

STATE OF CONNECTICUT,

Bill No. 3425

Page 1 of 8

Introduced by Rep. Schlossbach

Date

Ref. to Committee on INCORPORATIONS

General Assembly,

January Session, A. D., 19

AN ACT ~~CONCERNING~~ INCORPORATING THE ISLAND VIEW BEACH ASSOCIATION

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

Section 1. The owners of record of a freehold interest in the land within the limits specified in Section 2 of this act, in the locality known as Island View Beach and Grove Beach Park shall be, while they continue to be such owners, a body politic and incorporate by the name of THE ISLAND VIEW BEACH ASSOCIATION, hereinafter referred to as the association, and by that name they and their successors shall be a corporation in law, capable of suing and being sued, and pleading and being impleaded, in all courts, and shall be vested with and may exercise the powers hereinafter specified. All persons who are over twenty-one years of age, who own or who may hereafter own a freehold interest in any land within said limits, shall, while they continue to be such owners, be members of the association, and, unless prohibited by law from voting, shall be entitled to vote, at any meeting of the association and shall be eligible to hold any office in the association. Joint owners of any freehold interest in any land within said limits shall be considered, for voting purposes, as one member of the association. Husbands and wives of such owners, themselves not otherwise owners of a freehold interest in any land

within said limits, shall be members of the association, but shall not be empowered to vote at any meeting, except in the absence of such owners.

Section 2. The limits and territory of the association shall be that territory known as Island View Beach and Grove Beach Park in the Town of Westbrook, bounded and described as follows:

First Parcel, more particularly bounded and described as follows:

Beginning at a point on the easterly boundary line of Route 145, which point is two hundred (200) feet southerly of the intersection of said easterly boundary line of Route 145 with the southerly boundary line of Route 1; thence running easterly along the southerly boundary line of land now or formerly of Harry Colins, Peter and Irene Morris and William and Margaret Daly to the northeast corner of land of Napoleon J. Lucchini; thence turning and running southerly along the easterly boundary line of land of Napoleon J. Lucchini, Trolley Road, Henry C. Battaglia, Lewis Avenue, Linda DeLillo, Lilac Road, Anthony and Mildred Adipietro, Albert and Patricia Naples, George and Rose Naples, Anthony and Mildred Adipietro, to the road known as Beachway; thence turning and running westerly along the northerly boundary line of land of Anna and Phyliss Hasselbach, Moshe Paranov and Wilfred St. John to the northwest corner of land of St. John; thence turning and running southerly along the westerly boundary of St. John to the waters of Long Island Sound; thence turning and running westerly along the waters of Long Island Sound to the easterly boundary line of land now or

formerly of Kruck; thence turning and running northerly along the easterly boundary line of Kruck, a private road, and the westerly boundary line of Elm Avenue to its intersection with Route 145; thence continuing northerly along the easterly boundary line of Route 145 to the point and place of beginning Second Parcel, more particularly bounded and described as follows:

Beginning at a point on the westerly boundary line of Route 145, which point is the northeast corner of land now or formerly of Laurence E. and Mary M. Savoie; thence southerly and westerly along the easterly and northerly boundary line of Route 145 to the easterly boundary line of Linden Avenue; thence turning and running northerly along the easterly boundary line of Linden Avenue to the northwest corner of land now or formerly of Solomon H. Kasulis; thence turning and running easterly along the northerly boundary line of land of Kasulis, Arnts, Florence Engel and Nellie DeFranzo to the westerly boundary line of Edward M. and Anna M. Gatzen; thence turning and running northerly along the westerly boundary line of land of Gatzen, Statafora and Savoie to the northwest corner of land now or formerly of Savoie; thence turning and running easterly along the northerly boundary line of Savoie to the point and place of beginning.

Section 3. The purposes of the association shall be to provide for the improvement of the land within its limits, and for the health, welfare, comfort, protection and convenience of the inhabitants thereof.

Section 4. The by-laws, as at present existing, of The Island View Beach Association, except as to any matter therein inconsistent with the provisions of this act, shall be and are made the regulations of The Island View Beach Association and such regulations shall be subject to amendment, modification and rescission as provided in this act for the amendment, modification, and rescission of by-laws and regulations adopted by the executive board of the association.

Section 5. The association may buy, sell, lease, mortgage, convey, exchange, partition, hold and own such real and personal estate as its purposes may require, and the executive board thereof may adopt, amend, modify, rescind and enforce by-laws and regulations, applicable within the limits of the association, for the following purposes: To regulate travel over and parking along the roads and streets within the limits of the association, when, in the opinion of said board, the unregulated use of such roads and streets may become dangerous or inconvenient; to appoint and require police officers to act within the limits of the association, which officers shall have the powers of constables within said limits for the purpose of making arrests for violations of any by-law or regulation of the association or of any general law; to clean and improve ditches and to care for the beach area and waterfront; to keep the roads, streets and public places within the limits of the association quiet and free from noise;

to build, repair and improve roads, streets and sidewalks within the limits of the association; to require owners or occupants of land or buildings within the limits of the association to remove leaves and other inflammable material or obstructions from the roads and streets adjacent to or in front of property owned, leased or occupied by them; to prevent the deposit upon property of refuse, garbage or other waste material of any kind, which, in the opinion of said board, may endanger the public health or safety or become a nuisance; to protect any property within the limits of the association from fire; to promote the planting of trees and shrubbery and other work leading to the improvement of the property within the limits of the association; to determine the time and place of the meetings of the association, to adopt and use a seal and to regulate the affairs of the association generally. The executive board of the association may fix a penalty for each violation of any such by-law or regulation of not more than twenty-five dollars, and the penalties may be recovered in an action brought for the purpose in the name of the association before any court having jurisdiction for the use and benefit of the association. No by-law or regulation shall take effect until ten days after its adoption by the executive board and until it has been posted for at least seven days on a signpost within the limits of the association, the location of which shall be designated by said board, and a like procedure shall be followed for the amendment, modification or rescission of any by-law or regulation by said board. Any by-law or regulation adopted by the executive board may also be amended, modified or rescinded by a majority vote of the total membership of the association taken at

3425 - - 6

a special meeting, duly warned for such purpose, provided a petition requesting such a meeting, signed by not fewer than ten members of the association entitled to vote in meetings thereof, shall be filed with the secretary of the association within seven days after such by-law or regulation has been posted on a signpost designated by said board as hereinbefore provided. Further, any by-law or regulation adopted by the executive board may be amended, modified or rescinded at any annual meeting of the association by a majority vote of the total membership of the association entitled to vote. A certificate of the secretary of the association as to the posting of any by-law or regulation or of any action taken in respect thereof as provided herein shall be prima facie evidence of such posting.

Section 6. The restrictions, at the time of the passage of this act, applying to property within the limits of the association as referred to in deeds, shall remain in force and in no case shall any such restriction be removed prior to the date of expiration thereof provided in such deeds. The existing restrictions contained in deeds may be extended in time from the date of the expiration thereof by the executive board of the association, but nothing herein shall be construed as authorizing said board or the association to change restrictions in deeds.

Section 7. The executive board of the association shall prepare and submit a budget to the association, at its annual meeting each year, and shall recommend a tax, for the purpose of and based upon such budget, of not more than five mills on the dollar, on the total value of real estate within the limits of the association as shown by the last completed grand list of the town of Westbrook, which budget and rate of tax shall be posted on the signpost of the association not less than ten days before

each annual meeting. The association may decrease such budget and rate of tax recommended by the executive board, but may not increase the budget and rate of tax. The rate of tax so recommended by the executive board shall be final unless decreased by the association at its annual meeting. The taxes so levied shall be due to the association from the owners of real estate within the limits of the association as shown by the land records of the Town of Westbrook on the first day of the preceding October and shall be collected by the treasurer of the association or any collector appointed by the executive board for such purpose. A rate book shall be made out and signed by the secretary of the association on or before the third Saturday in July of each year, and warrants may be issued for the collection of money due on the rate bills, pursuant to the provisions of section 12-13 of the general statutes.

Written notice of the rate of tax and of the amount apportioned to each person liable therefor shall be sent by the treasurer or collector of the association to each such person on or before the following August first and such tax shall be due and payable on the first day of the following September.

If such tax is not paid when due, it shall bear interest at the rate of six per cent per annum from the date it was so payable.

The treasurer or collector of the association shall have all the powers of collectors of town taxes, and, if such taxes are collected by a collector other than the treasurer, they shall be paid over to the treasurer within one month of their receipt by such collector. Each such tax, if not paid when due, shall be a lien upon the property upon which it shall be laid and may be collected by suit in the name of the association by foreclosure of such lien. Such lien may be continued by certificate, which shall be recorded in the land records of the town of Westbrook,

pursuant to the provisions of the general statutes relating to the continuance of tax liens. Any tax liens levied by the town of Westbrook on property within the limits of The Island View Beach Association shall have priority over any tax liens levied on the same property by the association. The treasurer or collector of the association or both may be required to give the association sufficient surety bonds in such form as may be determined by the executive board contingent upon the faithful performance of their respective duties. The cost of such bonds shall be borne by the association.

Section 8. If any by-laws or regulations adopted by The Island View Beach Association shall conflict with any lawful ordinance of the Town of Westbrook, the ordinance of said town shall prevail and supersede the by-law or regulation of said association.

Section 9. The fiscal year of the association shall be from the first day of July in one year to the thirtieth day of June in the succeeding year, both dates inclusive.

Section 10. This act shall take effect upon its approval by a majority vote of people qualified by membership in the association attending a meeting held for that purpose on or before the last day of August, 1963. For the purpose of this Section, Meyer J. White of West Hartford, Connecticut, Clifford Storms of Yonkers, New York, Samuel Reisner of Springfield, Massachusetts, William Filbey of Westbrook, Connecticut, and Angelo M. D'Ambrosio of Rocky Hill, Connecticut, or a majority of them, are designated incorporators with the power to call and conduct said first meeting.

The purpose of this bill is to incorporate The Island View Beach Association.