

## **GIANTS NECK BEACH ASSOCIATION**

Incorporated 1941

East Lyme, Connecticut

### **EXCERPTS FROM CHARTER**

The Charter of the Giants Neck Beach Association, a body politic and corporate, is contained in the following Special Acts of the Connecticut General Assembly: Special Act No. 399 (1941), Special Act No. 278 (1947), Special Act No. 471 (1951), Special Act No. 318 (1957), Special Act 173 (1959), and Special Act 15-1 (2015).

The following are excerpts from these Special Acts concerning the governing of the affairs of the Association.

#### **PURPOSES**

"The objects of said association shall be to provide for the improvements of the lands in said territory and for the health, comfort, protection and convenience of the inhabitants thereof."

(1941 S.A. No. 399, Section 3)

#### **MEMBERS AND ELIGIBILITY FOR OFFICE**

"Every individual, corporation, trust, partnership, limited liability company or other legal entity, who owns or who may hereafter become the owner of any land within said limits, while they continue to be owners of such land, shall automatically be a member of The Giants Neck Beach Association in the manner hereinafter provided. When the ownership of any land in the association is in the name of more than one individual, each co-owner shall be deemed a member of the association. When the ownership of any land is in the name of a corporation, trust, partnership, limited liability company, or other legal entity, said entity may designate a "member representative" by notifying the association secretary of such designation in writing. Each member or member representative and his or her legal spouse shall be eligible for any office in said association, provided they are at least part-time residents of any land within the limits of the association." (2015 S.A. No. 15-1, Section 16(b))

#### **VOTING ELIGIBILITY**

"Regardless of the form of ownership or the number of members who reside at a particular property, each property within the association shall have only one (1) vote to cast in association matters. When the ownership

of any land in the association is in the name of more than one individual, the co-owners shall be entitled to only one vote among them. If such co-owners disagree as to how the vote shall be cast, none of them shall vote. The association may accept the vote of any single co-owner as being the vote for a property, unless it has actual notice of a disagreement among the co-owners prior to the time of voting. The governing board and the association shall not be liable to any member or third party for accepting the vote of any owner or member representative designated as a member representative . . .” (2015 S.A. 15-1, Section 16(c))

### **GOVERNING BOARD**

“At each annual meeting thereafter, the successors to the members of the governing board whose terms expire shall be elected for terms of two years.” (2015 S.A. 15-1, Section 17)

“Any vacancy in said board, occurring during the year, may be filled [by the vote of] a majority of the remaining members, and such member so appointed shall hold office for the unexpired portion of the term.” (1941 S.A. No. 399, Section 6)

### **OFFICERS**

“Said governing board shall elect from among its members a president, one or more vice presidents, and other such officers as are deemed necessary. Said board shall appoint a secretary and a treasurer and define their duties. Neither of such appointees shall, necessarily, be a member of the board and both positions may be held by one person.” (1941 S.A. No. 399, Section 4)

### **MEETINGS**

“Annual Meetings shall ... be held not later than September 8th in each ... year at such a time and place as the governing board shall direct and warn.” (1941 S.A. No. 399, Section 4)

“All ... meetings, annual or special, shall be warned by said governing board in the manner prescribed by it in rules or by-laws made by said board.” (1941 S.A. No. 399, Section 5)

“The governing board may, at its discretion, identify in the call of any regular or special association meeting matters on which a member or a duly authorized representative . . . may vote by absentee ballot. In addition, the governing board, at its discretion, may conduct a vote of the association purely by absentee ballot

as provided herein, provided that a meeting of the association has first been conducted to discuss the proposed vote.”  
(2015 S.A. 15-1, Section 18(b))

“Members of the Governing Board may participate in meetings through the use of conference telephone, videoconference or similar communications equipment if all members participating in the meeting are able to hear and identify one another, provided that a quorum is physically present at the noticed meeting location. Participation in a meeting through the use of conference telephone, videoconference or similar communications equipment shall constitute presence in person at such meeting, except for purposes of determining a quorum. Any member so participating shall identify himself or herself each time he or she speaks.”  
(2015 S.A. 15-1, Section 18(c))

### **POWERS OF THE ASSOCIATION**

"Said association may purchase, acquire or own real estate or any interest therein, and the governing board may enact such by-laws and ordinances as may be incident to and necessary for the functioning of such governing board in carrying out the powers with which it is vested, to prescribe the salaries or compensations of all officers and employees of said association and for the following purposes: ... to care for beaches and waterfronts; to keep the streets and all public places within the limits of said association quiet and free from noise; to regulate the parking of motor vehicles; to build, repair and improve ... piers, docks and breakwaters within the limits of said association; to require owners or lessors of land or buildings within the limits of said association to remove leaves and other inflammable material or obstructions from the highway adjacent to or in front of property owned, leased or occupied by them; to prevent the deposit upon the property within the limits of said association of any refuse, garbage or waste material of any kind which, in the opinion of said Board, may endanger the public health or safety or which may become a nuisance; to remove garbage, filth, nightsoil, ashes and other refuse matter within said limits, and to authorize such persons as the board may designate to make entry on any private property within said limits for the purpose of taking and removing all filth, garbage, ashes, nightsoil or any other offensive matters; to establish building lines; to protect any property from danger by fire, including the regulation of the number of cottages and structures that may be erected or placed on a single building lot within said limits; to zone the area within the limits of said association, thereby regulating and restricting the height, number of stories, size of buildings, percent of lot that may be occupied, the size of yards, courts and other open spaces, the location and use of buildings, structures and land for trade, industry, residence and other purposes, and establishing the boundaries of the districts for said purposes and providing penalties for violations of restrictions; to regulate the carrying on, within the limits of said association, of any business that will, in the opinion of

said board, be prejudicial to public health or dangerous to or constitute an unreasonable annoyance to those living or owning property in the vicinity thereof, which regulations shall be uniform for each class or kind of buildings or structures, or class of business; to regulate peddling as provided for in towns under the general statutes; to restrict the right of entry on the property of said association except upon the highways and to promote the planting of trees and shrubbery and other work leading to the improvement of the general appearance of the community. ...

... Said governing board may fix a penalty for each violation of any such by-laws, ordinances or regulations, and the penalties may be recovered in any action brought for the purpose in the name of The Giants Neck Beach Association before any court having jurisdiction, for the use and benefit of said association. No by-law or ordinance shall take effect until ten days after its passage nor until it shall have been posted on a signpost within the limits of the association, to be designated by the governing board, for at least seven days.”  
(2015 S.A. 15-1, Section 19)

"The association may acquire by lease or purchase any part or all of the property, real or personal, of the Giants Neck Land and Improvement Company.”  
(1951 S.A. No. 471, Section 1)

### **ASSESSMENT**

“[T]he secretary of the association shall, in the manner directed by the association or the governing board, make an assessment list of all the real estate within the limits of said association as shall appear by the assessment list of the town of East Lyme ... and the list so prepared by the secretary shall correspond in description, amount and value of such real estate, with such town list. ...[S]uch list [unless revised by the Governing Board as provided by the Special Acts of the legislature], shall be adopted by said board and shall then be and constitute the assessment list for the association. . . . In addition to the annual general assessment referenced above, the Governing Board may, upon approval of the association voting at a regular or special meeting duly warned, enact special assessments to fund capital projects. The amount of any such special assessment may be made on any basis that is recommended by the governing board as necessary and proper given the nature of the project for which the assessment is being made, provided that such amount has been approved by the association at a regular or special meeting duly warned.”  
(2015 S.A. 15-1, Section 20)

### **BUDGET AND TAX**

"Said board of governors shall prepare and submit to said association, at each annual meeting, a budget and recommend a tax for the purpose of and based on such budget ... upon the assessment list of the association

then last completed or next thereafter to be completed, which budget and tax rate shall be posted on the signpost of said association not less than five days before such annual meeting....

... Said association, at any annual meeting, shall have the power to increase or decrease such budget and rate of taxation recommended by said board of governors.”

(1941 S.A. No. 399, Section 8)

“The rate of taxation so recommended by said board of governors shall be final unless increased or decreased by the association at such annual meeting or at any special meeting of the association called for the purpose.”

(1951 S.A. No. 471, Section 2)

“In the event a budget and tax rate are not adopted by the association at the annual meeting, necessary expenditures shall be made and the tax rate shall be set in the manner specified in sections 7-405 and 12-123 of the general statutes, until a budget and tax rate are approved by the association at a special meeting or until a budget and tax rate are adopted at the next annual meeting.”

(2015 S.A. 15-1, Section 20)

“The rate of taxation of the Giants Neck Beach Association shall not exceed eight (8) mills on the dollar.”

(1959 S.A. No. 173)