

Town of Danby, NY
Resolution No. 82 of 2010
AUTHORIZING CREATION OF A CONSERVATION ADVISORY COUNCIL
Adopted 14-Jun-2010

PURSUANT to the goals in sections B (Natural Resources) and D (Agriculture) of the Town of Danby Comprehensive Plan, and

Under authority granted to the Town by General Municipal Law section 239-x, and

Upon recommendation of the Comprehensive Plan Implementation Task Force, it is

RESOLVED that a Conservation Advisory Council (hereinafter termed "Council" or CAC) is hereby created by this Board.

I Purpose and Authority

As provided for in section 239-x, it shall advise in the development, management and protection of the Town's natural resources. The Council shall direct itself toward accomplishing the following tasks:

- (a) conducting researches into the land area of the Town of Danby;
- (b) seeking to coordinate the activities of unofficial bodies organized for similar purposes and to cooperate with other official municipal bodies active in the area of community planning for the Town;
- (c) advertising, preparing, printing, and distributing publications (including, but not limited to, books, maps, charts, plans, pamphlets, and digital materials) that it deems necessary for the accomplishment of its goals;
- (d) keeping a required inventory and map, as defined in section 239-y of the General Municipal Law, of all open areas within the Town with the plan of obtaining information pertinent to proper utilization of such open lands, including lands owned by the state, any other municipality within the state, or by the Town of Danby itself;
- (e) keeping a required inventory and map of all open marsh lands, swamps, and all other wet lands in a like manner, and recommending, when it deems it appropriate, to the Town Board a program for ecologically suitable utilization of all such areas;
- (f) keeping required accurate records of its meetings and actions and filing a required annual report with the Town Board on or before the thirty-first day of December of each and every year [Once approved by the Town Board, a copy is required to be forwarded to the NY State Commissioner of Environmental Conservation].

In addition, authorization is explicitly given by this resolution for the Council to:

- (g) focus its preservation efforts on land it deems to be at risk of development located in areas zoned for low density or conservation;
- (h) develop a list of scenic or historic sites to protect as opportunities allow;
- (i) lobby on issues relating to the council's duties and goals;
- (j) actively support open space protection by facilitating the transfer of land from sellers to buyers sympathetic to open space preservation;
- (k) accept by gift, grant, bequest, or otherwise, money or other personal property in the name of the Town of Danby, for its use in furtherance of the objectives of this resolution;
- (l) propose, subject to Town Board action, the acceptance by gift, conditional or unconditional, grant, devise or otherwise, the fee or any lesser interest, development right, easement, covenant or other contractual right, including conveyance with limitations or reversions, land, in furtherance of natural resource protection within the Town of Danby;

(m) recommend acquisition by the Town Board by purchase in fee or any lesser interest, development right, easement, covenant or other contractual right, including conveyance with limitations or reversions, by negotiation or condemnation, such real or personal property as may be needed in furtherance of the purposes of the Council;

(n) pursuant to (l) and (m), administer a conservation easement program on behalf of the Town, to include the crafting, acquisition, and monitoring of easements, both purchased and donated, with the acquisition being subject to Town Board approval of each proposed easement.

(o) develop and implement management plans for Town-owned conservation land. At a minimum, the plan for each parcel or group of contiguous parcels shall identify and set forth the features of the property to be preserved and/or enhanced, the features that can be compatibly exploited for public benefit, and the actions needed or desired in order to do so, complete with a schedule of steps to be taken. For conservation properties owned by the Town at the time of creation of the Council, the Council shall create management plans within three years. For newly-acquired properties, the Council shall create management plans within two years. For each management unit, an opportunity for public comment shall precede adoption of the unit's management plan by the Town Board, with adoption required before implementation by the CAC. The management plans for every management unit, once adopted by the Town Board, shall be reviewed by the council every five years. Progress, via the specified implementation steps, toward the adopted goals, shall be carefully scrutinized. The public, particularly the neighbors of the management unit, should be encouraged to participate in the review. The Council may propose changes to a management plan, subsequent to its periodic review; these changes must be approved by the Town Board before the Council can implement them.

(p) for land acquired by the Town for conservation not protected by conservation easement at the time of acquisition, prepare an easement for Town Board review and possible adoption.

II Structure and Membership

(a) The Council shall consist of 5 to 7 members, all appointed by the Town Board.

(b) Each member must be a Town of Danby resident.

(c) All members must have a demonstrated interest in preserving land in Danby.

(d) Whenever, in the judgment of the Town Board, qualified applicants exist in any of the following preferential categories, appointments to the Council shall include:

- a person engaged in the agricultural use of land, as defined in the Town of Danby Zoning Ordinance, preferably a farmer.

- a person with a known history of advocating for and working toward the preservation and protection of natural resources.

- one or two members of the Danby Town Board.

- a large landowner.

- optionally, a youth 16 or 17 years of age at the time of appointment.

(e) The chair shall be designated by the Town Board from among the members.

(f) Terms of membership shall be two years, subject to reappointment. Initially, the Town Board may appoint for a one-year term such members as it chooses, in the interest of staggering the expiration of membership terms. All terms end on December 31, regardless of when in the calendar year the appointment is actually made.

(g) Members may be removed for cause by the Town Board, after a public hearing.

(h) A vacancy shall be filled for the balance of the unexpired term in the same manner as an original appointment.

III Funding

(a) The Town Board may provide for the payment of expenses of the Council actually and necessarily incurred in the performance of its duties, subject to appropriation by the Town Board.

(b) The Council may appoint such employees as it from time to time sees fit, also subject to appropriations made therefore by the Town Board.

(c) The Town Board shall establish a CAC reserve account. Monies therein may be used only for the purposes of the CAC. All monies proposed to be added to or expended from this account must first be approved by the Town Board, with the CAC acting in an advisory role.

(d) The CAC is authorized to undertake fundraising activities, the proceeds of which shall be deposited into the CAC reserve account.

Moved by Klein, Second by Race. The motion passed.

In Favor: Connors, Halton, Klein, Race, Dietrich