

**THE TOWN OF WEST GREENWICH  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**ORDINANCE #67**

**AN ORDINANCE RELATING TO THE  
ESTABLISHMENT OF A LAND TRUST**

**Adopted 6/12/1997**

**Amended: 5/11/2005**

**Amended: 4/11/2012**

IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEST GREENWICH, RHODE ISLAND, AS FOLLOWS:

Section 1. Pursuant to Section 705 of the Town Charter, there is hereby established a West Greenwich Land Trust (hereinafter called Trust) for the purposed of acquiring development right to real property within the town as well as the acquisition of real property, or interest therein, to preserve agricultural, recreational, historical, or littoral lands, open spaces, fresh water wetlands, estuaries and adjoining uplands, groundwater recharging areas, well fields, wildlife habitats, land for bicycle and hiking paths and land for future public recreational facilities and use.

Section 2. Any real property held and used by the Trust, an organization meeting the definition of "charitable trust" as set forth in sec. 18-9-4 of the Rhode Island General Laws (as amended), and exclusively used for the purpose of conserving open space as that term is defined in Title 45, Chapter 36, of the Rhode Island General Laws (as amended), shall be exempt from taxation by the Town of West Greenwich, except that taxes assessed as of the December 31 next preceding the date of acquisition by the West Greenwich Land Trust shall be paid through the date of acquisition.

Section 3. The Trust shall be seven (7) full time trustees and two (2) alternate trustees, all of whom shall be appointed by the town council with at least one (1) full time trustee being an active farmer or active tree farmer. The full time trustees who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4), five (5), six (6) and seven (7) years respectively. Thereafter full time trustees shall be appointed as aforesaid for a term of office of five (5) years respectively. Thereafter full time trustees shall be appointed as aforesaid for a term of office of five (5) years and alternate trustees shall be appointed for a term of office of two (2) years, except that all vacancies occurring during a term shall be filled for the unexpired term.

Trustees shall be resident electors of the town of West Greenwich, shall serve without compensation and shall hold office until successors have been appointed. No trustee may be an elected officer or salaried employee of the town.

Section 4. 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 chairperson, vice-chairperson, treasurer and secretary, unless otherwise prescribed by the West Greenwich Town Council shall be for the calendar year, or for that portion thereof remaining after each such officer is designated or elected.

Section 5. 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 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 a majority vote of those present and voting, excepting in decisions on the acquisition of land, easements, right-of-way and other uses referred to in Section 1 of this Trust, which must be by a majority vote of all trustees, i.e. at least 5 positive votes. 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 reporter. All meetings of the Trust shall be open to the public.

Section 6. The Trust shall have the authority to acquire any real property from consenting land owner(s), situated in West Greenwich, or any interest therein, which it shall deem important to preserve and maintain in an open or agricultural condition. With the exception of property acquired for public recreation purposes, such property shall be held by the Trust subject to the condition that it shall be used for open space or agricultural use. The trustees shall afford property to the acquisition of development right of agricultural lands.

Section 7. The Trust shall also have power to:

- a. Purchase, receive by gift, or otherwise acquire real property and development rights, as defined in section 42-82-2 of the General Laws, or any interest in real property consistent with purposed of this Ordinance;
- b. Accept gifts, grants or loans of funds or services from any source, public or private, and comply, subject to the provision of this Ordinance, with any terms and conditions thereof;
- c. Accept from state and/or federal agencies loans or grants for used in carrying out its 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 provide necessary services;
- e. Administer and manage land and interests in land held by it in a manner which allows public use and/or enjoyment with the natural and scenic resources thereof;

f. Dispose by sale or otherwise 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 ordinance or unless the best interests of the Trust shall be served by such sale or other disposition. Such disposition or sale shall be made only by a vote of the trustees in which at least four (4) members vote in favor of such a disposition or sale and further only after having been approved by a two-thirds (2/3) vote of the Financial Town Meeting.

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