for a capital improvement.

CAPITAL IMPROVEMENT--

A. Any acquisition, disposition, lease or transfer of land; or a building.

B. Any acquisition, disposition, lease or transfer of motor vehicles; or

C. Any acquisition or lease of any single item of equipment with a total cost of \$25,000 or more, and a substantial useful life as determined by the Committee; or

D. Any construction, reconstruction, replacement, extension or other improvement of public buildings, highways, sidewalks, storm drains, sewerage installations, playgrounds, parks or substantially similar public works, or for a facility, structure or a utility appurtenant to any of the same, with a total cost of \$25,000 or more.

§ 5-22. Duties. [Amended 5-1-2006 ATM, Art. 30; 5-7-07 ATM, Art. 4]

A. The Committee shall ascertain annually what capital expenditures will be required by the Town during the subsequent ten fiscal years. In making its determinations, the Committee shall consult with such officers of the Commonwealth of Massachusetts and of the Town and its various boards and committees, as in its discretion it shall deem appropriate and beneficial. Department heads and chairpersons of all boards, commissions and committees of the town, whether elected or appointed, shall submit to the Committee, not later than the third Monday of November of each year, recommendations and statements for capital expenditures for the subsequent ten fiscal years. Recommendations for the subsequent five fiscal years will include operating cost estimates as deemed necessary by the Committee.

HOPKINTON GENERAL BYLAW

B. The Committee shall submit a Capital Improvement Program to the Town Manager on or before January 1. **[Added 5-7-2007 ATM, Art. 4]**

C. The Committee shall publish an annual report in conjunction with the Appropriations Committee of the Town and shall include in such report its recommendations for the scheduling of capital expenditures for the subsequent ten fiscal years and for the financing of such expenditures as in its judgment cannot or should not be paid for entirely from current revenues. The Committee shall assist the Town Meeting with regard to priorities of projects, financing costs, impacts of recommended projects to the operating budget and other related matters. No capital improvement whether proposed as a separate article, as a part of an operating budget, or in a revolving fund shall be voted upon at any Town Meeting until it has been presented in written form to the Committee for recommendation.

ARTICLE VI Community Preservation Committee [Adopted 4-9-2001 STM, Art. 2]

§ 5-23. Establishment; membership; terms; vacancies; appointments.

There shall be established in the Town pursuant to G.L.c. 44B, sec. 5(a) a Community Preservation Committee (the "Committee"). The Committee shall consist of nine (9) members, which shall include one member of the Hopkinton Conservation Commission as designated by that Commission; one member of the Hopkinton Historical Commission as designated by that Commission; one member of the Planning Board as designated by that Board; one member of the Parks and Recreation Commission as designated by that Commission; one member of the Hopkinton Housing Authority as designated by that Authority; one member of the Hopkinton Open Space Preservation Commission as designated by that Commission; and three members to be appointed at large from the registered voters of the Town by the Board of Selectmen. The members appointed by the Conservation Commission, the Hopkinton Historical Commission, the Planning Board, the Parks and Recreation Commission, the Hopkinton Housing Authority, and the Hopkinton Open Space Preservation Commission shall be appointed annually for a term of one (1) year. The three persons initially appointed at large by the Board of Selectmen shall be appointed for terms of three, two and one year, respectively. Upon the expiration of the term of each member so appointed by the Board of Selectmen, the Board of Selectmen shall appoint one member for a term of three (3) years. After the initial appointment of the members of the Committee, any vacancy occurring in the Committee from any cause may be filled for the remainder of the unexpired term by the Commission, Board or Authority, as the case may be, which made the initial appointment, for the remainder of the un-expired term. Such appointment shall be made not less than seven (7) days following notice of intent to fill such vacancy. The Committee shall elect a Chairman and Vice Chairman from among its members and shall elect a Secretary who need not be a member of the Committee. After having a public hearing and requesting recommendations from Town boards and committees, the Committee shall adopt policies, rules and regulations for conducting its affairs and for carrying out its responsibilities. Any member of the Committee may, after a public hearing before the Commission, Board or Authority which appointed the said member, be removed for cause by majority vote of such Commission, Board or Authority.

HOPKINTON GENERAL BYLAW

§ 5-24. Responsibilities

- A. The Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with relevant municipal boards, 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.
- B. The 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 uses, 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 herein. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. The 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. Recommendations to the Town Meeting shall include the anticipated cost.

§ 5-25. Quorum

The Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Committee shall constitute a quorum. The Committee shall approve its actions by majority vote.

§ 5-26. Severability

- A. In the event that any section, paragraph or part of this Chapter is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect.
- B. Each appointing authority shall have twenty days after approval by the Attorney General to make its appointment. Should any appointing authority fail to make its appointment within the allotted time, the Board of Selectmen shall have the authority to make the appointment.

ARTICLE VII

HOPKINTON GENERAL BYLAW

HOPKINTON AFFORDABLE HOUSING TRUST FUND BOARD [Adopted 5-3-2010 ATM, Art. 33]

§5-27. Establishment; membership; terms; purpose.

There shall be established a Hopkinton Affordable Housing Trust Fund Board. The Board of Trustees (the "Board") shall consist of five (5) trustees. The trustees shall be appointed by the Board of Selectmen and shall include one member of the Board of Selectmen. The members of the Board of Trustees are designated as public agents for the purposes of the constitution of the Commonwealth.

The initial terms of the trustees shall be staggered as one (1) or two (2) year terms. All terms thereafter shall be for two (2) years.

The purpose of the Hopkinton Affordable Housing Trust is to provide for the creation and preservation of affordable housing in Hopkinton for the benefit of low- and moderate-income households.

§5-28. Powers and Duties.

- A. The Board shall administer the Hopkinton Affordable Housing Trust Fund, created by the vote taken pursuant to Article 7 of the May 2009 Special Town Meeting. The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth in Chapter 44, section 55C of the Massachusetts General Laws, shall be as set forth in this section; provided, however, that the Board shall not purchase, sell, lease, exchange, transfer or convey any interest in real property except with the approval of the Board of Selectmen; and provided further that the Board shall not incur any debt, borrow money, grant and mortgage or pledge trust assets except with the approval of Town Meeting pursuant to applicable law. Subject to such limitations, the Board shall be authorized:
1. To accept and receive property, whether real or personal, by gift, grant, contribution, devise, or transfer from any person, firm, corporation or other public or private entity including, without limitation, grants of funds or other property tendered to the trust in connection with provisions of any applicable general or zoning bylaw;
 2. To purchase and retain real or personal property including, without restriction, investments that yield a high rate of income or no income;
 3. To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract, for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property, as the Board deems advisable notwithstanding the length of any such lease or contract;
 4. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments

HOPKINTON GENERAL BYLAW

sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the trust;

5. To employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;

6. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;

7. To apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

8. To participate in any reorganization, recapitalization, merger or similar transactions; to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

9. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

10. To carry property for accounting purposes other than acquisition date values;

11. To borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;

12. To make distributions or divisions of principal in kind;

13. To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of Chapter 44, section 55C of the Massachusetts General Laws and this Article, to continue to hold the same for such period of time as the Board may deem appropriate;

14. To manage or improve real property and to abandon any property that the Board determines not to be worth retaining;

15. To hold all or part of the trust property uninvested for such purposes and for such time as the Board may deem appropriate; and

HOPKINTON GENERAL BYLAW

16. To extend the time for payment of any obligation to the Trust.
 - B. All moneys paid to the Trust in accordance with any general or zoning bylaw, exaction fee, grant, development agreement, development approval, host community agreement, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the trust, shall remain trust property.
 - C. The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.
 - D. The Board shall make an annual report to the Board of Selectmen. The report shall include a description and source of funds received and expended and the type of affordable housing programs or properties assisted with the funding.