



# House of Representatives

General Assembly

**File No. 686**

January Session, 2019

Substitute House Bill No. 6747

*House of Representatives, April 17, 2019*

The Committee on Planning and Development reported through REP. MCCARTHY VAHEY, C. of the 133rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT AMENDING THE CHARTER OF THE GROVE BEACH POINT ASSOCIATION.***

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

1 Section 1. Section 3 of number 148 of the special acts of 1945, as  
2 amended by section 2 of number 223 of the special acts of 1947 and  
3 section 15 of public act 05-247, is amended to read as follows (*Effective*  
4 *from passage*):

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

14 within said limits shall be considered for voting purposes as one  
15 member of said association. The husband or wife of an owner shall be  
16 a member of said association but shall not be empowered to vote at  
17 any meeting of said association except [by proxy of such owner] as an  
18 authorized proxy for such owner. The beneficiaries of a trust shall be  
19 members of said association but shall not be empowered to vote at any  
20 meeting except as an authorized proxy of the trustee. Not more than  
21 one vote may be cast per property in said association, and if a person is  
22 the owner or trustee of multiple properties in said association, such  
23 person is entitled to only one vote, whether in person or by proxy, at  
24 any meeting of said association. Non-natural persons, such as limited  
25 liability companies or corporations, are not entitled to a vote at any  
26 meeting.

27 Sec. 2. Section 5 of number 148 of the special acts of 1945, as  
28 amended by section 17 of public act 05-247, is amended to read as  
29 follows (*Effective from passage*):

30 Annual meetings of said association shall be held during the month  
31 of May in each year, at such time and place within the limits of the  
32 [association] Town of Westbrook as the Board of Governors shall  
33 direct. Such meeting shall choose a moderator and clerk for such  
34 meeting and shall elect members of the board by ballot, unless  
35 otherwise specified by a majority of those members present.

36 Sec. 3. Section 6 of number 148 of the special acts of 1945, as  
37 amended by section 4 of number 223 of the special acts of 1947 and  
38 section 18 of public act 05-247, is amended to read as follows (*Effective*  
39 *from passage*):

40 Any vacancy occurring in the membership of The Board of  
41 Governors between annual meetings shall be filled by [a majority of]  
42 the remaining members of the Board of Governors, [until the next  
43 annual meeting, at which time the members of the association shall  
44 elect as above prescribed, a member of the Board of Governors for the  
45 unexpired portion of the term] which remaining members shall  
46 appoint a replacement to fill the remainder of the unexpired term. Any

47 vacancy occurring in any office between annual meetings, shall be  
48 filled by the Board of Governors for the unexpired portion of the term.  
49 If there is a tie vote among the remaining members, the vote of the  
50 chairman shall determine the outcome.

51 Sec. 4. Section 8 of number 148 of the special acts of 1945, as  
52 amended by section 5 of number 223 of the special acts of 1947 and  
53 section 20 of public act 05-247, is amended to read as follows (*Effective*  
54 *from passage*):

55 The Board of Governors shall prepare and submit to said association  
56 at each annual meeting a budget and shall recommend a tax for the  
57 purposes of and based on such budget, of not more than five mills on  
58 the dollar of the total value of real estate within the limits of said  
59 association as shown by the last-completed grand list of the [town]  
60 Town of Westbrook, which budget and tax rate shall be [posted on a  
61 sign-post of said association and] mailed to each member of said  
62 association not less than five days before such annual meeting. Said  
63 association, according to its best judgment of the best interests of all,  
64 shall have the power to decrease such budget and rate of taxation  
65 recommended by said board, but in no case shall it have power to  
66 increase such budget and rate of taxation. Said board shall appoint a  
67 tax collector to collect such taxes, and a rate [book] bill shall be made  
68 out [and signed by the clerk of said board] on or before the third  
69 Saturday of June, each year, and warrants may be issued for the  
70 collection of money due on such rate [bills] bill, pursuant to the  
71 provisions of the general statutes. Said board shall have the power to  
72 transfer expenditures from the sums adopted in the annual budget  
73 from any one item to any other item in the budget. Said board shall  
74 have the power to borrow money from a bank with interest if  
75 necessary, on account of anticipated collection of taxes, but not  
76 exceeding a sum equal to fifty per cent of the anticipated collection of  
77 taxes for any one year.

78 Sec. 5. Section 9 of number 148 of the special acts of 1945, as  
79 amended by section 21 of public act 05-247, is amended to read as

80 follows (*Effective from passage*):

81 Written notice of the rate of such tax and of the amount apportioned  
82 to each member of the association shall be sent by the tax collector on  
83 or before the thirtieth of June following the annual meeting and such  
84 tax shall be due and payable on July first thereafter. If such tax is not  
85 paid on or before the following August first, it shall bear interest from  
86 the July first due date at the same rate per annum, until paid, as  
87 imposed on delinquent taxes by the Town of Westbrook. The tax  
88 collector shall have all the powers of collectors of town taxes and shall  
89 pay over the taxes as soon as collected to the treasurer of the  
90 association. Each such tax, if not paid when due, shall be subject to a  
91 lien upon the property [upon which it shall be laid for one year from  
92 the time of the laying of such tax] that shall be laid at such time as  
93 determined by the Board of Governors.

94 Sec. 6. Section 12 of number 148 of the special acts of 1945, as  
95 amended by section 24 of public act 05-247, is amended to read as  
96 follows (*Effective from passage*):

97 Notice in writing of each meeting of the association stating the  
98 purpose of the meeting shall be given by the clerk by letter [of] or card,  
99 postage prepaid, [addressed] or via electronic communication to each  
100 member of the association [and mailed to the address of property  
101 owners appearing on the records of the tax collector of the Town of  
102 Westbrook, at least five] at least ten days before such meeting. If such  
103 notice is sent by letter or card, the addresses used by the clerk shall be  
104 those appearing on the records of the tax collector of the Town of  
105 Westbrook. If such notice is sent via electronic communication, the  
106 electronic addresses used by the clerk shall be those filed with such  
107 clerk by the property owners of the association.

108 Sec. 7. Section 15 of number 148 of the special acts of 1945, as  
109 amended by section 25 of public act 05-247, is amended to read as  
110 follows (*Effective from passage*):

111 [By-laws] The Charter, bylaws, rules and regulations of [said] the

112 association may be enacted, altered, amended or repealed at any  
113 meeting of the association provided due notice of the same is properly  
114 given in the call for such meeting. The Board of Governors shall  
115 enforce such charter, bylaws, rules and regulations in the name of the  
116 association.

117 Sec. 8. Section 1 of special act 18-19 is amended to read as follows  
118 (*Effective from passage*):

119 [An Act Incorporating The Grove Beach Point Association, as  
120 adopted by number] Number 148 of the special acts of 1945, as  
121 amended by number 223 of the special acts of 1947 and public act 05-  
122 247, is amended to add the following:

123 [Sec. 18.] To promote and maintain the objects of said [Association]  
124 association, to secure safety and promote health and the general  
125 welfare of the community, to conserve the value of buildings and  
126 encourage the most appropriate use of the land, the following  
127 restrictions and conditions have been imposed upon all of the land  
128 within the territorial limits of said [Association] association:

129 [Said conditions and restrictions are as follows:] Said conditions and  
130 restrictions are as follows:

131 1. No more than one single-family dwelling house, for use and  
132 occupancy of one family only, and one private garage shall be erected  
133 on any one of the lots within the limits of said [Association; no]  
134 association. No garage shall be erected on any lot until the dwelling  
135 house on said lot has been completed. Such garage shall not include  
136 living quarters.

137 2. No tents or temporary buildings, or mobile homes shall be  
138 erected, located, or maintained on any lot.

139 3. Houses, cottages or dwellings shall be restricted to location and  
140 erected only on the main numbered lots, thus 1, 121, etc. No house,  
141 cottage or dwelling shall be located or erected on sub-lettered lots, thus  
142 95-A, 121-A, etc., 95-B, 101-B, etc. These lots are available only for

143 garages, docks, etc., depending upon location.

144 4. No land or buildings constructed thereon shall be used for any  
145 other purposes than occupancy as a residence. Advertising signs of  
146 any nature shall not be erected thereon.

147 5. Property use shall be restricted to use as a single-family residence.  
148 The owner of any property owned by a trust or non-natural person,  
149 such as a limited liability company or corporation, shall provide a  
150 written list of the names of the natural persons constituting the single  
151 family occupying the dwelling, which natural persons shall have the  
152 rights of members to use property or facilities of said association. No  
153 property owner shall grant shares, memberships or other means to  
154 allow non-members to use property or facilities of said association.  
155 Nothing in this section limits the rights of members to personally host  
156 non-member guests, as is customary and incidental to residents of  
157 residential dwellings.

158 Said conditions or restrictions may be altered or amended in whole  
159 or in part by a two-thirds vote of the [Association] association at a  
160 meeting duly warned, if new or additional facts appear or other  
161 considerations materially affecting the merits thereof have intervened,  
162 provided, at said meeting, the owner of any land within the limits of  
163 said [Association] association shall be entitled to a hearing thereon,  
164 and provided any person aggrieved by the vote of said [Association]  
165 association may appeal therefrom with ten days of such vote to a court  
166 of competent jurisdiction. Said [Association] association or any  
167 member thereof shall have the right to restrain any violation of the  
168 above restrictions by way of injunction and recovery of damages, or  
169 both, by the institution of legal action in a court of competent  
170 jurisdiction.

171 In the event any condition or restriction adopted by the  
172 [Association] association shall conflict with any ordinance of the Town  
173 of Westbrook, the more restrictive condition or ordinance shall prevail.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 148 of the special acts of 1945, Sec. 3
Sec. 2	<i>from passage</i>	Number 148 of the special acts of 1945, Sec. 5
Sec. 3	<i>from passage</i>	Number 148 of the special acts of 1945, Sec. 6
Sec. 4	<i>from passage</i>	Number 148 of the special acts of 1945, Sec. 8
Sec. 5	<i>from passage</i>	Number 148 of the special acts of 1945, Sec. 9
Sec. 6	<i>from passage</i>	Number 148 of the special acts of 1945, Sec. 12
Sec. 7	<i>from passage</i>	Number 148 of the special acts of 1945, Sec. 15
Sec. 8	<i>from passage</i>	SA 18-19, Sec. 1

**Statement of Legislative Commissioners:**

In Section 4, "town of Westbrook" was changed to "[town] Town of Westbrook" for consistency; and in Section 7, "by-laws" was changed to "bylaws" for consistency.

**PD**      *Joint Favorable Subst. -LCO*

*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.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill has no fiscal impact, as it makes various technical and administrative changes to the charter of a private beach association.

**The Out Years****State Impact:** None**Municipal Impact:** None



**OLR Bill Analysis**

sHB 6747

***AN ACT AMENDING THE CHARTER OF THE GROVE BEACH  
POINT ASSOCIATION.***

**SUMMARY**

The Office of Legislative Research does not analyze Special Acts.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable

Yea 21 Nay 0 (03/29/2019)