

ORDINANCE ESTABLISHING CONSERVATION COMMISSION
PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION 7-131A.
(REVISED)

1.0 CREATION OF CONSERVATION COMMISSION

Pursuant to Connecticut General Statute Section 7-131a, there shall be a Conservation Commission of seven (7) regular members who must be electors of the Town of Beacon Falls.

2.0 RESPONSIBILITIES

2.1 Powers and Duties

The Conservation Commission shall have all the powers and duties set forth in Connecticut General Statutes Section 7-131a, and as may be set forth in other General Statutes relating to municipal Conservation Commissions; and as may be set forth in any special act relating to Conservation Commissions. Its duties and discretionary abilities stem from its purpose: "...the development, conservation, supervision and regulation of natural resources, including water resources within the Town of Beacon Falls."

2.2 Rules and Regulations

The Conservation Commission shall adopt rules and regulations for the conduct of its proceedings. Meetings shall be scheduled monthly and at the call of the chairman and at such other times as the Commission may determine. The chairmen, or in his absence, the vice chairmen, shall have the power to administer oaths and compel the attendance of witnesses. All meetings of the Conservation Commission shall be open to the public. Minutes of all proceedings shall be kept and all examinations and official actions shall be recorded thereon. Minutes shall be open for inspection as a public record.

According to this legislation, The Commission must perform the following:

1. 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,
2. Conduct research into the utilization and possible utilization of land areas of the municipality,
3. Administer gifts in the name of the municipality for the commission's purposes subject to the terms of the gift,
4. Approve, prior to submission, state grant-in-aid applications for programs to preserve or restrict the use of open space land to conservation or recreation purposes.
5. Keep records of its meetings and activities and shall make an annual report to the municipality in the manner required of other municipal agencies.
6. Supervise and manage municipally owned open space or park property when the agency normally responsible for such duties delegates that power.

2.3 Intervention and Permitted Activity

The Commission may elect to intervene to protect the public trust of air, water, and other natural resources of the state of Connecticut from unreasonable pollution, impairment, or destruction per the Environmental Protection Act of 1971 (Connecticut General Statutes, Sections 22a-14 to 22a-20). Under this act, the Conservation Commission can bring to

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2.3 Intervention and Permitted Activity (continued)

superior court any subdivision or agency of the state government, any person, partnership, corporation, association, organization or other legal entity which the Commission feels is unreasonably polluting, impairing, or destroying any natural resource, including historic structures and landmarks. The Commission may go to court over the issuance of permits and licenses that may result in such damage. If the court rules in favor of the commission, the court may grant temporary or permanent relief, or may impose such conditions as are required to protect the natural resources. The Commission may also be compensated for its court-related costs, including costs for witnesses and reasonable attorney fees, if the court rules in favor of the Commission and the Commission had requested such compensation.

The Conservation commissions is permitted, but not required, to perform the following:

1. Acquire land and easements in the name of the municipality, with the approval of the Board of Selectmen
2. Make recommendations on proposed land use changes to the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission, Economic Development Commission, Park and Recreation Commission and other municipal agencies;
3. Recommend plans and programs for the development and use of all open areas to the Board of Selectmen, Planning and Zoning Commission, Inland Wetlands and Watercourses Commission, Economic Development Commission, Park and Recreation Commission;
4. Exchange information with the Commissioner of Environmental Protection;
5. Request technical personnel to be assigned to the Commission by the Commissioner of Environmental Protection for assistance in planning its overall program and for coordinating state and local conservation activities;
6. Coordinate the activities of non-government bodies (volunteers, etc.) organized for the purpose of conducting land use research;
7. Advertise, prepare, and distribute books, maps, charts, plans and pamphlets necessary for its purposes;
8. Inventory natural resources and formulate watershed management and drought management plans;
9. Promulgate rules and regulations, such as the establishment of reasonable charges for the use of land and easements, for any of its purposes.

3.0 MEMBERS

The Board of Selectmen shall appoint seven (7) regular members who must be electors of the Town of Beacon Falls. The Board of Selectmen may remove any regular member for cause, provided said member shall be afforded notice and hearing prior to removal. Not more than five (5) Commissioners shall be members of the same political party as provided by Section 9-167a of the Connecticut General Statutes. There shall be no prohibition against successive terms of such appointed members.

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3.0 MEMBERS (continued)

The Terms of office for each regular member of the Conservation Commission shall be six (6) years.

Up to one (1) member of the Conservation Commission may also serve as a member of the Inland Wetland and Watercourses Commission. One (1) member of the Conservation Commission may also serve as a member of the Planning and Zoning Commission. It shall not be the same person representing both the Inland Wetlands and Watercourses Commission and the Planning and Zoning Commission. If so appointed from the Inland Wetlands and Watercourses Commission and/or the Planning and Zoning Commission, the term(s) of these members shall run concurrently with the respective term(s) of that member on such commission.

The First Selectmen shall serve as ex-officio member of Conservation Commission, without any voting rights, and the First Selectmen attendance shall not be calculated in determining a quorum. A majority of the voting members of Conservation Commission shall constitute a quorum.

3.1 Training Requirements

All members are required to attend at least one (1) training session annually pertaining to Conservation Commission and/or other land use boards such as but not limited to subjects concerning “How to conduct public meetings”, the decision making process, “What is Legally Required” or other such germane subjects offered by the Council of Governments or other professional and qualified entities. Failure to attend such annual session and provide documentation of attendance will be cause for removal from Commission.

4.0 OFFICERS

The Commission shall elect from its membership, a Chairperson, Vice-Chairperson, and Secretary. Election of said officers shall be held in January of each odd number year and shall be for a term of two (2) years. No person shall hold the same office for more than three (3) consecutive terms. The members, if any appointed, from the Inland Wetlands and Watercourses Commission and/or the Planning and Zoning Commission, shall not be eligible to hold an office on the Conservation Commission.

5.0 VACANCIES

Any vacancy in the membership, which may occur through death, resignation or otherwise, shall be filled for the un-expired portion of said term by the Board of Selectmen in accordance with the requirements of “3. MEMBERS”, above.

In the event that a Commission member shall miss three (3) consecutive regular meetings of the Commission, the Commission may, by a vote of the majority of the remaining six (6) members, remove such member and request that the Board of Selectmen fill said vacancy thus created by another person.

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6.0 EFFECTIVE DATE

Passed at a duly scheduled special town meeting held 8/25/97

Effective 9/27/97

A summary of the foregoing ordinance amendment was published on 9/12/97 in The Connecticut Post and the Waterbury Republican, both papers having a substantial circulation in the Town of Beacon Falls.

Public Hearing held on: January 30, 2006

Town Meeting held on: February 21, 2006

Ordinance Published: March 1, 2006

This Ordinance became effective March 16, 2006