

BYLAWS

ARTICLE 1 – MEETINGS

SECTION 1. The annual meeting of the Giants Neck Beach Association (“Association”) shall be held on the third Saturday in June each year (the “Annual Meeting”). The Governing Board shall hold an open meeting in July and August for all members of the Association (each, an “Association Member”) under regulations of Section 3.

SECTION 2. Special meetings of the Association may be called by the Governing Board in accordance with Section 3.

SECTION 3. The Governing Board shall call and warn all meetings of the Association by posting notice on one or more official signboards located at conspicuous places within the territorial limits of the Association and in the town clerk’s office of the Town of East Lyme at least seven days before such meetings are to be held giving the time, place of the meetings, and the purpose for which they are called. Such notice shall also be sent to Association Members at their last known physical or email address. Association Members are responsible for notifying the Secretary of address changes, both email and U.S. mail.

SECTION 4. No fewer than 15 of the legal voters of the Association shall constitute a quorum for the transaction of business at any meeting of the Association and, if 15 voters shall not be present at such a meeting, the presiding officer may recess such a meeting from time to time until at least 15 voters shall be present or may adjourn the meeting.

SECTION 5. Any qualified Association Member shall be entitled to vote: 1) at any meeting of the members provided that he or she is actually present at the meeting; or 2) by absentee ballot as provided herein if such procedure is invoked for the vote at issue. The use of proxies, powers of attorney or other delegations of voting power are expressly prohibited.

SECTION 6. Upon a petition filed with the President and the Secretary of the Governing Board, signed by 15 Association Members, calling for a special meeting of the Association for any lawful purpose, the Governing Board shall, within 21 days, warn such a special meeting as provided in Article 1, Section 3.

SECTION 7. Association Members shall pay a fee for any application for changes to the Bylaws, Ordinances or Zoning Regulations of the Association that may require a public hearing.

SECTION 8. The Board of Governors shall hold a public hearing before amending Bylaws, Ordinances or Zoning Regulations. Any such public hearing shall be noticed in the same manner as the warning of meetings of the Governing Board in Section 3, except that public hearings to consider the amendment of Zoning Regulations shall be noticed in accordance with the provisions of the Connecticut General Statutes.

SECTION 9. In the event that a vote of the Association will be held purely through absentee ballot without a physical meeting, or if the Governing Board identifies matters in the call of a meeting on which a vote may be cast either in person or by absentee ballot, the following requirements apply:

- (i) The Governing Board shall notify the Association Members that the vote will be taken by ballot alone, or that a particular matter may be voted on by absentee ballot;
- (ii) For votes without a meeting, the Governing Board shall deliver a single paper or electronic ballot to the owner(s) of record of each property within the association, on which the one vote for that property shall be recorded;
- (iii) For votes that are allowed by absentee ballot, the Governing Board shall deliver a single paper or electronic ballot to the owner(s) of record of each property within the Association who so requests an absentee ballot, on which the one vote for that property shall be recorded;
- (iv) The ballot must set forth each proposed action or office to be filled and provide an opportunity to vote for or against the action or the candidate for office;
- (v) When the Governing Board delivers the ballots, it shall also (A) indicate the number of responses needed to meet the quorum requirements; (B) state the percentage of votes necessary to approve each matter; (C) specify the time and date by which a ballot must be delivered to the Association to be counted, which time and date may not be fewer than seven (7) days after the date the Governing Board delivers the ballot; and (D) describe the time, date and manner by which members wishing to deliver information to all members regarding the subject of the vote may do so;
- (vi) A ballot is not revoked after delivery to the Governing Board by death or disability or attempted revocation by the person that cast that vote, except that when co-owners disagree about who is entitled to cast the vote, then as noted above neither is allowed to vote and any votes cast shall be revoked;
- (vii) For votes without a meeting, approval by ballot pursuant to this section is valid only if the number of votes cast by ballot equals or exceeds the quorum required to transact business at a meeting of the Association; and
- (viii) For votes that are allowed by absentee ballot, approval of the matter is valid only if the number of votes cast by absentee ballot, plus the number of votes made at the meeting, equals or exceeds the quorum required to transact business at a meeting of the Association.

ARTICLE 2 – GOVERNING BOARD

SECTION 1. The property and affairs of the Association shall be under the care and management of the Governing Board (also referred to as the Board of Governors), which shall be comprised of seven members, all of whom shall be Association Members or Member-spouses.

SECTION 2. A term on the Governing Board shall be for two years and no board member shall be elected for more than three consecutive two-year terms. Board members shall be elected as outlined under Nominating Committee.

SECTION 3. Any vacancy in said board, occurring during the year, shall be filled by the vote of a majority of the remaining board members, and such board members so elected shall hold office for the unexpired portion of the term.

SECTION 4. A quorum of the Governing Board shall be four board members. If no quorum is present to vote, those in attendance may adjourn the meeting to a specified future date.

SECTION 5. Members of the Governing Board are expected to attend all meetings. To be able to determine if a quorum will be present, those unable to attend are expected to notify the secretary in advance of the meeting. Three consecutive absences of a board member from Governing Board meetings will be considered sufficient grounds for the Board to declare a vacancy.

SECTION 6. In January of each year, the Secretary shall publish and notify Association Members of the regular meetings for the ensuing year.

ARTICLE 3 – OFFICERS

SECTION 1. The officers of the Association shall be elected from the members of the Governing Board at a meeting held immediately after or as soon as possible after the Annual Meeting. Such Officers shall include a President and a Vice President, referred to in these Bylaws and the GNBA Ordinances as the “President” and “Vice President,” respectively.

SECTION 2. It shall be the duty of the President to preside at all meetings of the Association and the Governing Board. The President shall have general supervision of the Association and authority in the name of the Association to enforce all regulations and ordinances of the Association where the Governing Board has determined that there is a violation. The President shall appoint all permanent and special committees whenever, in the opinion of the Governing Board, such committees are needed. Committees shall have no fewer than three and no more than five members, unless expressly authorized by the President. Membership on the Nominating Committee and the Zoning Commission must have the approval of the Governing Board.

SECTION 3. The Vice President shall perform the duties of the President in the absence or inability of the President to act. In the absence of both the President and the Vice President, the Governing Board members present at the meeting may nominate and elect a president pro tem.

SECTION 4. The Governing Board shall appoint a Secretary, who shall keep a record of the minutes of all meetings of the Association and the Governing Board, provide a copy to the town clerk of the Town of East Lyme within 48 hours following a meeting, and be prepared to make copies available upon request. The Secretary shall keep current at all times a list of Association Members with their last known physical and email addresses. The Secretary shall also perform other such duties as described in the Special Acts of the legislature, or as directed by the Governing Board. The Board may also from time to time appoint a recording secretary.

SECTION 5. The Governing Board shall appoint a Treasurer, who shall have charge of the collection and disbursement of all monies, and no payments shall be made by the Treasurer except on vouchers approved by the President, the Vice President, or the Chair of the relevant committee. The Treasurer shall, before the first of July in each year, render a tax bill to every Association Member, who is liable for taxes, for the amount of taxes due in accordance with the tax list. The Treasurer shall render a report to the Association at the annual meeting and a monthly report to the Governing Board showing all monies received and disbursed and the balance on hand at that time. The Treasurer shall be bonded by the Association, for the faithful performance of duties. The Treasurer shall also perform other such duties as required by the Special Acts of the legislature, the bylaws of the Association, and as directed by the Governing Board.

SECTION 6. The Governing Board may appoint a Registrar of Voters, who shall: (a) maintain a list of eligible voters within the Association, including any individuals appointed as Member Representatives pursuant to the Association Charter, and (b) oversee and ensure compliance with voting procedures.

ARTICLE 4 – FISCAL YEAR

SECTION 1. The fiscal year of the Association shall begin on the first day of July of each year. (General Statutes, Section 7-381)

ARTICLE 5 – ZONING COMMISSION

SECTION 1. The Zoning Commission shall consist of five regular and three alternate members appointed annually by the President with the approval of the Governing Board. All such regular and alternate Commission members shall be Association Members or Member-spouses. No member of the Governing Board shall serve simultaneously on the Zoning Commission.

SECTION 2. The Zoning Commission shall elect a Chairperson.

SECTION 3. The Zoning Commission secretary in January of each year shall publish and notify the Association Members of the regular Zoning Commission meetings for the ensuing year. If in any given month there are no applications or other business, the meeting may be cancelled.

SECTION 4. A quorum of the Zoning Commission shall be three members.

SECTION 5. There shall be a Zoning Enforcement Officer appointed by the President with the approval of the Governing Board. The Zoning Enforcement Officer shall ensure compliance with all Zoning Regulations and all decisions of the Zoning Commission. If compliance is not forthcoming, the Zoning Enforcement Officer shall inform the Zoning Commission Chairperson of the violation. If compliance is not forthcoming, the Zoning Enforcement Officer may issue a cease and desist order and shall inform the Zoning Commission Chairperson of the violation, who, in turn, shall report the violation to the Governing Board for appropriate action. A member of the Zoning Commission may serve as the Zoning Enforcement Officer.

SECTION 6. The Zoning Enforcement Officer shall have the right to enter any building under construction or upon any property for the purpose of inspecting the same or enforcing any provision of the Zoning Regulations.

SECTION 7. Should an application be denied by the Zoning Commission, the applicant may appeal to the Zoning Board of Appeals for a final decision.

SECTION 8. Each application to the Zoning Commission shall be accompanied by the appropriate application fee, in accordance with a Schedule of Fees to be adopted by the Governing Board and amended periodically in its discretion, which at a minimum should cover anticipated expenses to be incurred by the Zoning Commission in processing the application.

ARTICLE 6 – ZONING BOARD OF APPEALS

SECTION 1. There shall be a Zoning Board of Appeals elected at the annual Association meeting. The Zoning Board of Appeals shall consist of five regular and three alternate members, all of whom shall be Association Members or Member-spouses. The alternates shall be designated to act in the place of regular members who may be absent or excused because of a conflict of interest. No member of the Governing Board or Zoning Commission shall serve simultaneously on the Zoning Board of Appeals.

SECTION 2. Initially one member and one alternate shall be elected for a one-year term, two members and one alternate elected for a two-year term, and two members and one alternate shall be elected for a three-year term. Thereafter, each member and alternate as required shall be elected for a three-year term.

SECTION 3. Interim vacancies shall be filled by action of the Governing Board.

SECTION 4. Members of the Zoning Board of Appeals shall elect a Chairperson as soon as possible after the Annual Meeting. A Secretary other than a member of the Zoning Board of Appeals shall be appointed and shall keep a permanent record of the proceedings of the board meetings showing the vote of each member upon each question or, if absent or failing to vote, shall record same. If the Chairperson shall be excused because of a conflict of interest, a temporary chairperson shall be selected from the remaining members.

SECTION 5. The meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the board may determine. A petition to the Zoning Board of Appeals must receive at least four affirmative votes to be approved. A quorum shall be in accordance with State statutes.

SECTION 6. Decisions of the Zoning Board of Appeals will be governed by the Connecticut General Statutes. The powers and duties of the Zoning Board of Appeals shall include:

- a. To hear and decide appeals where it is alleged that there is a question of interpretation of any order, requirement, or decision made by the Zoning Commission or the Zoning Enforcement Officer.
- b. To hear and decide all matters including special exceptions provided for by the specific terms of the zoning ordinance or regulation.
- c. To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of the Zoning Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare preserved.

SECTION 7. Each application to the Zoning Board of Appeals shall be accompanied by the appropriate application fee, in accordance with a Schedule of Fees to be adopted by the Governing Board and amended periodically in its discretion, which should at a minimum cover expenses anticipated to be incurred by the Zoning Board of Appeals in processing the application.

ARTICLE 7 – COMMITTEES

SECTION 1. The President shall appoint all permanent and special committees whenever, in the opinion of the Governing Board, such committees are needed. All committees shall be advisory to the Governing Board and may not act for the Governing Board unless expressly authorized by the Governing Board to do so.

SECTION 2. Committees shall have no fewer than three and no more than five members unless expressly authorized by the President.

SECTION 3. Nominating Committee:

- a. A Nominating Committee composed of three Association Members or Member-spouses, appointed by the President with the approval of the Governing Board, shall present, in the call to the Annual Association Meeting, a slate of names of eligible members to fill the number of vacancies on the Governing Board and a slate of names of eligible members to fill the vacancies on the Zoning Board of Appeals.
- b. Each slate, with the terms to be served, shall be presented to the Association membership at the Annual Meeting.
- c. Nominations from the floor shall be in order provided that the nominee has agreed to allow his or her name to be placed in nomination.
- d. Members of the Governing Board and members of the Zoning Board of Appeals shall be elected by those present and voting as authorized herein, provided a quorum is present.