

**LOCAL LAW NO. 1 of 2010**

**A LOCAL LAW ESTABLISHING A CONSERVATION ADVISORY COUNCIL FOR  
THE TOWN OF NEW LEBANON**

**BE IT ENACTED** by the Town Board of the Town of New Lebanon as follows:

**Section 1. Title of Local Law:**

This Local Law shall be entitled “A Local Law Establishing a Conservation Advisory Council for the Town of New Lebanon.”

**Section 2. Authorization:**

This Local Law is enacted on the basis of powers granted to the Town pursuant to section 239-x of the General Municipal Law for the creation of a local conservation advisory Council.

**Section 3.**

**SECTION 1: Statement of legislative intent.**

The preservation and improvement of the quality of the environment within the Town of New Lebanon (“the Town”), in the face of population growth, urbanization and technologic change, along with the accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants that requires forthright action by the Town Board of the Town of New Lebanon (“the Town Board”). It is recognized that the ecologic integrity of the natural environment on which humanity is dependent for survival and the natural and functional beauty of the surroundings which condition the quality of life in the Town cannot be protected without the full cooperation and participation of all the people of the Town working in partnership with local and state officials and with various public and private institutions, agencies and organizations. The Town Board, therefore, recognizes and supports the need for the creation of a Conservation Advisory Council, in order to ensure the wise use of the Town's natural resources and the enhancement and protection of its environment.

**SECTION 2: Establishment.**

On the basis of powers granted to it in Article 12-F, section 239-x, of the General Municipal Law of the State of New York, the Town of New Lebanon hereby decrees the establishment of the Town of New Lebanon Conservation Advisory Council, hereafter called the Council, to advise in the development, management and protection of the Town’s natural resources.

**SECTION 3: Membership; Compensation.**

(a) Such Council shall consist of not less than five (5) members, one of whom may be a youth member between the ages of sixteen (16) and twenty-one (21), who shall be appointed

by the Town Board of the Town of New Lebanon and serve at the pleasure of the Town Board for a term not exceeding two (2) years. The Town Board may, notwithstanding any inconsistent provision of law, in addition to the Council membership, appoint up to two (2) alternative members to the Council, one of whom may be a youth member between the ages of sixteen (16) and twenty-one (21).

(b) The Town Board shall designate a chairman of the Council from among the members appointed to the Council. At the first meeting of the Council its members shall elect from among themselves a recording secretary.

(c) The Town Board shall set the membership number of the Council by resolution.

(d) Persons residing within the Town of New Lebanon and non-residents who own property within the Town of New Lebanon who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as a member of Council.

(e) Vacancies on the Council shall be filled in the same manner as the original appointment except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term.

(f) The members of the Council shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available thereof.

#### **SECTION 4: Rules, Records and Reports.**

The Council shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and actions and shall file an annual report with the Town Board on or before the thirty-first day of December of each and every year. Once approved, the Town Board shall forward a copy of the report to the state commissioner of environmental conservation.

#### **SECTION 5: Powers and Duties.**

Within its advisory capacity, the Council shall have the responsibility to:

(a) Provide input, assistance, comments and recommendations regarding environmental assessments and environmental impact statements for proposed actions.

(b) Advise the Town Board on matters affecting the preservation, development and use of the natural and physical features and conditions of the Town insofar as beauty, quality, ecologic integrity and other environmental factors are concerned and, in the case of human activities and developments, with regard to any major threats posed to environmental quality, so as to enhance the long-range value of the environment to the people of the Town.

(c) Develop and, after receiving general approval by resolution of the Town Board, conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.

(d) Conduct studies, surveys and inventories of the natural and physical features within the Town and such other studies and surveys as may be necessary to ensure the wise use of natural resources and to enhance and protect the environment and otherwise to carry out the general purposes of this local law.

(e) Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work.

(f) Maintain an up-to-date inventory or index of all open areas within the Town in public or private ownership, including but not limited to natural landmarks, streams and their floodplains, swamps, marshlands and other wetlands, unique biotic communities, scenic and other open areas of natural or ecological value, and of the ownership, present use and proposed use of such open areas, so as to provide a base of information for recommendations by the Council for their preservation and/or ecologically suitable use.

(g) Maintain liaison and communications with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Council.

(h) Seek to coordinate the activities of unofficial bodies organized for similar purposes and cooperate with other municipal official bodies active in the area of community planning.

(i) Working in cooperation with the Town of New Lebanon Planning Board, recommend from time to time to the Town Board features, plans and programs relating to environmental improvement for inclusion in the Master Plan of the Town of New Lebanon and, similarly, recommend to the Town Board appropriate and desirable changes in existing local laws and ordinances relating to environmental control or recommend new local laws and ordinances.

(j) Obtain and maintain in an orderly fashion maps, reports, books and other publications to support the necessary research of the Council into local environmental conditions.

(k) When authorized by resolution of the Town Board of the Town of New Lebanon, accept, by gift, grant, devise, bequest or otherwise, property, both real and personal, in the name of the Town as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the Town. Such real property may be accepted in fee for land and water rights, or as any lesser interest, development right, easement, including conservation easement, covenant or other contractual right, including conveyance with limitations or reversions.

(l) Carry out such other duties as may be assigned from time to time by resolution of the Town Board that are consistent with the objectives of this local law.

## **SECTION 6: Assistance from Department of Environmental Conservation**

To assist the Council in carrying out its functions, powers and duties, the Council may request the Department of Conservation to:

- (a) Prepare reports outlining objectives, priorities and proposed relationships of the Council to the local legislative body;
- (b) Prepare description of work to be undertaken, advantageous techniques to be used and suggested roles of Council members;
- (c) Provide research on conservation facts and procedures;
- (d) Provide, on a consulting basis, technical and research assistance as may be required to assist the Council in carrying out its work and to enable the Council to offer recommendations to the local legislative body; and
- (e) Describe particular areas of natural resources within the city, town or village, as the case may be, which require particular attention by the Council.

## **SECTION 7: Administration.**

Within thirty (30) days following the establishment of the Council, written notification thereof shall be sent by the Town Board to the state commissioner of environmental conservation.

## **SECTION 9: Severability Clause.**

If any clause, sentence, paragraph, section or part of this local law shall be adjudicated by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

## **SECTION 10: Effective Date.**

This Local Law shall take effect immediately upon its filing with the Secretary of State.