



Senate

General Assembly

File No. 556

January Session, 2015

Substitute Senate Bill No. 1048

Senate, April 8, 2015

The Committee on Planning and Development reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT AMENDING THE CHARTER OF THE GIANTS NECK BEACH ASSOCIATION WITHIN THE TOWN OF EAST LYME.

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

1 Section 1. Section 1 of number 399 of the special acts of 1941, as
2 amended by section 1 of number 278 of the special acts of 1947, is
3 amended to read as follows (*Effective from passage*):

4 (a) The owners of a freehold interest in any land within the limits
5 specified in section two of [this act] number 399 of the special acts of
6 1941, in the locality known as Giants Neck in the town of East Lyme,
7 shall be, while they continue to be owners of such land, a body politic
8 and corporate by the name of The Giants Neck Beach Association,
9 hereinafter referred to as the "association", and by that name they and
10 their successors shall be a corporation in law capable of suing and
11 being sued and pleading and being impleaded in all courts, and shall
12 be vested with and possess the powers hereinafter specified. [All
13 persons who are over twenty-one years of age who own or who may

14 own any land within said limits, while they continue to be owners of
15 such land, and the legal spouses of such persons, shall be members of
16 The Giants Neck Beach Association, hereinafter referred to as the
17 "Association", and entitled to vote at any meeting of said association
18 and shall be eligible to any office in said association.]

19 (b) Eligibility: Every individual, corporation, trust, partnership,
20 limited liability company or other legal entity, who owns or who may
21 hereafter become the owner of any land within said limits, while they
22 continue to be owners of such land, shall automatically be a member of
23 said association in the manner hereinafter provided. When the
24 ownership of any land in the association is in the name of more than
25 one individual, each co-owner shall be deemed a member of the
26 association. When the ownership of any land is in the name of a
27 corporation, trust, partnership, limited liability company or other legal
28 entity, said entity may designate a member representative by notifying
29 the association secretary of such designation in writing. Each member
30 or member representative and his or her legal spouse shall be eligible
31 for any office in said association, provided they are at least part-time
32 residents of any land within the limits of the association.

33 (c) Voting Rights: Regardless of the form of ownership or the
34 number of members who reside at a particular property, each property
35 within the association shall have only one vote to cast in association
36 matters. When the ownership of any land in the association is in the
37 name of more than one individual, the co-owners shall be entitled to
38 only one vote among them. If such co-owners disagree as to how the
39 vote shall be cast, none of them shall vote. The association may accept
40 the vote of any single co-owner as being the vote for a property, unless
41 it has actual notice of a disagreement among the co-owners prior to the
42 time of voting. The governing board and the association shall not be
43 liable to any member or third party for accepting the vote of any
44 owner or member representative designated as a member
45 representative pursuant to this section.

46 (d) This section shall become operative on its approval by a majority

47 vote of the qualified members of the association at a meeting thereof
48 called and held for that purpose.

49 Sec. 2. Section 4 of number 399 of the special acts of 1941 is amended
50 to read as follows (*Effective from passage*):

51 The first meeting of the members of said association shall be held
52 not later than September 8, 1941, at such time and place within the
53 limits of said association as the committee hereinafter named shall
54 appoint in a notice warning such meeting, for the purpose of electing a
55 governing board to consist of seven members of the association. Two
56 of such members shall be elected for a term of one year, two of such
57 members shall be elected for a term of two years and three of such
58 members shall be elected for a term of three years, unless they or any
59 of them shall sooner cease to be property owners within the limits of
60 said association. At each annual meeting thereafter, the successors to
61 the members of the governing board whose terms expire shall be
62 elected for terms of [three] two years. Said governing board shall elect
63 from among its members a president, one or more vice presidents and
64 such other officers as are deemed necessary. Said board shall appoint a
65 secretary and a treasurer and define their duties. Neither of such
66 appointees shall, necessarily, be a member of the board and both
67 positions may be held by one person. Annual meetings shall thereafter
68 be held not later than September eighth, in each subsequent year at
69 such time and place as the governing board shall direct and warn.

70 Sec. 3. Section 5 of number 399 of the special acts of 1941 is amended
71 to read as follows (*Effective from passage*):

72 (a) Logan E. Page of New Britain, Francis C. Luce of Stafford
73 Springs, A. R. Carpenter of Bloomfield, Bert W. Chapman and Samuel
74 Ludlow, Jr., of West Hartford, Dr. Hugh F. Lena of New London, and
75 Harold C. Alvord of Manchester, or a majority of them, shall have full
76 power to warn the first meeting of the members of said association for
77 the purpose of electing seven members to form a governing board,
78 which warning shall be written or printed, signed by a majority of said
79 board, and three copies at least posted in public places within the

80 limits of said association, at least three days before such meeting; and
81 any member of said committee may call such meeting to order and
82 may lead the same to the choice of a moderator and clerk and to the
83 election of a governing board. All subsequent meetings, annual or
84 special, shall be warned by said governing board in the manner
85 prescribed by it in rules or by-laws made by said board.

86 (b) The governing board may, at its discretion, identify in the call of
87 any regular or special association meeting matters on which a member
88 or a duly authorized representative of a member may vote by absentee
89 ballot. In addition, the governing board, at its discretion, may conduct
90 a vote of the association solely by absentee ballot, provided a meeting
91 of the association has first been conducted to discuss the proposed
92 vote. The types of matters for which absentee ballots may be used are
93 (1) the annual operating budget of the association, (2) capital projects
94 not exceeding fifteen thousand dollars, and (3) disposition of
95 association assets. Voting by absentee ballot shall be conducted in the
96 manner prescribed in the association bylaws.

97 (c) Members of the governing board may participate in meetings
98 through the use of conference telephone, videoconference or similar
99 communications equipment if all members participating in the
100 meeting are able to hear and identify each other, provided that a
101 quorum is physically present at the noticed meeting location.
102 Participation in a meeting through the use of conference telephone,
103 videoconference or similar communications equipment shall constitute
104 presence in person at such meeting, except for purposes of
105 determining a quorum. Any member so participating shall identify
106 himself or herself each time he or she speaks.

107 Sec. 4. Section 7 of number 399 of the special acts of 1941, as
108 amended by section 1 of number 471 of the special acts of 1951, is
109 amended to read as follows (*Effective from passage*):

110 Said association may purchase, acquire or own real estate or any
111 interest therein, and the governing board may enact such by-laws and
112 ordinances as may be incident to and necessary for the functioning of

113 such governing board in carrying out the powers with which it is
114 vested, to prescribe the salaries or compensations of all officers and
115 employees of said association and for the following purposes: To
116 regulate travel over the highways within the limits of the association
117 when, in the opinion of said board, the free and unrestricted use of
118 said highways may become dangerous or inconvenient; to protect by
119 suitable means property within its limits from theft or injury; to
120 appoint at its expense one or more special policemen or watchmen
121 who shall have the powers and duties within its limits in relation to
122 criminals and criminal offenses that constables have in towns,
123 including the power to arrest for violation of any regulation or by-law
124 of said association, or any law, and the judiciary shall punish for
125 resistance to or obstruction of such special policemen or watchmen
126 while in the proper performance of their official duties in the same
127 manner as though they were duly constituted police officers of the
128 town of East Lyme; to clean and improve any and all ditches; to care
129 for beaches and water fronts; to keep the streets and all public places
130 within the limits of said association quiet and free from noise; to
131 regulate the parking of motor vehicles; to build, repair and improve
132 highways, roads, sidewalks, piers, docks and breakwaters within the
133 limits of said association; to require owners or lessors of land or
134 buildings within the limits of said association to remove leaves and
135 other inflammable material or obstructions from the highway adjacent
136 to or in front of property owned, leased or occupied by them; to
137 prevent the deposit upon the property within the limits of said
138 association of any refuse, garbage or waste material of any kind which,
139 in the opinion of said board, may endanger the public health or safety
140 or which may become a nuisance; to remove garbage, filth, nightsoil,
141 ashes and other refuse matter within said limits, and to authorize such
142 persons as the board may designate to make entry on any private
143 property within said limits for the purpose of taking and removing all
144 filth, garbage, ashes, nightsoil or any other offensive matters; to
145 establish building lines; to protect any property from danger by fire,
146 including the regulation of the number of cottages and structures that
147 may be erected or placed on a single building lot within said limits; to

148 zone the area within the limits of said association, thereby regulating
149 and restricting the height, number of stories, size of buildings, per cent
150 of lot that may be occupied, the size of yards, courts and other open
151 spaces, the location and use of buildings, structures and land for trade,
152 industry, residence and other purposes, and establishing the
153 boundaries of the districts for said purposes and providing penalties
154 for violations of restrictions; to regulate the carrying on, within the
155 limits of said association, of any business that will, in the opinion of
156 said board, be prejudicial to public health or dangerous to or constitute
157 an unreasonable annoyance to those living or owning property in the
158 vicinity thereof, which regulations shall be uniform for each class or
159 kind of buildings or structures, or class of business; to regulate
160 peddling as provided for in towns under the general statutes; to
161 restrict the right of entry on the property of said association except
162 upon the highways and to promote the planting of trees and shrubbery
163 and other work leading to the improvement of the general appearance
164 of the community. Said association shall have exclusive charge and
165 control of all roads within the limits and shown on the maps referred
166 to in section two which are not under town or state control. Said
167 governing board may fix a penalty for each violation of any such by-
168 laws, ordinances or regulations [, of not more than twenty dollars for
169 each offense,] and the penalties may be recovered in any action
170 brought for the purpose in the name of The Giants Neck Beach
171 Association before any court having jurisdiction, for the use and
172 benefit of said association. No by-law or ordinance shall take effect
173 until ten days after its passage nor until it shall have been posted on a
174 signpost within the limits of the association, to be designated by the
175 governing board, for at least seven days. A certificate of the secretary
176 of said association of the posting of any by-laws or ordinance as
177 provided herein shall be prima facie evidence of such posting. The
178 association may acquire by lease or purchase any part or all of the
179 property, real or personal, of The Giants Neck Land and Improvement
180 Company.

181 Sec. 5. Section 8 of number 399 of the special acts of 1941, as
182 amended by section 2 of number 278 of the special acts of 1947, section

183 2 of number 471 of the special acts of 1951 and number 173 of the
184 special acts of 1959, is amended to read as follows (*Effective from*
185 *passage*):

186 The territorial limits of said association shall constitute a separate
187 taxing district within the town of East Lyme, and the secretary of the
188 association shall, in the manner directed by the association or the
189 governing board, make an assessment list of all the real estate within
190 the limits of said association as shall appear by the assessment list of
191 the town of East Lyme then last completed or next thereafter to be
192 completed, and the list so prepared by the secretary shall correspond
193 in description, amount and value of such real estate, with such town
194 list. When real estate so entered in the town list shall be located partly
195 within and partly without the limits of said association, and there shall
196 be no distinct and separate value put by the assessors of the town upon
197 the part lying within said association, the secretary of said association
198 shall assess the part within said association upon the basis of the
199 proportion which the part within the association shall bear to the
200 whole tract or property so assessed, using his best judgment as to such
201 value. When the title to any property shall have changed before the
202 time of laying any tax, such property shall be listed by the secretary in
203 the name of the person owning it at the time of the laying of such tax.
204 Said secretary shall, within such time as may be limited by the
205 governing board, return such list duly signed and sworn to by him, to
206 the governing board of said association, which shall revise such list,
207 and, if such board shall find that the same fails to correspond with the
208 assessment list of the town of East Lyme, or if said board shall find that
209 there are any errors in the proportional valuation of such parts of any
210 piece of property partly within and partly without the association, said
211 board shall correct the same and such list, when so revised shall be
212 adopted by said board and shall then constitute the assessment list for
213 the association. Any person aggrieved by the doings of the secretary of
214 said board or said board in preparing such list, shall have the right of
215 appeal [to the court of common pleas] as is provided by the general
216 statutes for appeals from boards of tax review. [to the court of common
217 pleas.] Said board of governors shall prepare and submit to said

218 association, at each annual meeting, a budget and recommend a tax for
219 the purpose of and based on such budget and the assessment list of the
220 association then last completed or next thereafter to be completed,
221 which budget and tax rate shall be posted on the signpost of said
222 association not less than five days before such annual meeting. Said
223 association, at any meeting, shall have the power to increase or
224 decrease such budget and rate of taxation so recommended by said
225 board of governors. The rate of taxation so recommended by said
226 board of governors shall be final unless increased or decreased by the
227 association at such annual meeting or at any special meeting of the
228 association called for the purpose. In the event a budget and tax rate
229 are not adopted by the association at the annual meeting, necessary
230 expenditures shall be made and the tax rate shall be set in the manner
231 specified in sections 7-405 and 12-123 of the general statutes, until a
232 budget and tax rate are approved by the association at a special
233 meeting or until a budget and tax rate are adopted at the next annual
234 meeting. The rate of taxation of the association shall not exceed eight
235 mills on the dollar. The tax so laid shall be collected by the treasurer or
236 by any collector specially appointed by the governing board for the
237 purpose, and a rate book shall be prepared and signed by the secretary
238 of said board within such time and in such manner as may be directed
239 by said board, and warrants shall be issued for the collection of money
240 due on such rate bill pursuant to the provisions of [section 1813 of] the
241 general statutes. In addition to the assessment specified in this section,
242 the governing board may, upon approval of the association voting at a
243 regular or special meeting duly warned, enact special assessments to
244 fund capital projects. The amount of any such special assessment may
245 be made on any basis that is recommended by the governing board as
246 necessary and proper, given the nature of the project for which the
247 assessment is being made, provided such amount has been approved
248 by the association at a regular or special meeting duly warned. Said
249 association shall have the power to determine all other matters
250 pertaining to the levy or collection of taxes and special assessments
251 within the territorial limits of the association. Written notice of the rate
252 of any tax and the amount thereof, or of the assessment apportioned to

253 each member of the association, shall be sent by the treasurer or
 254 collector to each member of the association before July first in each
 255 year, on which date such tax shall be due and payable and in the
 256 manner stated therein, and, if such tax shall not be paid when due, it
 257 shall bear interest at the rate of nine per cent per annum. The treasurer
 258 or other collector shall have all the powers of collectors of town taxes
 259 and shall be accountable to the governing board in the same manner as
 260 town collectors are accountable to selectmen. Such tax or assessment
 261 shall be a lien upon the property upon which it shall be laid and may
 262 be collected by suit in the name of the association by foreclosure of
 263 such lien or in such manner as town taxes may be collected. Such lien
 264 may be continued by certificate which shall be recorded in the land
 265 records of the town or towns in which it is located, pursuant to the
 266 provisions of the general statutes relating to the continuance of tax
 267 liens.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 399 of the special acts of 1941, Sec. 1
Sec. 2	<i>from passage</i>	Number 399 of the special acts of 1941, Sec. 4
Sec. 3	<i>from passage</i>	Number 399 of the special acts of 1941, Sec. 5
Sec. 4	<i>from passage</i>	Number 399 of the special acts of 1941, Sec. 7
Sec. 5	<i>from passage</i>	Number 399 of the special acts of 1941, Sec. 8

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact None

Explanation

The bill makes several changes to the charter of the Giants' Neck Beach Association. These changes have no impact on the state or municipalities.

The Out Years

State Impact: None

Municipal Impact None

OLR Bill Analysis

sSB 1048

***AN ACT AMENDING THE CHARTER OF THE GIANTS NECK
BEACH ASSOCIATION WITHIN THE TOWN OF EAST LYME.***

SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/20/2015)