

**ORDINANCE CREATING THE NEW HARTFORD
LAND PRESERVATION FUND
AND OPEN SPACE PRESERVATION COMMISSION**

Section 1: Purpose:

Pursuant to the provisions of CT General Statutes 7-148 (c)(2)(K) and 7-131r, the Town of New Hartford does hereby create a (i) special commission to be known as the Open Space Preservation Commission for the protection and preservation of open space, agricultural land and New Hartford's rural character according to the New Hartford Open Space Plan, the first version of which is dated April 28, 2002; and (ii) a land acquisition fund which shall be called the Land Preservation Fund. This fund shall not lapse at the end of the municipal fiscal year.

Section 2: Sources of Funding, Investments, and Limitation on Fund Use:

- a) In addition to such sums as may be appropriated by the town annually for deposit into the Land Preservation Fund, the Town is authorized to and shall deposit into the Land Preservation Fund all monies received by it from whatever source as monetary gifts, grants, bequests, loans or otherwise.
- b) Fees to the municipality collected in lieu of any requirement to provide Open Spaces pursuant to Connecticut General Statutes Sections 8-25 and 8-25b as authorized by the New Hartford Planning and Zoning Commission pursuant to New Hartford's Subdivision Regulations shall be deposited into said Land Preservation Fund.
- c) All penalties paid for Public Act 490 shall be deposited into the Land Preservation Fund.
- d) All proceeds from the sale of any Town-owned land shall be deposited into the Land Preservation Fund.
- e) The Land Preservation Fund shall be in the custody of the Town Treasurer or other officer in charge of funds of the municipality, and all or any part of the monies in said funds may, from time to time, be invested in any securities in which public funds may be lawfully invested. All income derived from the investments in each fund shall be added to that fund and become a part thereof. The monies so invested shall at all times be subject to withdrawal from such investments for use as hereinafter set forth.
- f) No sums contained in said Land Preservation Fund including interest and dividends earned upon said funds, shall be transferred to any other account or

fund and no appropriations shall be made from the fund except in accordance with the provisions of this Ordinance.

Section 3: Commission Terms and Appointments:

The Open Space Preservation Commission shall consist of seven (7) members and two (2) alternates who shall be electors of the Town of New Hartford. All members and alternates shall be appointed by the Board of Selectmen; provided, however, that one member of the Commission shall be appointed from each of the New Hartford Board of Finance and the New Hartford Economic Development Commission. The first members and alternates of the Commission shall be appointed as soon as possible after the effective date of this ordinance as follows:

- The member from the New Hartford Economic Development Commission for a term of two (2) years;
- The member from the New Hartford Board of Finance for a term of three (3) years;
- Three members for a term of two (2) years;
- Two members for a term of three (3) years;
- One alternate for a term of two (2) years;
- One alternate for a term of three (3) years.

At the time of appointment to this commission, no appointee shall serve on any other New Hartford Land Use Board.

The initial two-year terms shall expire December 31, 2004, or when successors shall be appointed and qualified and the other initial terms shall expire respectively on December 31st of the following years or when successors shall be appointed and qualified. Upon the expiration of each term, the Board of Selectmen shall, within thirty (30) days of such expiration, appoint members and alternates for a term of three (3) years expiring at the applicable December 31st, or when successors shall be appointed and qualified. Any vacancy on the Commission shall be filled by the Board of Selectmen as soon as possible after the vacancy occurs. The Commission shall annually elect a chairperson and secretary.

Section 4: Appropriations from Fund

The continuation of the Land Preservation Fund shall be perpetual, notwithstanding that from time to time said fund may be unfunded. Appropriations shall be made from the Land Preservation Fund only in accordance with the following procedures and requirements:

- a. Appropriations from the Land Preservation Fund shall be used for costs associated with the acquisition of parcels of land or

development rights or easements, interests or rights therein, the use of which shall be limited to the retention of the parcel in its natural condition or for the protection of agriculture or forestry, the rural character of the Town, water quality, scenic views, wildlife or natural resources, or passive recreation as defined in the Open Space Plan.

b. Recommendations for the acquisition of any parcel and/or easements, rights, or interests therein and the sum to be appropriated therefore shall be approved by the New Hartford Open Space Preservation Commission and forwarded to the New Hartford Planning and Zoning Commission for a report in accordance with Connecticut General Statutes Section 8-24. Following review of the Planning and Zoning Commission's report, and incorporation of any changes approved by the Open Space Preservation Commission, all acquisition recommendations shall be forwarded to the New Hartford Board of Selectmen, Board of Finance and Town Meeting for their respective approvals.

c. The appropriation required for acquisitions, preservation of open space and administration pursuant to this ordinance shall be acted on in accordance with New Hartford's land acquisition procedures as adopted by the Board of Selectmen, as amended from time to time.

Section 5: Open Space Preservation Commission Duties:

The charge of the Open Space Preservation Commission shall be to:

- a) develop, update and maintain a list of parcels of land which may be appropriate to preserve for open space or agricultural uses or forestry using the most current Parcel Map and Open Space Plan;
- b) manage the Land Preservation Fund.
- c) implement and annually update the New Hartford Open Space Plan and oversee an annual update of the Parcel Map. The Commission shall identify and prioritize potential acquisitions of land or interests in land for open space and agricultural preservation, update and maintain the list, and make recommendations to the Board of Selectmen regarding acquisition of such land or interests in land. Upon the request of the Board of Selectmen, the Commission shall appoint one of its members to negotiate any such acquisition in cooperation with the First Selectman or his designee.
- d) develop for review and approval by the Board of Selectmen appropriate standards and regulations for use of parcels acquired pursuant to the provision of this Ordinance to assure their use is consistent with the New Hartford Open Space Plan and/or any other requirements imposed by law.

Section 5: Effective Date:

This Ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having circulation in the Town of New Hartford.

This ordinance shall take effect fifteen days after the date of publication.

Effective October 18, 2002.