

AN ORDINANCE
ESTABLISHING A CONSERVATION COMMISSION
FOR THE TOWN OF LEDYARD

Be it ordained by the Town Council of the Town of Ledyard

Section 1. Purpose

There is hereby established a Conservation Commission for the development, conservation, supervision and regulation of natural resources, including water resources, within the territorial limits of the Town of Ledyard.

Section 2. Membership

The Commission shall consist of seven (7) members and may have up to three (3) alternate members who are electors of the Town, to be appointed by the Mayor, to serve for a term of three (3) years or until his successor is appointed. Members shall commence to serve their terms immediately upon appointment and shall serve until their successor has qualified or they have been reappointed or removed by the Mayor.

As each of the terms of the members shall expire, the Mayor shall renew an appointment or appoint a successor for a term of three (3) years.

Any vacancy in the Commission other than by expiration of term shall be filled for the unexpired portion of the term by the Mayor. The Mayor may remove commission members for cause and fill the vacancy.

Any member of the Commission who is absent from three (3) consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Commission and the vacancy shall be filled as hereinbefore provided, except that the Commission may vote to waive the requirements of the section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this action.

It shall be the responsibility of the Chairman of the Commission to notify the Mayor when a member has not properly performed his/her duties.

Section 3. Powers and Duties

The Conservation Commission shall conduct research on the utilization and possible utilization of land areas of the Town and may coordinate the activities of unofficial bodies organized for similar purposes and may advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purposes. It may periodically review and recommend proposed changes for inclusion in the Plan of Conservation and Development. It may inventory natural resources and formulate watershed management plans that shall be consistent with water supply management plans. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands for the purpose of obtaining information on the proper use of such areas, and may from time to time recommend to the Planning and Zoning Commission or, if none, to the Mayor or the Town Council, plans and programs for the development and use of such areas. It may make recommendations to the Planning and Zoning Commission, Inland Wetlands and WaterCourses Commission and other municipal agencies on proposed land use changes. It may, with the approval of the Town Council, acquire land and easements in the name of the Town and promulgate rules and regulations, including, but not limited to, the establishment of reasonable charges for the use of land and easements for any of its purposes as set out in this section.

It shall keep records of its meeting and activities and shall make an annual report to the Town in the manner required of other agencies of the Town. The Commission may receive gifts in the name of the Town for any of its purposes and shall administer the same for such purposes subject to the terms of the gift. It may participate in correspondence, meetings, and other activities in keeping with its purpose.

Section 4. Cooperation with State Agencies

The Commission may exchange information with the Commissioner of Environmental Protection and said Commissioner may, on request, assign technical personnel to a commission for assistance in planning its overall program and for coordinating state and local conservation activities.

Section 5. Deposit and Spending Funds

A. Operating Budget

Said Commission may expend such funds as the Town may appropriate from its General Fund operating budget to carry out its purposes.

B. Capital Non-Recurring Fund

In addition, a Capital Non-Recurring Account #21090305-58922 shall be known as the Tree Removal from Trails, as established by the Town Council on April 11, 2018.

C. Funds Appropriated to the CNR Account #21090305-58922:

1. Annual surpluses from the Conservation Commission's operating budget starting with the end of the Fiscal Year 2018 budgetary year. Surplus funds shall be defined as unspent budgeted General Fund Operating amounts remaining at the year end.
2. All monies received by the Town of Ledyard as governmental or foundation grants or loans for trails and properties under the Conservation Commission's Administrative Control;
3. All monies appropriated to said fund by the Town of Ledyard through its Capital Improvement Plan (CIP).

Any gifted monies that has been received for a specific purpose shall be placed in to the CNR account as specified in Section 5.C.

D. Expenditure of Funds from Capital Non-Recurring Fund

1. Upon authorization by the annual budget meeting of the Town or upon authorization by the Town Council the monies in said fund may be used for capital and non-recurring expenditures incurred for any of the following:
 - Major Trail/brush clearing
 - Removal of large trees or dangerous trees
 - Bridge Repair
 - Trail Maintenance
2. Upon Town Council authorization gifted monies that has been received for a specific purpose may be expended directly from this fund, in accordance with the purpose in which the funds were gifted.

Section 6. Severability

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 7. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Amended, Adopted and Renumbered by the Ledyard Town Council on: September 25, 2019

Linda C. Davis., Chairman

Approve/Disapprove on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Revisions: Ordinance #16 “*Ordinance Establishing a Conservation Commission for the Town of Ledyard*” Adopted September 13, 1972; #107 “*Ordinance Establishing a Conservation Commission for the Town of Ledyard*” adopted on January 11, 2007; Ordinance #131 “*Ordinance Establishing a Conservation Commission for the Town of Ledyard*” Adopted on October 23, 2013. Ordinance #151 “*An Ordinance Establishing a Conservation Commission for the Town of Ledyard*” Adopted: June 13, 2018; Effective: July 10, 2018.

History:

The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #151 “*An Ordinance Establishing a Conservation Commission for the Town of Ledyard*” to Ordinance #300-018.

2007: Section 2 “*Membership*” changed appointing authority from Town Council to Mayor per state statute.

2013: Section 2 “*Membership*” Provided for three alternate members and updated language to be consistent with title of the combined Planning & Zoning Commission.

2018: Section 5 “*Spending Funds*” was updated to “*Deposit and Spending of Funds*” and the following language was added to Section 5: (A) *Operating Budget - from its General Fund operating budget to carry out its purposes;* (B) *Capital Non-Recurring Fund- In addition, a Capital Non-Recurring Account #21090305-58922 shall be known as the Tree Removal from Trails, as established by the Town Council on April 11, 2018;* (C) *Funds Appropriated to the CNR Account #21090305-58922: (1) Annual surpluses from the Conservation Commission’s operating budget starting with the end of the Fiscal Year 2018 budgetary year. Surplus funds shall be defined as unspent budgeted General Fund Operating amounts remaining at the year end; (2) All monies received by the Town of Ledyard as governmental or foundation grants or loans for trails and properties under the Conservation Commission’s Administrative Control; (3) All monies appropriated to said fund by the Town of Ledyard through its Capital Improvement Plan (CIP). Any gifted monies that has been received for a specific purpose shall be placed in to the CNR account as specified in Section 5C.”; (D) *Expenditure of Funds from Capital Non-Recurring Fund - (1) Upon authorization by the annual budget meeting of the Town or upon authorization by the**

Town Council the monies in said fund may be used for capital and non-recurring expenditures incurred for any of the following: Major Trail/brush clearing; Removal of large trees or dangerous trees; Bridge Repair; Trail Maintenance; (2) Upon Town Council authorization gifted monies that has been received for a specific purpose may be expended directly from this fund, in accordance with the purpose in which the funds were gifted.

2019: Title - Removed “An Ordinance Amending” Per Town Attorney not required. Section 2 “Membership” added language regarding member attendance relative to being considered resigned. Section 2 - Removed language regarding current members continuing to serve. Section 6 “Severability” Updated langue to be consistent with Town Ordinance Format. Removed Section 7 “Cancellation of Previous Ordinance” - Per Town Attorney a “Cancellation Section” was not needed. The “Revisions” and “History” paragraphs indicate that the previous ordinance has been updated and replaced. Added new Section 7 “Effective Date” to be consistent with Town Ordinance format.