



House of Representatives

File No. 989

General Assembly

January Session, 2019

(Reprint of File No. 686)

Substitute House Bill No. 6747
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 24, 2019

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] Bylaws, rules and regulations of [said] the association

112 may be enacted, altered, amended or repealed at any meeting of the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

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

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

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

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

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

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

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

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

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

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

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

170 In the event any condition or restriction adopted by the
171 [Association] association shall conflict with any ordinance of the Town
172 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

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

There is no fiscal impact resulting from the bill as amended, which makes technical changes to bylaws of the Grove Beach Point Association.

House "A" eliminated references to a Charter.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 6747 (as amended by House "A")

***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)