

HOUSE No. 2032

By Mr. D'Amico of Seekonk, petition of Steven J. D'Amico (by vote of the town) for legislation to establish an agricultural and natural resources preservation council in the town of Rehoboth. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING THE REHOBOTH AGRICULTURAL AND NATURAL RESOURCES PRESERVATION COUNCIL

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There is hereby established the Rehoboth Agri-
2 cultural and Natural Resources Preservation Council consisting of
3 9 voting members and 1 advisory member, The council shall con-
4 sist of 1 member of the agricultural commission appointed by the
5 commission, 1 member of the conservation commission appointed
6 by the commission and 1 member of the planning board appointed
7 by the board, for terms of 3 years; 1 member of the park commis-
8 sion appointed by the commission, 1 member of the board of
9 health appointed by the board and 1 member of the water commis-
10 sion appointed for an initial term of 2 years and for 3 years there-
11 after; 1 member of the board of assessors appointed by the board,
12 1 member of the Rehoboth land trust appointed by the trust and 1
13 member of the board of selectmen appointed by the board for ini-
14 tial terms of 1 year and 3 years thereafter. There shall be 1 year
15 and 3 years thereafter. There shall be a non-voting advisory
16 member of the finance committee appointed by the committee for
17 a 3 year term. If any of the appointing authorities shall cease to
18 exist the board of selectmen shall be the appointing authority.

1 SECTION 2. The Council shall identify and purchase land,
2 development rights and conservation restrictions to preserve
3 existing agricultural and use and to preserve the natural resources

4 of the town. The Council shall foster and promote activities that
5 are in the interest of preserving agricultural land, natural resources
6 and revitalizing the agricultural industry in the town.

7 The Council shall submit any recommended acquisitions or
8 agreement, including their anticipated costs to the board of
9 selectmen for its majority approval before taking further action
10 within 30 days of receipt the board of selectmen shall approve or
11 deny the Council's recommendation with stated reasons. If no
12 action is taken by the board of selectmen after 30 days, the
13 Council may act upon its recommendation after holding a public
14 hearing including notice to all parties concerned and in confor-
15 mity with section 23B of chapter 39 of the General Laws.

16 The Council may enter into agreements alone or with other
17 entities for the purpose set forth herein which may include the
18 payment of funds through the Rehoboth Agricultural and Natural
19 Resources Preservation Trust Fund to support these preservation
20 activities.

1 SECTION 3. Notwithstanding any general or special law to the
2 contrary, the town of Rehoboth may establish and maintain a fund
3 to be known as the Agricultural AND Natural Resources Preserva-
4 tion Trust Fund into which all receipts, revenues, appropriations,
5 gifts, grants and funds from all activities of the Rehoboth Agricul-
6 tural and Natural Resources Preservation Council shall be
7 deposited. The fund shall be kept separate and apart from all
8 other accounts of the town. The town treasurer shall be the custo-
9 dian of the fund and shall invest amounts in said fund in accor-
10 dance with section 54 and 55 of chapter 44 of the General Laws.
11 Any earnings, income and interest accruing from the fund shall be
12 credited to and become part of the fund. The town may from time
13 to time appropriate funds to this account. The town may incur
14 debt pursuant to the subsection (3) of section 7 of chapter 44 of
15 the General Laws. The town auditor shall include this account in
16 his annual independent audit.

1 SECTION 4. The Council, with the approval of the board of
2 selectmen, shall have the power of a conservation commission
3 pursuant to section 8C of chapter 40 of the General Laws with
4 respect to the acquisition of interests in land and buildings and the

5 expenditure of reasonable administrative funds. In the event that
6 the Council and board of selectmen determine that land or inter-
7 ests in land are no longer in use or preserved for agricultural pur-
8 poses, such land or interest in land may be transferred for
9 conservation purposes as if acquired by the conservation commis-
10 sion under said section 8C of said chapter 44.

1 SECTION 5. The Council shall not meet or conduct business
2 without the presence of a quorum. A majority of the voting mem-
3 bers of the Council shall constitute a quorum. The Council shall
4 approve its action by a majority vote.