

LC002869

IN GENERAL ASSEMBLY

ESTABLISHING THE BURRILLVILLE LAND TRUST

Referred To: Senate Housing & Municipal Government

1 SECTION 1. Chapter 59 of the Public Laws entitled “An Act Establishing the Burrillville
2 Land Trust” is hereby amended to read as follows:

CONSERVANCY

SECTION 1. The Town Council of Burrillville is hereby authorized to establish the Burrillville Land ~~Trust~~ Conservancy (hereinafter called the ~~Trust~~ Conservancy), a body politic and corporate and a public instrumentality. The ~~Trust~~ Conservancy shall have the authority to acquire, hold, and manage real property and interests therein situated in whole or in part in the Town of Burrillville, consisting of open, agricultural, or littoral property, including existing and future wellfields and aquifer recharge areas, fresh water marshes, and adjoining uplands, wildlife habitats, land providing access to or views of the lakes and ponds, land for bicycling and hiking paths and for future public recreational use and land for agricultural use. With the exception of property acquired for public recreational purposes, the ~~Trust~~ Conservancy shall hold all property solely as open space or for agricultural uses or for whatever purposes as the ~~trustees~~ Conservancy members may determine.

SECTION 2. The mission of the Burrillville Land ~~Trust~~ Conservancy is to protect the Town of Burrillville's rural character and natural heritage. This is accomplished by preserving land as open space through acquisition and conservation easement while maintaining, where possible,

1 public access to these natural resources.

2 The ~~trust~~ Conservancy will: preserve open space, protect wetlands, ground and surface
3 water, farmland, unusual and exemplary natural habitats, historical or cultural places of significance
4 as well as scenic views through a program of sustained acquisition and stewardship. The ~~Trust~~
5 Conservancy will provide public access for recreation and appreciation, and opportunities for
6 research and natural resources education, where possible, on Land ~~Trust~~ Conservancy properties.

7 SECTION 3. The management, administration and organization of the ~~Trust~~ Conservancy
8 shall be by ordinance duly adopted by the Town Council of the Town of Burrillville. ~~Trustees~~
9 Conservancy members shall be electors of the Town of Burrillville. No elected official may serve
10 as a ~~trustee~~ Conservancy member.

11 SECTION 4. Rules and regulations governing the conduct of ~~Trust~~ Conservancy affairs,
12 including but not limited to the acquisition and management of its holdings, not inconsistent with
13 the provisions of this act and the ordinance(s), shall be adopted by the ~~trustees~~ Conservancy
14 members. The Town Council of the Town of Burrillville shall approve all rules and regulations and
15 modifications thereof. Any changes or modifications to the rules and regulations shall be approved
16 by the Town Council. The Town Council shall also have the authority sua sponte to change or
17 modify rules and regulations of the ~~Trust~~ Conservancy. The Town Council shall hold at least one
18 (1) public hearing on the proposed changes or modification(s), which shall be advertised in a
19 publication having general circulation in the Town not less than forty-eight (48) hours prior to the
20 date and time of the public hearing.

21 The ~~trustees~~ Conservancy members shall keep accurate records of their meetings and
22 actions and shall file an annual report with the Town Council not later than sixty (60) calendar days
23 from June 30. All meetings of the ~~Trust~~ Conservancy shall be open to the public in accordance with
24 Chapter 46 of Title 42 of the general laws.

25 SECTION 5. The ~~trust~~ Conservancy shall have the power to:

26 (a) Purchase, receive by gift, or otherwise acquire fee simple or lesser interests in real
27 property, including development rights of any kind or any interest in real property consistent with
28 purposes of this act;

29 (b) Accept gifts, grants or loans of funds or services from any source, public or private, and
30 comply, subject to the provisions of this act and town ordinance(s), with any terms and conditions
31 thereof;

32 (c) Accept from state and/or federal agencies, loans or grants for use in carrying out the
33 ~~Trust's~~ Conservancy's purposes and enter into agreements with such agencies respecting any such
34 loans or grants;

1 (d) With approval of the Town Council, employ counsel, auditors, engineers, appraisers,
2 private consultants, advisors, secretaries or other personnel needed to perform its duties;

3 (e) Administer and manage land and interests in land held by it in a manner which allows
4 public use and enjoyment consistent with the natural and scenic resources thereof, including
5 conveyance of any such land or interests in land to, and contracts with, nonprofit organizations,
6 provided such land shall continue to be used in a manner consistent with the purposes of this act
7 and with the terms of any grant or devise by which such land was acquired by the ~~Trust~~
8 Conservancy;

9 (f) Dispose of all or any portion of its real property or interest therein held by it, whenever
10 in the opinion of the ~~trustees~~ Conservancy members said lands or properties have become
11 unsuitable or have ceased to be used for the purpose set forth in this act. Nothing in this subsection
12 shall be construed to authorize the sale, lease or conveyance of lands or improvements held by the
13 ~~Trust~~ Conservancy as part of a charitable ~~trust~~ conservancy or acquired by gift or devise for the
14 public use, whether or not such gift or devise is subject to a condition subsequent or reverter;

15 (g) Otherwise do all things necessary for the performance of its duties, the fulfillment of
16 its obligation and the conduct of its business.

17 SECTION 6. The ordinance establishing the management and administration of the ~~Trust~~
18 Conservancy shall set forth the process for receipt, accounting and expenditure of all monetary
19 ~~assets~~ assets. The fiscal year of the ~~Trust~~ Conservancy shall be July 1 to June 30. The treasurer of
20 the Town of Burrillville shall prudently invest available ~~assets~~ assets of the fund(s), and all income
21 thereon shall accrue to the respective fund(s). Upon termination or dissolution of the ~~Trust~~
22 Conservancy, the title of all funds and other properties owned by the ~~trust~~ Conservancy which
23 remain after payment or making provision for payment of all bonds, notes and other obligations of
24 the ~~trust~~ Conservancy shall vest in the Town of Burrillville which shall manage the lands of the
25 dissolved ~~trust~~ Conservancy in the open space function for which they were donated or purchased
26 to the best interest of the purposes of the ~~trust~~ Conservancy. If, in the opinion of the Town Council,
27 said lands no longer function for the purposes set forth in this act, the town may dispose of those
28 properties.

29 SECTION 7. The ~~trust~~ Conservancy and all its revenues, income and real and personal
30 property used by the ~~Trust for furtherances~~ Conservancy in furtherance of its public purposes, shall
31 be exempt from taxation and from betterments and special assessments, and the ~~Trust~~ Conservancy
32 shall not be required to pay any tax, excise or assessment to the state or any of its political
33 subdivisions.

34 SECTION 8. Nothing in this act shall affect the eligibility of the Town to acquire property

1 and receive funds under the general laws or any other state land acquisition program.

2 SECTION 9. The provisions of this act are severable, and if any provision thereof shall be
3 held invalid in any circumstances such invalidity shall not affect any other provisions or
4 circumstances. This act shall be construed in all respects so as to meet all constitutional
5 requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which
6 are necessary to meet constitutional requirements whether or not such steps are required by statute.

7 SECTION 2. Chapter 65 of the Public Laws entitled “An Act Establishing the Burrillville
8 Land Trust” is hereby amended to read as follows:

9 **AN ACT ESTABLISHING THE BURRILLVILLE LAND ~~TRUST~~**
10 **CONSERVANCY**

11 It is enacted by the General Assembly as follows:

12 SECTION 1. The Town Council of Burrillville is hereby authorized to establish the
13 Burrillville Land ~~Trust~~ Conservancy (hereinafter called the ~~Trust~~ Conservancy), a body politic and
14 corporate and a public instrumentality. The ~~Trust~~ Conservancy shall have the authority to acquire,
15 hold, and manage real property and interests therein situated in whole or in part in the Town of
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19 for future public recreational use and land for agricultural use. With the exception of property
20 acquired for public recreational purposes, the ~~Trust~~ Conservancy shall hold all property solely as
21 open space or for agricultural uses or for whatever purposes as the ~~trustees~~ Conservancy members
22 may determine.

23 SECTION 2. The mission of the Burrillville Land ~~Trust~~ Conservancy is to protect the Town
24 of Burrillville's rural character and natural heritage. This accomplished by preserving land as open
25 ~~space~~~~through~~ space through acquisition and conservation easement while maintaining, where
26 possible, public access to these natural resources.

27 The ~~trust~~ Conservancy will: preserve open space, protect wetlands, ground and surface
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31 research and natural resources education, where possible, on Land ~~Trust~~ Conservancy properties.

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4 the provisions of this act and the ordinance(s), shall be adopted by the ~~trustees~~ Conservancy
5 members. The Town Council of the Town of Burrillville shall approve all rules and regulations and
6 modifications thereof. Any changes or modifications to the rules and regulations shall be approved
7 by the Town Council. The Town Council shall also have the authority sua sponte to change or
8 modify rules and regulations of the ~~Trust~~ Conservancy. The Town Council shall hold at least one
9 (1) public hearing on the proposed changes or modification(s), which shall be advertised in a
10 publication having general circulation in the Town not less than forty-eight (48) hours prior to the
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19 purposes of this act;

20 (b) Accept gifts, grants or loans of funds or services from any source, public or private, and
21 comply, subject to the provisions of this act and town ordinance(s), with any terms and conditions
22 thereof;

23 (c) Accept from state and/or federal agencies, loans or grants for use in carrying out the
24 ~~Trust's~~ Conservancy's purposes and enter into agreements with such agencies respecting any such
25 loans or grants;

26 (d) With approval of the Town Council, employ counsel, auditors, engineers, appraisers,
27 private consultants, advisors, secretaries or other personnel needed to perform its duties;

28 (e) Administer and manage land and interests in land held by it in a manner which allows
29 public use and enjoyment consistent with the natural and scenic resources thereof, including
30 conveyance of any such land or interests in land to, and contracts with, nonprofit organizations,
31 provided such land shall continue to be used in a manner consistent with the purposes of this act
32 and with the terms of any grant or devise by which such land was acquired by the ~~Trust~~
33 Conservancy;

34 (f) Dispose of all or any portion of its real property or interest therein held by it, whenever

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2 unsuitable or have ceased to be used for the purpose set forth in this act. Nothing in this subsection
3 shall be construed to authorize the sale, lease or conveyance of lands or improvements held by the
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19 properties.

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21 property used by the ~~Trust for furtherances~~ Conservancy in furtherance of its public purposes, shall
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23 shall not be required to pay any tax, excise or assessment to the state or any of its political
24 subdivisions.

25 SECTION 8. Nothing in this act shall affect the eligibility of the Town to acquire property
26 and receive funds under the general laws or any other state land acquisition program.

27 SECTION 9. The provisions of this act are severable, and if any provision thereof shall be
28 held invalid in any circumstances such invalidity shall not affect any other provisions or
29 circumstances. This act shall be construed in all respects so as to meet all constitutional
30 requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which
31 are necessary to meet constitutional requirements whether or not such steps are required by statute.

32 SECTION 10. This act shall take effect upon passage.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
ESTABLISHING THE BURRILLVILLE LAND TRUST

- 1 This act would change the name of the Burrillville Land Trust to the Burrillville Land
- 2 Conservancy and make other stylistic changes.
- 3 This act would take effect upon passage.

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