

CHAPTER 548

87-H 7155A

Approved Jul. 1, 1987.

AN ACT RELATING TO THE PRESERVATION OF FARM LAND AND OPEN SPACE IN THE TOWN OF GLOCESTER AND ESTABLISHING A LAND TRUST**It is enacted by the General Assembly as follows:**

SECTION 1. There is hereby established the Gloucester land trust (hereinafter called the trust), a body politic and corporate and a public instrumentality. The trust shall have the authority to acquire, hold and manage real property and interests therein situated in the town of Gloucester, consisting of open, agricultural or littoral property, including existing and future wellfields and aquifer recharge areas, fresh water marshes and adjoining uplands, wildlife habitats, land providing access to or views of the lakes and ponds, land for bicycling and hiking paths and for future public recreational use and land for agricultural use. With the exception of property acquired for public recreational purposes, the trust shall hold all property solely as open space or for agricultural uses or for water purposes as the trustees may determine.

SECTION 2. The trust shall be administered by seven (7) trustees, five (5) of whom shall be appointed by the town council. The trustees who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively. Thereafter trustees shall be appointed as aforesaid for a term of office of five (5) years, except that all vacancies occurring during a term shall be filled for the unexpired term. In addition to the five (5) trustees appointed by the town council, the current chairperson or member designee of the Gloucester Conservation Commission and Gloucester Planning Board shall also be trustees. Trustees shall be electors of the town of Gloucester, shall serve without compensation and shall hold office until their successors have been named. No trustee may be an elected officer of the town.

SECTION 3. The members of the trust shall elect a chairperson, vice-chairperson and treasurer from amongst its members. The trustees shall elect or appoint a secretary who need not be a voting member of the trust. The term of office of the office of the chairperson, vice-chairperson, treasurer and secretary, unless otherwise prescribed by the Gloucester town council, shall be for the calendar year.

SECTION 4. The trustees may adopt reasonable rules and regulations governing the conduct of trust affairs, including the acquisition and management of its holdings, not inconsistent with the provisions of this act. All rules and regulations of the trust are subject to the approval of the town council. Decisions of the trustees shall be by majority vote of those present and voting, and no business shall be transacted without four (4) members present. The trustees shall keep accurate records of their meetings and actions and shall file an annual report which shall

be printed in the annual town report. All meetings of the trust shall be open to the public in accordance with chapter 46 of title 42 of the general laws.

SECTION 5. The trust shall have the power to:

(a) Purchase, receive by gift or otherwise acquire fee simple or lesser interests in real property, including development rights as defined in section 42-32-2 of the general laws, or any interest in real property consistent with purposes of this act;

(b) Accept gifts, grants or loans of funds or services from any source, public or private, and comply, subject to the provisions of this act, with any terms and conditions thereof;

(c) Accept from state and/or federal agencies, loans or grants for use in carrying out the trust's purposes and enter into agreements with such agencies respecting any such loans or grants;

(d) Employ counsel, auditors, engineers, appraisers, private consultants, advisors, secretaries or other personnel needed to perform its duties;

(e) Administer and manage land and interests in land held by it in a manner which allows public use and enjoyment consistent with the natural and scenic resources thereof, including conveyance of any such land or interests in land to, and contracts with, nonprofit organizations, provided such land shall continue to be used in a manner consistent with the purposes of this act and with the terms of any grant or devise by which such land was acquired by the trust;

(f) Dispose of all or any portion of its real property or interests therein held by it, whenever in the opinion of the trustees said lands or properties have become unsuitable or have ceased to be used for the purposes set forth in this act. Such disposition shall be made only by a vote of the trustees in which at least five (5) members vote in favor of such a disposition and further only after having been approved by a two thirds ($\frac{2}{3}$) vote of an annual or special financial town meeting of the town of Gloucester. Nothing in this subsection shall be construed to authorize the sale, lease or conveyance of lands or improvements held by the trust as part of a charitable trust or acquired by gift or devise for the public use, whether or not such gift or devise is subject to a condition subsequent or reverter;

(g) Otherwise do all things necessary for the performance of its duties, the fulfillment of its obligation and the conduct of its business.

SECTION 6. All funds collected by the trust shall be deposited in a fund to be set up as a revolving or sinking account by the treasurer of the town of Gloucester. Additional monies or other liquid assets received as voluntary contributions, grants or loans, funds appropriated to the trust by vote of a financial town meeting of the town of Gloucester, or proceeds from disposal of real property or interests shall be deposited into said account. All expenses lawfully incurred by the trust in carrying out the provisions of this act shall be evidenced by proper vouchers and shall be paid by the treasurer of the town of Gloucester only upon submission of warrants duly approved by the trust. The treasurer of the town of Gloucester shall prudently invest available assets of the funds, and all income thereon shall accrue to the fund. Upon termination or dissolution of the trust, the title of all funds and other properties owned by the trust which remain after payment or making provision for payment of all bonds, notes and other obligations of

the trust shall vest in the town of Gloucester which shall manage the lands of the dissolved trust in the open space function for which they were donated or purchased to the best interest of the purposes of the trust. If in the opinion of the town council said lands no longer function in the purposes set forth in this act, the town may dispose of those properties provided that a two thirds ($\frac{2}{3}$) vote of an annual or special financial town meeting of the town of Gloucester shall affirm said disposal.

SECTION 7. The trust and all its revenues, income, and real and personal property used by the trust for furtherance of its public purposes, shall be exempt from taxation and from betterments and special assessments, and the trust shall not be required to pay any tax, excise or assessment to the state or any of its political subdivisions.

SECTION 8. Nothing in this act shall affect the eligibility of the town to receive funds under any other state land acquisition program.

SECTION 9. The provisions of this act are severable, and if any provision hereof shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 10. This section shall take effect upon passage.

**Chapter 121
2012 -- H 8046
Enacted 05/30/12**

**A N A C T
RELATING TO THE PRESERVATION OF FARM LAND AND OPEN SPACE IN THE
TOWN OF GLOCESTER AND ESTABLISHING A LAND TRUST**

Introduced By: Representatives Chippendale, and Winfield
Date Introduced: April 04, 2012

It is enacted by the General Assembly as follows:

SECTION 1. Section 2 of Chapter 548 of the 1987 Public Laws entitled "An Act Relating to the Preservation of Farm Land and Open Space in the Town of Gloucester and Establishing a Land Trust", as amended, is hereby further amended to read as follows:

SECTION 2. The trust shall be administered by seven (7) trustees, ~~five (5) of whom shall be appointed by the town council. The trustees who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively. Thereafter, trustees shall be appointed as aforesaid for a term of office of five (5) years, except that all vacancies occurring during a term shall be filled for the unexpired term. In addition to the five (5) trustees appointed by the town council, the current chairperson or member designee of the Gloucester Conservation Commission and Gloucester Planning Board shall also be trustees: One (1) trustee shall be a member of the Gloucester Planning Board and one (1) trustee shall be a member of the Gloucester Conservation Commission, each of whom shall serve a term of one (1) year. The other trustees who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively. Thereafter, trustees other than those trustees who are appointed for a one (1) year term as set forth above shall be appointed as aforesaid for a term of office of five (5) years, except that all vacancies occurring during a term shall be filled for the unexpired term.~~ Trustees shall be electors of the town of Gloucester, shall serve without compensation and shall hold office until their successors have been named. No trustee may be an elected officer of the town. Trustees may be removed by the town council in accordance with applicable town procedures.

SECTION 3. This act shall take effect upon passage.

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