



General Assembly

January Session, 2019

**Committee Bill No. 6747**

LCO No. 6640



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Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

**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 of  
60 Westbrook, which budget and tax rate shall be [posted on a sign-post  
61 of said association and] mailed to each member of said association not  
62 less than five days before such annual meeting. Said association,  
63 according to its best judgment of the best interests of all, shall have the  
64 power to decrease such budget and rate of taxation recommended by  
65 said board, but in no case shall it have power to increase such budget  
66 and rate of taxation. Said board shall appoint a tax collector to collect  
67 such taxes, and a rate [book] bill shall be made out [and signed by the  
68 clerk of said board] on or before the third Saturday of June, each year,  
69 and warrants may be issued for the collection of money due on such  
70 rate [bills] bill, pursuant to the provisions of the general statutes. Said  
71 board shall have the power to transfer expenditures from the sums  
72 adopted in the annual budget from any one item to any other item in  
73 the budget. Said board shall have the power to borrow money from a  
74 bank with interest if necessary, on account of anticipated collection of  
75 taxes, but not exceeding a sum equal to fifty per cent of the anticipated  
76 collection of taxes for any one year.

77 Sec. 5. Section 9 of number 148 of the special acts of 1945, as  
78 amended by section 21 of public act 05-247, is amended to read as  
79 follows (*Effective from passage*):

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

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

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

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

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

110 [By-laws] The Charter, by-laws, rules and regulations of said  
111 association may be enacted, altered, amended or repealed at any  
112 meeting of the association provided due notice of the same is properly  
113 given in the call for such meeting. The Board of Governors shall

114 enforce such charter, bylaws, rules and regulations in the name of the  
115 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

**Statement of Purpose:**

To amend the charter of the Grove Beach Point Association in Westbrook.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. CARNEY, 23rd Dist.

H.B. 6747