

BLOCK ISLAND LAND TRUST RULES AND REGULATIONS

ARTICLE I – NAME

The name of the Trust shall be the Block Island Land Trust (hereinafter called the Trust).

ARTICLE II – AUTHORITY

- A. AN ACT RELATING TO THE PRESERVATION OF FARM LAND AND OPEN SPACE IN THE TOWN OF NEW SHOREHAM AND ESTABLISHING A LAND TRUST –CHAPTER 268 OF THE PUBLIC LAWS OF RHODE ISLAND 1986 (hereinafter called the Act) was passed by the General Assembly on June 20, 1986; approved and signed by the Governor on June 26, 1986; and approved by a majority of electors assembled at a special financial town meeting, held in the Town of New Shoreham on August 26, 1986. Section 4 of the Act authorizes the Trustees of the Block Island Land Trust to 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 New Shoreham Town Council, hereinafter called the Town Council.
- B. In instances where there is a discrepancy between the Act and the Rules and Regulations, the Act shall take precedence.

ARTICLE III – TRUSTEES

Following the initial appointments, the Trustees shall be elected in accordance with the Act and with the Town Council Resolution, dated September 3, 1986. The Trustees so elected will assume their authority as Trustees at the first monthly meeting of the Trust, following the regular town election at which they are elected.

ARTICLE IV – OFFICERS

- A. The officers of the Trust shall consist of a Chairperson, Vice-Chairperson, Secretary and Treasurer. The offices of Secretary and Treasurer may be combined if deemed desirable.
1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Trust and shall supervise its business and activities. The Chairperson may sign deeds, contracts, or other documents authorized by a majority of the Trustees.

2. VICE-CHAIRPERSON. The Vice-Chairperson shall, in the event of the absence or disability of the Chairperson, possess all of the powers and perform all the duties of the Chairperson.
 3. SECRETARY. The Secretary shall be responsible for routine correspondence, posting of notices, and preparation of the written Annual Report. The Secretary shall record the minutes of meetings, providing a copy of said minutes to the Town Clerk for dissemination to the Town Council. The Secretary will act as liaison between the Trust and the Town Clerk of the Town of New Shoreham.
 4. TREASURER. The Treasurer shall act as liaison between the Trust and the Treasurer of the Town of New Shoreham. All fees collected by the Trust or its designate, and all gifts of money to the Trust, will be deposited in a revolving or sinking fund administered by the Treasurer of the Town of New Shoreham, as specified by the Act. The Treasurer will receive Certificate Forms A and B and any other applicable certificates from the Town Clerk, and will reconcile said certificates with the amounts deposited in the Land Trust account administered by the Treasurer of the Town of New Shoreham. The Treasurer shall keep an accounting of the monies of the Trust, revenues generated, and amounts payable. Said accounting will be presented to the Trustees at each meeting and published in the Annual Report.
- B. The officers of the Trust will be elected by the Trustees at the regular monthly meeting in November, or, in the case of an election year, at the first regular meeting following the election of the new Trustees. Officers will be elected for one-year terms.
- C. Vacancies: 1) Officer. The unexpired term of an officer shall be filled immediately by regular Trustee election procedures. 2) Trustee. The unexpired term of a Trustee shall be filled by the following procedure: (a) The Trust shall duly advertise any vacancies on the Trust to solicit names and statements of interest from electors interested in serving on the Trust, and (b) after reviewing the materials received, the Trustees shall, by majority vote, make a recommendation to the Town Council for filling the vacancy until the next regular town election.

ARTICLE V – MEETINGS

- A. The Trustees shall meet regularly on a monthly basis. Special and interim meetings may be called by the chairperson at any time upon 72 hours notice to Trustees and the general public.
- B. Meetings shall be conducted in accordance with Robert’s Rules of Order, Edition 1971 by Henry M. Robert III – Trustee for The Robert’s Rules Association.
- C. Meetings and records shall be consistent with the Open Meetings Law (Chapter 42-46 of the General Laws) and the Public Records Act (Chapter 38-1 of the General Laws).

ARTICLE VI – PUBLIC PRIORITIES POLL

The public shall be polled every five years to determine public consensus regarding acquisition priorities for the Trust’s agenda. The poll will seek public consensus on general geographic areas in which to seek acquisitions, and land types to preserve, consistent with the purposes of the Act.

ARTICLE VII – SELECTION OF ACQUISITIONS

- A. Opportunities for acquisition may be solicited from landowners.
- B. The Trustees may actively seek opportunities for acquisitions from property owners or other entities provided that:
 - 1. acquisition of the property is consistent with the purposes of the Trust as set forth in Section 1 of the Act, and that the property satisfies the acquisition criteria set forth in Article VIII (B).
- C. Gifts of land may be accepted at any time.

ARTICLE VIII – EVALUATION OF POTENTIAL ACQUISITIONS

- A. Acquisition Evaluation – The Trustees will evaluate all proposed acquisitions in a timely manner. Site visits may be arranged with the landowner on a day agreeable to the landowner and majority of the Trustees.

- B. Acquisition Criteria – The Trustees will develop Acquisition Criteria to determine the acceptability of each proposal. These acquisition criteria shall include, but not be limited to:
 - 1. open space significance;
 - 2. biological, ecological, and environmental significance;
 - 3. recreational significance;
 - 4. protection of drinking water and aquifer recharge areas;
 - 5. protection of wildlife habitat;
 - 6. agricultural significance.

- C. Selection of property for acquisition –The following will be considered:
 - 1. Acquisition Criteria;
 - 2. Public Priorities Poll;
 - 3. Town of New Shoreham Comprehensive Plan, 2002;
 - 4. State or regional open space plans;
 - 5. New Shoreham Recreation, Conservation & Open Space Plan, 1993, by Megan DiPrete;
 - 6. Maps, inventories, and studies that catalog or document the occurrence of land types specified in Section 1 of the Act;
 - 7. 1996 U.S. Geological Survey entitled “Hydrogeology and Water Resources of Block Island, Rhode Island,” by Anne I. Veeger, et al;
 - 8. Price;
 - 9. Urgency;
 - 10. Title and access;
 - 11. Liability;
 - 12. Management.

- D. Each proposed acquisition shall be approved by a majority vote of the Trustees.

ARTICLE IX – PURCHASE

- A. Purchase Price – The Trustees shall encourage gifts of land and bargain sales. Where such are not forthcoming, the Trust may purchase land or easements for a price that is reasonably supported by an independent appraisal. Offers used in preliminary negotiations need not require support by an appraisal, but must be first approved by a majority vote of the Trustees. However, an appraisal prior to negotiations may be required by means of a majority vote of the Trustees. All final approvals shall require the support of at least one appraisal, unless the Trustees, by majority vote, determine that an appraisal is not required for a specific acquisition. By majority vote, the Trustees may require additional appraisals prior to final approval. The Trust recognizes its responsibility to use public funds in a prudent manner in achieving the objectives of the Act.

ARTICLE X – STATEMENT OF PURPOSE

There shall be recorded in the catalog of acquisitions described in Article XI (F), a written Statement of Purpose, describing the reasons and purpose of the acquisition and the current and proposed use of the property. The Statement of Purpose is intended to be used to inform future Trustees of the reason why the property was originally purchased, but not to limit their future use of the property.

ARTICLE XI – STEWARDSHIP AND MANAGEMENT

- A. The Trust shall retain any real property interest relating to land and water areas acquired in its natural, scenic or open condition, in a manner consistent with the purposes of the Act and with the purposes of any grant or devise by which the land was acquired. The Trustees shall administer and manage its land and interests, as authorized in Section 5 of the Act.
- B. The Trustees shall develop and implement a management plan for each acquisition. This plan shall be consistent with the Statement of Purpose, prescribed in Article X of the Rules and Regulations.
- C. The Trustees shall dedicate a reasonable amount of money each year to implement the management plan. Such monies shall be drawn from the Land Trust Fund, consistent with the purposes of Section 1; Section 5; and Section 11 of the Act.

- D. The Trustees shall monitor the Trust's property and interests therein from time to time, and at least yearly, to assure that it is being managed in a manner consistent with the purposes of the Act, with the purposes of any grant or devise by which the land was acquired, and consistent with the Statement of Purpose.
- E. Signs and markers shall be of a design that is in keeping with the island's natural and rural character, and shall be used sparingly and in a reasonable manner. Their placement shall be sensitive to the landscape and natural features, scenic vistas, and stonewalls.
- F. The Trustees shall maintain a catalog of acquisitions, for the purpose of transferring knowledge of the Trust to succeeding Trustees and future generations. Said catalog shall contain copies of each deed and shall document and reference the history of the transactions. Copies of available maps shall accompany the catalog.
- G. The Trust will make reasonable attempts to record and identify boundaries of its real property interests through surveys, maps, and permanent surveyor's markers. The original copy of the map shall be filed with the Land Evidence Records of the Town of New Shoreham.

ARTICLE XII – INSURANCE & BONDING

The Trustees will seek adequate insurance to protect the Trust, its real property, and interests therein from legal claims. The Trust will also seek adequate title insurance, where deemed appropriate. The Trust will provide adequate bonding to protect its Trustees from legal claims arising from the performance of their responsibilities as Trustees of the Block Island Land Trust.

ARTICLE XIII – SPECIAL COMMITTEES

The Trustees may appoint special committees to assist and carry out the purposes and activities of the Trust.

ARTICLE XIV – ENFORCEMENT

A buyer who fails to pay all or any portion of the fee established by Section 7 of the Act shall be liable to additional payments in addition to said fee in accordance with Section 10 of the Act.

- A. The Trust shall notify a buyer by registered or certified mail of any failure to discharge in full the amount of the fee due under the Act and any penalty or interest assessed. Said notification shall include notice of buyer's right to hearing, and procedure and time frame for request of hearing. The Trust shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Trust within thirty days after the mailing of said notice. The Trust shall notify the purchaser in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Every notice to be given under this article by the Trust shall be effective if mailed by certified or registered mail to the purchaser at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records of the Town of New Shoreham, such notice shall be effective when so mailed to the purchaser in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in the Town of New Shoreham.
- B. All fees, penalties and interest required to be paid pursuant to this chapter shall constitute a personal debt of the buyer and may be recovered in an action of contract, petition to foreclose lien, or in any other appropriate action, suit or proceeding brought by the Trust.
- C. The Trust may issue a waiver or release of any lien imposed by this article. Such waiver or release shall be conclusive evidence that the lien upon property covered by the waiver or release is extinguished.
- D. In the case of a lien resulting from an exemption granted under the terms of Section 9 of the Act, the Trust shall file a discharge of said lien in the Land Evidence Records at the expiration date of said lien as provided under Section 9 of the Act.

ARTICLE XV – QUESTIONS THAT ARISE AS TO THE APPLICABILITY OF PROVISIONS OF THE ACT WITH REGARD TO PARTICULAR CIRCUMSTANCES

When a question arises as to the applicability of provisions of the Act with regard to particular circumstances, the Trustees reserve the right to render an opinion. Such opinion shall form the basis of future decisions of the Trust.

ARTICLE XVI – AMENDMENTS

These rules and regulations may be amended at a meeting of the Trust. Such amendments may be made only if approved by four of the five Trustees. Any such amendments are subject to the approval of the New Shoreham Town Council.

Rules and regulations shall be reviewed by the Trustees every five years.

ARTICLE XVII – SEVERABILITY

The provisions of these rules and regulations are severable, and if any provision hereof shall be held invalid in any circumstances, such invalidity shall not affect any other provisions or circumstances.