



General Assembly

January Session, 2005

**Amendment**

LCO No. 7386

**\*SB0130307386HRO\***

Offered by:  
REP. GIULIANO, 23<sup>rd</sup> Dist.

To: Senate Bill No. 1303

File No. 525

Cal. No. 552

**"AN ACT CONCERNING THE LIS PENDENS STATUTE AND THE  
VALIDATION OF CERTAIN CONVEYANCES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 3 of number 148 of the special acts of 1945, as  
4 amended by number 223 of the special acts of 1947, is amended to read  
5 as follows (*Effective from passage*):

6 The objects of said association shall be: To provide for the  
7 improvement of the land within the limits of said association, its  
8 maintenance as a residential [summer resort] community and for the  
9 health, comfort, protection, safety and welfare of the inhabitants  
10 thereof. All owners of a cottage or dwelling or other real estate within  
11 said limits [, and all persons who shall after this act shall take effect,  
12 own any cottage, dwelling or other real estate within said limits,] shall,  
13 provided they are twenty-one years of age, be members of said [The]  
14 Grove Beach Point Association and shall be entitled to vote in any  
15 meeting of such members and shall be eligible to any office provided

16 for in this charter. Joint owners of any cottage, dwelling or other real  
17 estate within said limits shall be considered for voting purposes as one  
18 member of said association. The husband or wife of an owner shall be  
19 a member of said association but shall not be empowered to vote at  
20 any meeting of said association except by proxy of such owner.

21 Sec. 502. Section 4 of number 148 of the special acts of 1945, as  
22 amended by section 3 of number 223 of the special acts of 1947, is  
23 amended to read as follows (*Effective from passage*):

24 [The first meeting of the members of said association shall be held  
25 during the month of May, 1945, at such time and place within the  
26 limits of said The Grove Beach Point Association as the committee  
27 hereinafter named shall designate in the warning of such meeting, for  
28 the purpose of electing a board of governors, who shall hold office  
29 until the next annual meeting and until others shall be chosen in their  
30 stead. Annual meetings shall be held during the month of May, in each  
31 year, at such time and place within the limits of said association as said  
32 board of governors shall direct and at such meeting a board of  
33 governors of nine members shall be elected to serve for one year from  
34 their election and until others shall be chosen in their stead. At the  
35 annual meeting in May, 1947, there shall be elected a board of  
36 governors of nine members: Three for the term of one year; three for  
37 the term of two years and three for the term of three years, and at each  
38 annual meeting thereafter, successors to the members whose terms  
39 expire shall be elected for a term of three years each.] The Board of  
40 Governors shall consist of nine members, three of whom shall be  
41 elected at each annual meeting to serve a term of three years or until  
42 others shall be chosen in their stead.

43 Sec. 503. Section 5 of number 148 of the special acts of 1945 is  
44 amended to read as follows (*Effective from passage*):

45 [Arthur N. Rutherford, John N. Russell, Elmer E. Bassett, Paul A.  
46 Stahl and Frederic W. Loomis or a majority of them shall have power  
47 to warn the first meeting of the members of said association, which

48 warning shall be written or printed and signed by a majority of said  
49 committee and three or more copies shall be posted in public places  
50 within the limits of said association. At least five days before such  
51 meeting, written notice thereof shall be mailed to each property owner  
52 of said association in accordance with addresses of such property  
53 owners appearing on the records of the tax collector of the town of  
54 Westbrook. A member of such committee shall call such meeting to  
55 order. Such meeting shall choose a moderator and clerk and shall elect  
56 each member of the board of governors separately by ballot. All  
57 subsequent meetings, annual or special, shall be warned by the Board  
58 of Governors in the manner prescribed in rules or by-laws adopted by  
59 said association.] Annual meetings of said association shall be held  
60 during the month of May in each year, at such time and place within  
61 the limits of the association as the Board of Governors shall direct.  
62 Such meeting shall choose a moderator and clerk for such meeting and  
63 shall elect members of the board by ballot, unless otherwise specified  
64 by a majority of those members present.

65 Sec. 504. Section 6 of number 148 of the special acts of 1945, as  
66 amended by section 4 of number 223 of the special acts of 1947, is  
67 amended to read as follows (*Effective from passage*):

68 Any vacancy occurring in the membership of [said] The Board of  
69 Governors between annual meetings shall be filled by a majority of the  
70 remaining members of the Board of Governors, until the next annual  
71 meeting, at which time the members of the association shall elect as  
72 above prescribed, a member of the Board of Governors for the  
73 unexpired portion of the term. Any vacancy occurring in any office  
74 between annual meetings, shall be filled by the Board of Governors for  
75 the unexpired portion of the term. If there is a tie vote among the  
76 remaining members, the vote of the chairman shall determine the  
77 outcome.

78 Sec. 505. Section 7 of number 148 of the special acts of 1945 is  
79 amended to read as follows (*Effective from passage*):

80 [Said association shall have the power to make, alter and repeal by-  
81 laws, rules and regulations for its government, and the board of  
82 governors shall enforce the same in the name of the association.] Said  
83 association shall have the power to hold, purchase, sell and convey  
84 such real and personal estate as the purposes of said association shall  
85 require. [; and it] It shall have the power to adopt such regulations as it  
86 may deem expedient respecting the removal of all garbage, filth, ashes  
87 and other refuse matter, within the limits of said association. [, and to]  
88 Said Board of Governors shall examine into all nuisances and courses  
89 of filth injurious to the public health and cause to be removed all filth  
90 found within said limits, which, in its judgment, may endanger the  
91 health of the inhabitants or render the occupation of any dwelling  
92 undesirable and may notify all persons causing or maintaining any  
93 such nuisance to abate the same within such time as the Board of  
94 Governors shall order, and if the same shall not be abated as ordered  
95 said board may abate the same and recover the expense thereof from  
96 any person so causing or maintaining the same by an action in the  
97 name of said association. Said board may employ one or more persons  
98 to handle the removal of the same under its authority, which person or  
99 persons shall be authorized to make entry upon any private property  
100 within said limits for the purpose of removing the same. [Said  
101 association] Said Board of Governors shall employ one or more  
102 persons to carry out the activities approved by said association and  
103 may employ one or more persons to act as special police or watchmen  
104 of the property within its limits, who shall be empowered to enter  
105 upon any of the private property within said limits whenever it shall  
106 be necessary for the protection of the same from fire, theft, loss or  
107 injury; and the judiciary and the police authorities of the town of  
108 Westbrook shall punish for the resistance to or obstruction of such  
109 special police while in the proper performance of their official duties,  
110 in the same manner as through they were duly constituted police  
111 officers of the town of Westbrook. Said association shall make all  
112 necessary rules and regulations for the care and protection of the open  
113 beach above high water mark within the limits therein heretofore  
114 acquired by any individuals.

115 Sec. 506. Section 8 of number 148 of the special acts of 1945, as  
116 amended by section 5 of number 223 of the special acts of 1947, is  
117 amended to read as follows (*Effective from passage*):

118 The Board of Governors shall prepare and submit to said association  
119 at each annual meeting a budget and shall recommend a tax for the  
120 purposes of and based on such budget, of not more than five mills on  
121 the dollar of the total value of real estate within the limits of said  
122 association as shown by the last-completed grand list of the town of  
123 Westbrook, which budget and tax rate shall be posted on [the] a sign-  
124 post of said association and mailed to each member of said association  
125 not less than five days before such annual meeting. Said association,  
126 according to its best judgment of the best interests of all, [of the  
127 members of the association,] shall have the power to decrease such  
128 budget and rate of taxation recommended by said board, [of  
129 governors] but in no case shall it have power to increase such budget  
130 and rate of taxation. Said board shall appoint a tax collector to collect  
131 such taxes, and a rate book shall be made out and signed by the clerk  
132 of said board on or before the third Saturday of [March] June, each  
133 year, and warrants may be issued for the collection of money due on  
134 such rate bills, pursuant to the provisions of the general statutes. Said  
135 board [of governors] shall have the power to transfer expenditures  
136 from the sums adopted in the annual budget from any one item to any  
137 other item in the budget, [, provided such transfer shall not exceed two  
138 hundred dollars, and provided the total of any such transfers from  
139 item to item shall not exceed three hundred fifty dollars.] Said board  
140 [of governors] shall have the power to borrow money from a bank  
141 with interest if necessary, on account of anticipated collection of taxes,  
142 but not exceeding [the sum of five hundred dollars] a sum equal to  
143 fifty per cent of the anticipated collection of taxes for any one year.

144 Sec. 507. Section 9 of number 148 of the special acts of 1945 is  
145 amended to read as follows (*Effective from passage*):

146 Written notice of the rate of such tax and of the amount apportioned  
147 to each member of the association shall be sent by the tax collector on

148 or before the [following April fifteenth, and such tax shall be due and  
149 payable on the fifteenth of the following May and, if such tax is not  
150 paid when due, it shall bear interest at the rate of five per cent per  
151 annum, from the date when it was so payable.] thirtieth of June  
152 following the annual meeting and such tax shall be due and payable  
153 on July first thereafter. If such tax is not paid on or before the following  
154 August first, it shall bear interest from the July first due date at the  
155 same rate per annum, until paid, as imposed on delinquent taxes by  
156 the Town of Westbrook. The tax collector shall have all the powers of  
157 collectors of town taxes and shall pay over the taxes as soon as  
158 collected to the treasurer of the association. Each such tax, if not paid  
159 when due, shall be a lien upon the property upon which it shall be laid  
160 for one year from the time of the laying of such tax.

161 Sec. 508. Section 10 of number 148 of the special acts of 1945 is  
162 amended to read as follows (*Effective from passage*):

163 Said association may collect all such taxes from the several owners  
164 of such properties by action at law in the name of said association, and  
165 any money due on any such tax shall be a lien upon the property of  
166 any such owner, [which may] provided a tax lien has been filed on the  
167 land records in the office of the town clerk of the Town of Westbrook,  
168 which lien may be foreclosed in the same manner in which liens for  
169 taxes due the town of Westbrook are foreclosed. The Board of  
170 Governors may abate any tax if any taxable property shall be  
171 destroyed by fire, or by the elements prior to the date when such tax  
172 was due, or by a three-quarters vote of those present at any meeting  
173 may abate the taxes assessed as aforesaid upon any such person or  
174 persons as are poor and indigent and unable to pay the same, causing  
175 a proper entry to be made on its records.

176 Sec. 509. Section 11 of number 148 of the special acts of 1945, as  
177 amended by section 6 of number 223 of the special acts of 1947, is  
178 amended to read as follows (*Effective from passage*):

179 [Seven] Fifteen members of said association shall constitute a

180 quorum for the transaction of business at any meeting of said  
181 association, and any member may designate in writing any person to  
182 act as his or her proxy at any meeting of said association, provided  
183 such proxy shall be valid only for the next meeting subsequent to the  
184 execution of such proxy, unless otherwise designated in such proxy.  
185 Unless otherwise specifically set forth in this section, all matters to be  
186 decided by the members of the association shall be decided by a  
187 majority vote of the members present.

188 Sec. 510. Section 12 of number 148 of the special acts of 1945 is  
189 amended to read as follows (*Effective from passage*):

190 Notice in writing of each meeting of the association stating the  
191 purpose of the meeting shall be given by the clerk by letter of card,  
192 postage prepaid, addressed to each member of the association and  
193 mailed to the address of property owners appearing on the records of  
194 the tax collector of the Town of Westbrook, at least five days before  
195 such meeting.

196 Sec. 511. Section 15 of number 148 of the special acts of 1945 is  
197 amended to read as follows (*Effective from passage*):

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

203 Sec. 512. Section 16 of number 148 of the special acts of 1945, as  
204 amended by section 7 of number 223 of the special acts of 1947, is  
205 amended to read as follows (*Effective from passage*):

206 Said Board of Governors shall elect from its members a chairman, a  
207 vice chairman, a clerk and a treasurer. The chairman shall preside over  
208 all meetings of the board and the association and be the chief executive  
209 officer of the association. In the absence of the chairman, the vice  
210 chairman, clerk or treasurer shall preside. The clerk shall sign all

211 warnings, notices, orders and by-laws, and shall keep a record of all  
212 actions of the association and the Board of Governors. The treasurer  
213 shall keep an account of all moneys received and paid out and shall  
214 report at each annual meeting, and at other times at the request of a  
215 majority of the board of governors. Unless otherwise specifically set  
216 forth in this section, all matters to be decided by the Board of  
217 Governors shall be decided by a majority vote of the members present.  
218 The association shall purchase liability insurance which insures each  
219 member of the Board of Governors against errors, omissions and other  
220 acts performed in their capacity as a member of the board. Such policy  
221 or policies shall be in such amounts, and shall contain such terms,  
222 conditions and limitations, as the board shall determine.

223 Sec. 513. Section 13 of number 148 of the special acts of 1945 and  
224 sections 19 and 20 of number 223 of the special acts of 1947 are  
225 repealed. (*Effective from passage*)"