

Giants Neck Beach Association Membership  
Regular Meeting  
August 16, 2014

Present: Page Heslin  
Nazz Paciotti  
Brooke Mallory  
John Wohler  
Betty Sheehan  
Tim Mahoney  
Christine Paul

**1. CALL TO ORDER.** President Heslin called the Giants Neck Beach Association Membership Regular Meeting of August 16, 2013 to order at 9:05 a.m.

**2. ACCEPTANCE/ADOPTION OF AGENDA.**

**MOTION (1): Marilyn Horton moved to change the Adjournment item on the Agenda to item 10 and add a new item 9 Counting of the Votes. Seconded by Jim Lafond. Passed by unanimous voice vote.**

**MOTION (2): Betty Sheehan moved to adopt the revised Agenda. Seconded by Marilyn Horton. Passed by unanimous voice vote.**

**3. APPROVAL OF MINUTES FROM JULY 19, 2014 MEETING.**

**MOTION (3): John Horton moved to approve the July 19, 2014 Regular Meeting Minutes of the Membership, as presented. Seconded by Ms. Wilcox. Passed by unanimous voice vote.**

**4. PRESIDENT'S REPORT.**

Ms. Heslin reported there continues to be problems with parking violations. The Board of Governors will work on considering enforcement mechanisms.

**5. TREASURER'S REPORT.**

Joan Malone reported that as of June 30, 2014, we had \$41,891.28 in the Operating Account and the Capital Account had \$133,828.43.

Taxes collected to date amount to \$106,229.44. Any taxes after August 1 will be charged interest.

Mr. Wohler asked for the total amount to be collected? Ms. Malone replied \$114,292.18. Approximately \$8,000.00 is still due.

## **6. PRESENTATION OF AND VOTE ON PROPOSED CHARTER AND BY-LAWS CHANGES.**

President Heslin summarized the process that had taken place to develop the proposed amendments. A Task Force had considered changes to the Charter and By-laws. They met numerous times over approximately a one-year period, and made recommendations to the Board of Governors for amendments to be proposed to the Association. These were presented to the Association by the Board last fall, and based on comments and feedback from members the Board developed proposed draft language over the winter which was presented to the Association in June. Following several information/discussion meetings the Board drafted revised language, which are being presented today for a vote. The vote today will not actually effect the changes; the purpose is to inform the Board of what changes Association members would like to see; and the Board will then work to accomplish these changes over the winter. Although there was initially thought that we could do these amendments through a “Home Rule” process, it appears that the best way is to use the regular Special Act procedure. We will get a sponsor and submit the changes as a proposed bill when the legislative session opens in January. If all goes well we would hope to have them approved by the end of the legislative session in May or June.

The membership will be shown a power point presentation of each item. They can fill out the ballot they were given when they arrived as we go through each item, or at the end. The votes will be tallied at the end of the meeting.

A member asked will we have an opportunity to comment on any of these items prior to the vote? Ms. Heslin stated they will.

Gail Shea asked are you proposing the Bylaws and not voting to change the Bylaws? Ms. Heslin replied this vote is with respect to both the Charter revisions and the related changes to the Bylaws. Only the Charter revisions will be addressed through the Special Act procedure. Based on the results of the vote, the Board will first do the Charter amendments, and then follow up with the By-laws amendments.

President Heslin then presented the proposed revisions, showing each on the projected screen.

### **1. Change Board of Governors term length and limits.**

The Board of Governors would like to change the term for the Board of Governors to two years from three years, and to change the number of allowable consecutive terms from two to three. The total time will remain six years, but it will be broken into smaller periods. No questions or discussion.

**2. Add language to the Charter to allow for the possibility of imposing special assessments for certain capital projects.**

Ms. Heslin explained a special assessment for certain capital projects would allow for flexibility. Anything this would be used for would have to be approved by the Association.

A resident felt we already have the right to give every property the same assessment for a project. It has been done in the past. He asked why is it necessary to change the Charter? Ms. Heslin replied we are simply trying to make the Charter clearer. This is just to provide clear ability to use different assessment methods for particular projects if it would make more sense in the specific circumstance. As an example it might make sense in burying power lines to assess based on street frontage rather than Grand List. It would have to be approved by the Association in each case. Gail Shea felt there was no need for a change.

**3. Add language to mirror the town's procedures if a budget fails to pass in a given year.** The Board of Governors would like to add language to mirror the town's procedures if a budget fails to pass in a given year. No questions or discussion.

**4. Eliminate the specific fine amounts contained in the Charter.** Ms. Heslin reported the BOG recommends removing the dollar amount cap for fines in the Charter to provide more flexibility to change the fees to keep them meaningful over time. Presently the maximum fine is only \$20, which is not much of a disincentive. Fines will be clearly set forth in the Ordinances so everyone will have notice.

**5. Change voting eligibility to provide for one (1) vote per property and allow votes by authorized representative of trust and corporations.** Ms. Heslin explained that the proposal is to provide for one vote per property, and to clarify that a corporation or trust can vote through a designated individual. It also clarifies that members must reside at least part-time in the beach in order to be eligible to hold office. Gail Shea asked how do you define part time? Ms. Heslin replied that part time is someone that lives at least some of the time in Giants Neck Beach. The intent is to address concerns expressed by members that outside corporate representatives would not appropriately represent the interests of the Association. Mark Kulos said it is not fair to make corporations and trusts identify a representative authorized to vote, but not make individual joint tenants do the same; everyone should be treated the same and need to be "authorized." Mr. Beaulieu stated several people own several properties. Ms. Heslin stated the voting right goes to the property, not the individual. A person that owns more than one property gets one vote for each property owned.

**6. Allow for absentee ballots on certain votes.** The intent is to be more inclusive and fair by making it possible for people who cannot attend a meeting in person to vote. Mr. Paciotti reported the Board would get information out to everyone in advance, with instructions on how to vote by absentee ballot. Most people are here in June, July and

August. Ms. Malone expressed concern about votes purely by absentee ballot and felt an Association Meeting would need to be called. Mr. Paciotti felt there could only be 6-10 people present in off-season. Ms. Heslin stated the only thing the Board can do is propose a vote. Mr. Paciotti added we are not proposing that there be a meeting. We are proposing an absentee ballot. The Board has the power to recommend not approve. Ms. Malone felt a Special Meeting can be called to discuss the item. Ms. Heslin felt this would probably not be used a lot. It was recommended by the lawyer. You will have information of what is being proposed. There is no need for a Public Meeting prior to that.

Mark Kulos felt the Board is changing it from a Town Meeting to a Corporation. Does the membership want to keep the meeting format. The Charter has not been amended for 70 years. Why should we do it now? Ms. Heslin stated we are not eliminating the Town Meeting formats altogether. We will continue to have the three regular Association meetings. And there are often others. This is just to give more flexibility to have more people participate in votes on certain issues.

Ms. Malone wants at least an informational meeting before a purely absentee vote to get membership input.

Mr. Corcoran stated you would have to have some reason to have an absentee ballot. Ms. Heslin replied that the types of things that it would be appropriate for are specified and include the annual operating budget, capital expenditures of at least \$15,000, and disposition of assets. Mr. Bealieu agrees there needs to be a meeting; discussion must occur, then the vote is made. Without having discussion he felt it would be in violation. Ms. Heslin suggested adding language to say that a vote could be held purely by absentee ballot "provided that a meeting of the Association has first been conducted to discuss the proposed vote."

**MOTION (4):           Mike Phelan moved to adopt the revised language for absentee ballots. Seconded by Louise Wilcox. Passed by unanimous voice vote.**

Mr. Kulos asked was there a reason to group 3, 5 and 6 together? Mr. Paciotti replied they are all related. For example, we don't need the first item unless you have an absentee ballot.

Mr. Kulos felt it should be three separate votes. Ms. Shea did not feel it would be too difficult to change to separate votes. We are saying you can designate a person. Mr. Beaulieu felt these three items are unique and should be separated for voting.

Tim Mahoney stated we are discussing the mechanical process on the written ballot.

Bill Mahoney felt the problem is eligibility. What would stop a developer from buying property?

**MOTION (5): Gail Shea moved to split items 3, 5 and 6 from one vote into three separate votes. Seconded by Mr. Kulos. In Favor: 30 In Opposition: 23 Motion carried.**

Mr. Hartigan suggested crossing out where it says vote on all three and next to each one vote yes or no. Ms. Heslin illustrated how it should be done on the projected image.

**7. Telephonic Participation at Board Meetings.** This would allow Board members to participate by telephone. In response to concerns expressed by association members, the language was changed to require that a quorum of board members must be physically present at the meeting location. Gail Shea raised the issue that it is inconsistent to say that presence by telephone will constitute presence in person, and then say that a quorum must be physically present. Ms. Heslin suggested amending language to say that it would constitute physical presence “except for purposes of determining a quorum.”

**MOTION (6): Mike Phelan moved to amend the proposed language consistent with Ms. Heslin’s suggestion so that telephonic participation doesn’t count for purposes of quorum. Seconded by Jim Lafond. Passed by a unanimous voice vote.**

## **7. COMMITTEE REPORTS**

Louise Wilcox stated she is excited to be the Clubhouse Chair. She is looking forward to everybody using and enjoying it. She asked that suggestions be directed to her.

Mark Kulos reported he has received no Zoning Board of Appeals applications.

## **8. COMMENTS FROM THE PUBLIC**

Joan Corcoran reported that years ago we had a parliamentarian at meetings. She wondered if we could appoint someone to be a parliamentarian. Ms. Heslin said the Board would certainly be willing to consider it if someone was willing to volunteer.

Lillian Agostino thanked the Board and Committee Chairs for the time and effort they put in.

John Makiaris invited everyone to the Pancake Breakfast tomorrow.

## **9. COUNTING OF VOTES**

Results of the Votes:

- Item 1 (BOG term length and limits): In favor: 60; Opposed: 0
- Item 2 (special assessments): In favor: 41; Opposed: 19
- Item 3 (budget failure): In favor: 60; Opposed: 0
- Item 4 (eliminating cap on fines in charter): In favor: 56; Opposed: 4
- Item 5 (voting eligibility): In favor: 46; Opposed: 14
- Item 6 (absentee ballots): In favor: 55; Opposed: 5
- Item 7 (BOG participation by phone): In favor: 57; Opposed: 3

**10. ADJOURNMENT**

**MOTION (6):            Lee Ann Berger moved to adjourn the Giants Neck Beach Association Membership Meeting of August 16, 2014 at 10:45 a.m. Seconded by Rita Rivera. Passed by unanimous voice vote.**

Respectfully submitted,

Frances Ghersi, Recording Secretary