

This is a mix of current ECC law and the DEC guidance and language on a CAC

§ 16-1Legislative intent.

The preservation and improvement of the quality of the natural and man-made environment within the Town of Gardiner, in the face of population growth, urbanization, and technologic change with their 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 and require forthright action by the governing body of the Town of Gardiner. It is recognized that the biologic integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience 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. Establishment of a conservation advisory council to advise in the development, management and protection of its natural resources.

MISSION: By providing a scientific perspective on matters related to the environment and conservation, become the “go to” source for evidence-based documentation on the natural environment of the Town of Gardiner. These data sources are to be used by the planning board, zoning board of appeals, open space commission and the town board as well as applicants for land use proposals to ensure the information applied is current, relevant and accessible.

§ 16-2Establishment of the Council.

The Town Board of the Town of Gardiner, consistent with NYS General Municipal Law (GMU) Section 239-x hereby creates the Gardiner Conservation Advisory Council (formerly known as "Town of Gardiner Council for Conservation of the Environment,") hereinafter called the "Council."

§ 16-3Membership.

[Amended X-X-2020 by L.L. No. X -XXX]

A.

The Council shall consist of five members appointed by the Town Board who shall serve at the pleasure of the Town Board. Such Council may, notwithstanding any inconsistent provision of law, appoint up to two (2) additional members, for one year terms, to the Council who are between the ages of sixteen and twenty-one.

B.

The term of membership on the Council shall be five years, with the possibility of reappointment. Notwithstanding the foregoing, members' terms shall be so fixed that one member's term shall expire at the end of each year for five consecutive years. Thereafter, each member shall be appointed for a full five-year term, with the intention that only one member's term shall expire each year. To the extent that the appointments and the terms of office set forth herein are different from those set forth in General Municipal Law § 239-x(3), and to the extent that said statute has application to the Town of Gardiner Environmental Conservation Council, this section is intended to supersede General Municipal Law § 239-x(3), with respect to the term of appointment.

C.

Persons residing within the Town of Gardiner who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as members of the Council. Vacancies on the Council shall be filled in the same manner as the original appointments, except that a vacancy occurring other than by the expiration of a term of office shall be filled only for the remainder of the unexpired term. Any vacancy shall be filled for the unexpired term in the same manner as the original appointment.

D.

The Town Board shall by resolution at its Annual Meeting, appoint a Chairperson of the Council. The Council may make a recommendation to the Town Board of a member to serve as Chairperson. The term of the Chairperson shall be one year, with the possibility of a one-year reappointment.

E.

~~The Town Supervisor, Chairperson of the Planning Board, and Chairperson of the Recreation Committee, as well as the Attorney for the Town and other officials who may be hereinafter designated by the Town Board, shall be ex officio members of the Council.~~

§ 16-4Officers, meetings and protocols.

Council members shall elect from among themselves a recording secretary and establish a standard meeting schedule to be held in a public space which will be posted on the Town's website. Additions to or changes in the meeting schedule must be properly noticed and posted.

A quorum (3 or more) of Council members is required to call a meeting to order. A draft agenda will be presented to the Council for review and approval. The agenda of any meeting shall allow for a set amount of time for public comment. If the Recording Secretary is absent, members will select among those present, a substitute Recording Secretary.

The Council shall keep accurate minutes of its meetings and actions. Draft minutes shall be shared with the Town Supervisor within one week of any meeting. Final minutes shall be shared with the Town Supervisor and posted on the website once approved by the Council.

Each year in August, the Council will receive a request for a proposed budget for the subsequent year. Such requests shall be reviewed at a duly called meeting of the Council. Reply within the required time frame. Budget discussions shall be reflected in the minutes of such meeting.

Any need the Council may have for access to private lands for purposes of research relevant to an ongoing study, shall be coordinated in advance with the Town Supervisor.

The Council shall submit and shall file an annual report with the Gardiner Town Board on or before the thirty-first day of December of each and every year. Once approved, the Gardiner Town Board shall forward a copy of the annual report to the state commissioner of environmental conservation.

§ 16-5 Powers and duties of the Council.

The powers and duties of the Council shall be to:

A.

Conduct studies, surveys, and inventories of the natural and man-made features within the Town of Gardiner and such other studies and surveys as may be necessary to carry out the general purposes of this chapter. Within a designated space in the Gardiner Town Hall, maintain and make available for reference by town officials and the general public, data, reports, recommendations of the Council.

B.

In collaboration with the Open Space Commission, maintain an up-to-date inventory or index of all open spaces in public or private ownership within the municipality, including but not limited to natural landmarks, glacial and other geomorphic or physiographic features; 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 use.

It shall keep an inventory and map as defined in section 239-y of this article, of all open areas within the municipality with the plan of obtaining information pertinent to proper utilization of such open lands including lands owned by the state, any other municipality within the state or by the particular municipality itself;

It shall keep an inventory and map of all open marsh lands, swamps and all other wet lands in a like manner, and may recommend to the governing body of the municipality a program for ecologically suitable utilization of all such areas;

C.

Seek to coordinate the activities of unofficial bodies organized for similar purposes and to cooperate with other official municipal bodies active in the area of community planning for the particular municipality;

It may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgement it deems necessary for its work;

D.

Advise the Town Board on matters affecting the preservation, development, and use of the natural and man-made features and conditions of the Town insofar as beauty, quality, biologic integrity, and other environmental factors are concerned and, in the case of man's 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.

E.

Develop and, after receiving 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 solution.

F.

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.

G.

Reference the Town of Gardiner Comprehensive Plan for priority areas of environmental concern and from time to time provide the Town Board with written suggestions of plans, and programs relating to environmental improvement for inclusion in the Comprehensive Plan and as a means of implementing goals and objectives of the Town of Gardiner Comprehensive Plan. 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.

H.

Prepare, print, and distribute books, maps, charts, and pamphlets in accord with the purposes of this chapter.

I.

Obtain and maintain in orderly fashion maps, reports, books and other publications to support the necessary researches of the Council into local environmental conditions.

J.

When authorized by resolution of the Town Board of the Town of Gardiner, the Council may accept by gift, grant, devise, bequest, or otherwise, money or personal property in the name of the municipality, for use in furtherance of the provisions of this act.

K.

Carry out such other duties as may be assigned from time to time by the Town Board.

§ 16-6Reports.

The Council shall submit an Annual Report to the Town Board not later than the first day of April of each year outlining its activities, an evaluation of accomplishments and trials, and identify the scope of work for the coming year including analysis of any “threat assessments” for the coming year(s).

Upon receipt of a request from another agency of the Town of Gardiner, the ECC shall, at a duly called meeting, discuss the request, timeline, and other factors to determine if the request can be fulfilled and is consistent with the mission of the Council and the intent of this local law.

In addition, from time to time, Council shall submit such reports and recommendations as may be necessary to fulfill the purposes of this chapter.

§ 16-7Compensation and expenses.

The members of the Council, including ex-officio members, 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 therefor.

§ 16-8Construal of provisions.

This chapter shall be deemed an exercise of the powers of the Town of Gardiner to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof. This chapter is not intended and shall not be deemed to impair the powers of any other public corporation.

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