



Substitute House Bill No. 6747

Special Act No. 19-22

AN ACT AMENDING THE CHARTER OF THE GROVE BEACH POINT ASSOCIATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 3 of number 148 of the special acts of 1945, as amended by section 2 of number 223 of the special acts of 1947 and section 15 of public act 05-247, is amended to read as follows (*Effective from passage*):

The objects of said association shall be: To provide for the improvement of the land within the limits of said association, its maintenance as a residential community and for the health, comfort, protection, safety and welfare of the inhabitants thereof. All owners of a cottage or dwelling or other real estate within said limits shall, provided they are twenty-one years of age, be members of said Grove Beach Point Association and shall be entitled to vote in any meeting of such members and shall be eligible to any office provided for in this charter. Joint owners of any cottage, dwelling or other real estate within said limits shall be considered for voting purposes as one member of said association. The husband or wife of an owner shall be a member of said association but shall not be empowered to vote at any meeting of said association except [by proxy of such owner] as an authorized proxy for such owner. The beneficiaries of a trust shall be

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members of said association but shall not be empowered to vote at any meeting except as an authorized proxy of the trustee. Not more than one vote may be cast per property in said association, and if a person is the owner or trustee of multiple properties in said association, such person is entitled to only one vote, whether in person or by proxy, at any meeting of said association. Non-natural persons, such as limited liability companies or corporations, are not entitled to a vote at any meeting.

Sec. 2. Section 5 of number 148 of the special acts of 1945, as amended by section 17 of public act 05-247, is amended to read as follows (*Effective from passage*):

Annual meetings of said association shall be held during the month of May in each year, at such time and place within the limits of the [association] Town of Westbrook as the Board of Governors shall direct. Such meeting shall choose a moderator and clerk for such meeting and shall elect members of the board by ballot, unless otherwise specified by a majority of those members present.

Sec. 3. Section 6 of number 148 of the special acts of 1945, as amended by section 4 of number 223 of the special acts of 1947 and section 18 of public act 05-247, is amended to read as follows (*Effective from passage*):

Any vacancy occurring in the membership of The Board of Governors between annual meetings shall be filled by [a majority of] the remaining members of the Board of Governors, [until the next annual meeting, at which time the members of the association shall elect as above prescribed, a member of the Board of Governors for the unexpired portion of the term] which remaining members shall appoint a replacement to fill the remainder of the unexpired term. Any vacancy occurring in any office between annual meetings, shall be filled by the Board of Governors for the unexpired portion of the term.

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If there is a tie vote among the remaining members, the vote of the chairman shall determine the outcome.

Sec. 4. Section 8 of number 148 of the special acts of 1945, as amended by section 5 of number 223 of the special acts of 1947 and section 20 of public act 05-247, is amended to read as follows (*Effective from passage*):

The Board of Governors shall prepare and submit to said association at each annual meeting a budget and shall recommend a tax for the purposes of and based on such budget, of not more than five mills on the dollar of the total value of real estate within the limits of said association as shown by the last-completed grand list of the [town] Town of Westbrook, which budget and tax rate shall be [posted on a sign-post of said association and] mailed to each member of said association not less than five days before such annual meeting. Said association, according to its best judgment of the best interests of all, shall have the power to decrease such budget and rate of taxation recommended by said board, but in no case shall it have power to increase such budget and rate of taxation. Said board shall appoint a tax collector to collect such taxes, and a rate [book] bill shall be made out [and signed by the clerk of said board] on or before the third Saturday of June, each year, and warrants may be issued for the collection of money due on such rate [bills] bill, pursuant to the provisions of the general statutes. Said board shall have the power to transfer expenditures from the sums adopted in the annual budget from any one item to any other item in the budget. Said board shall have the power to borrow money from a bank with interest if necessary, on account of anticipated collection of taxes, but not exceeding a sum equal to fifty per cent of the anticipated collection of taxes for any one year.

Sec. 5. Section 9 of number 148 of the special acts of 1945, as amended by section 21 of public act 05-247, is amended to read as

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follows (*Effective from passage*):

Written notice of the rate of such tax and of the amount apportioned to each member of the association shall be sent by the tax collector on or before the thirtieth of June following the annual meeting and such tax shall be due and payable on July first thereafter. If such tax is not paid on or before the following August first, it shall bear interest from the July first due date at the same rate per annum, until paid, as imposed on delinquent taxes by the Town of Westbrook. The tax collector shall have all the powers of collectors of town taxes and shall pay over the taxes as soon as collected to the treasurer of the association. Each such tax, if not paid when due, shall be subject to a lien upon the property [upon which it shall be laid for one year from the time of the laying of such tax] that shall be laid at such time as determined by the Board of Governors.

Sec. 6. Section 12 of number 148 of the special acts of 1945, as amended by section 24 of public act 05-247, is amended to read as follows (*Effective from passage*):

Notice in writing of each meeting of the association stating the purpose of the meeting shall be given by the clerk by letter [of] or card, postage prepaid, [addressed] or via electronic communication to each member of the association [and mailed to the address of property owners appearing on the records of the tax collector of the Town of Westbrook, at least five] at least ten days before such meeting. If such notice is sent by letter or card, the addresses used by the clerk shall be those appearing on the records of the tax collector of the Town of Westbrook. If such notice is sent via electronic communication, the electronic addresses used by the clerk shall be those filed with such clerk by the property owners of the association.

Sec. 7. Section 15 of number 148 of the special acts of 1945, as amended by section 25 of public act 05-247, is amended to read as

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follows (*Effective from passage*):

[By-laws] Bylaws, rules and regulations of [said] the association may be enacted, altered, amended or repealed at any meeting of the association provided due notice of the same is properly given in the call for such meeting. The Board of Governors shall enforce such bylaws, rules and regulations in the name of the association.

Sec. 8. Section 1 of special act 18-19 is amended to read as follows (*Effective from passage*):

[An Act Incorporating The Grove Beach Point Association, as adopted by number] Number 148 of the special acts of 1945, as amended by number 223 of the special acts of 1947 and public act 05-247, is amended to add the following:

[Sec. 18.] To promote and maintain the objects of said [Association] association, to secure safety and promote health and the general welfare of the community, to conserve the value of buildings and encourage the most appropriate use of the land, the following restrictions and conditions have been imposed upon all of the land within the territorial limits of said [Association] association:

[Said conditions and restrictions are as follows:] Said conditions and restrictions are as follows:

1. No more than one single-family dwelling house, for use and occupancy of one family only, and one private garage shall be erected on any one of the lots within the limits of said [Association; no] association. No garage shall be erected on any lot until the dwelling house on said lot has been completed. Such garage shall not include living quarters.

2. No tents or temporary buildings, or mobile homes shall be erected, located, or maintained on any lot.

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3. Houses, cottages or dwellings shall be restricted to location and erected only on the main numbered lots, thus 1, 121, etc. No house, cottage or dwelling shall be located or erected on sub-lettered lots, thus 95-A, 121-A, etc., 95-B, 101-B, etc. These lots are available only for garages, docks, etc., depending upon location.

4. No land or buildings constructed thereon shall be used for any other purposes than occupancy as a residence. Advertising signs of any nature shall not be erected thereon.

5. Property use shall be restricted to use as a single-family residence. The owner of any property owned by a trust or non-natural person, such as a limited liability company or corporation, shall provide a written list of the names of the natural persons constituting the single family occupying the dwelling, which natural persons shall have the rights of members to use property or facilities of said association. No property owner shall grant shares, memberships or other means to allow non-members to use property or facilities of said association. Nothing in this section limits the rights of members to personally host non-member guests, as is customary and incidental to residents of residential dwellings.

Said conditions or restrictions may be altered or amended in whole or in part by a two-thirds vote of the [Association] association at a meeting duly warned, if new or additional facts appear or other considerations materially affecting the merits thereof have intervened, provided, at said meeting, the owner of any land within the limits of said [Association] association shall be entitled to a hearing thereon, and provided any person aggrieved by the vote of said [Association] association may appeal therefrom with ten days of such vote to a court of competent jurisdiction. Said [Association] association or any member thereof shall have the right to restrain any violation of the above restrictions by way of injunction and recovery of damages, or both, by the institution of legal action in a court of competent

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jurisdiction.

In the event any condition or restriction adopted by the [Association] association shall conflict with any ordinance of the Town of Westbrook, the more restrictive condition or ordinance shall prevail.