**Establishment of a** **Conservation Commission**

**Statutory Reference:** Conn. Gen. Stat. § 7-131a

**Purpose:** As authorized by state statute, to create a Conservation Commission as a non-regulatory advisory body.

**Definitions:**

1. **“cause**” is malfeasance, misfeasance, or nonfeasance.
2. **“malfeasance”** is any intentionally illegal act or knowingly exceeding one’s authority for improper (illegal or prohibited) reasons.
3. **“misfeasance”** is committing a wrong or error by mistake, negligence or inadvertence but without bad intent or violation of the law.
4. **“nonfeasance”** is continued and successive failure to perform one’s duties or obligations in their position on this board.

**Ordinance Text:**

1. The Town of Hampton hereby creates a Conservation Commission pursuant to Section 7-131a of the Connecticut General Statutes. The Commission shall be a non-regulatory, advisory commission only.
2. The Hampton Conservation Commission:
3. shall conduct research into the utilization and possible utilization of land areas of Hampton;
4. shall keep records of its meetings and activities and shall make an annual report to the Town in the manner of other commissions;
5. shall periodically report its activities directly to the Board of Selectmen;
6. shall keep an index of all open areas, publicly or privately owned, including open marsh lands, swamps, and other wetlands, as well as upland habitats, for the purpose of obtaining information on the conservation of such areas, and from time to time recommend to the Planning and Zoning Commission or the Selectmen plans and programs for the conservation and use of such areas;
7. may coordinate the activities of unofficial bodies organized for similar purposes;
8. shall make recommendations to the Planning and Zoning Commission, Inland Wetlands and Watercourses Agency and other town agencies on proposed land-use changes;
9. may advertise, prepare and distribute books, maps, charts, plans and pamphlets, conduct walks, talks and educational presentations as necessary for its purpose;
10. may, with the approval of the Selectmen and Town Meeting, acquire land and easements in the name of the Town of Hampton and promulgate rules and regulations, including but not limited to the establishment of reasonable charges for the use of land and easements, for any of the purposes set forth in this ordinance;
11. may, with approval of the Selectmen and Town Meeting, receive gifts of land in the name of the Town of Hampton for any of its purposes and shall administer the same for such purposes subject to the terms of the gift;
12. may supervise and manage specific municipally-owned open space or park property upon delegation by the Selectmen;
13. may propose a Greenways plan to be included in the plan of conservation and development;
14. may exchange information with the Commissioner of Environmental Protection, and request the assignment of technical personnel to the Commission for assistance in planning its overall program and for coordinating state and local conservation activities;
15. may apply for state grants-in-aid or programs established to preserve the use of open space land or to restrict it to conservation or recreation purposes.
16. The Conservation Commission shall consist of *five (5) members and two (2)* alternates [six members and three alternates], to be appointed by the Board of Selectmen.
	1. All Conservation Commission terms shall be for a period of three years, except for initial appointments, of which two regular members and one alternate member shall be appointed for two-year terms, and two regular and one alternate shall be appointed for one-year terms. Alternate members shall, when seated, have all the powers and duties as a regular member of the commission.
	2. Following a written warning to the member regarding possible removal, the First Selectman, may remove any member or alternate for cause, and may fill any vacancy on the Commission
17. The Conservation Commission shall submit an annual budget request for operating funds to the Selectmen. by recommendation of the Commission

**Fees:** N/A.

**Penalties:** N/A.

**Cross References:** Planning and Zoning Commission Ordinance; Inland Wetlands and Watercourses Agency Ordinance.

**Date Approved:**

Date of initial approval – Spring 2002.

Amendment accepted at a Special Town Meeting held on October 25, 2006, Town Meeting, November 17, 2008.

**Dates Published:**

Initial ordinance published on February 7, 2002 (Willimantic Chronicle).

Amendment published on November 6, 2006 (Willimantic Chronicle).

**Effective Dates:**

Initial Ordinance: February 22, 2002.

Amendment Effective: November 21, 2006.

**History:**

**2006**: Prior to 2006 amendment, Section 3(a) of the ordinance read as follows:

*All Conservation Commission terms shall be for a period of three years, except for initial appointments, of which two regular and one alternate member shall be appointed for two-year terms, and two regular and one alternate shall be appointed for one-year terms. Alternate members shall, when seated, have all the powers and duties as a regular member of the commission. Individuals shall not serve more than two consecutive terms as regular members.*

**2008**: November 2008

1. Reformatted to template
2. Added “*Town Meeting*” in 2h and i
3. Changed the name of reference to Inland Wetlands and Watercourses *Commission* to Inland Wetlands and Watercourses *Agency* to reflect updated statutory nomenclature.
4. Changed “f) from *may* make recommendations to the Planning and Zoning Commission…….to *shall* make…….”
5. In “g),” added “…*conduct walks, talks and educational presentations*….”
6. Section 3b, added “Following a written warning to the member regarding possible removal,……..”

 **2016:** Removed Ordinance Number and changed membership numbers.