

**CHARTER**

**AND**

**BY-LAWS**

**BAY VIEW IMPROVEMENT ASSOCIATION**

**BAY VIEW, MILFORD  
CONNECTICUT**

**INCORPORATED APRIL 20, 1921  
CHARTER AMENDED JUNE 29, 1951  
BY-LAWS first revised as to July 6, 1981  
BY-LAWS current revision to June 15, 1991**

The following is a copy of the original Charter in the Special Acts, State of Connecticut, January session, 1921:

HOUSE BILL NO. 347

134

AN ACT INCORPORATING THE BAY VIEW IMPROVEMENT ASSOCIATION

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

**SECTION 1:** All owners of cottages and dwellings within the limits hereinafter specified in the locality known as Bay View, in the town of Milford, are constituted a body politic and corporate, by the name of the BAY VIEW IMPROVEMENT ASSOCIATION.

**SECTION 2:** The limits and territory of said Association are defined and established as follows: Commencing on the westerly side of the bridge on Bay Shore Drive where it crosses Calf Pen Meadow Creek, thence along the westerly side of said Creek to the property of the Connecticut Company; thence along the westerly side of the property of the Connecticut Company to the northeasterly corner of the property of R. M. Davis; thence along northerly boundary of property of said R. M. Davis to the northwesterly corner thereof; thence along the westerly boundary of property of said R. M. Davies to Welch's Point Road, thence to the southerly side of Welch's Point Road on a line formed by projecting the westerly boundary of land of said R. M. Davies to said southerly side of Welch's Point Road; thence along the southerly side of Welch's Point Road to the westerly side of the property of H. C. C. Miles; thence along the westerly side of said Miles' property to Long Island Sound; thence along said Long Island Sound at high water mark to the point of commencement.

**SECTION 3:** All adult persons owning a cottage or dwelling or other real estate within said limits, and all such persons who shall after this act takes effect own any cottage, dwelling or other real estate within said limits, shall be members of said THE BAY VIEW IMPROVEMENT ASSOCIATION and shall be entitled to vote in any meeting of such members and shall be eligible to any office provided for in this charter.

**SECTION 4:** The first meeting of the members of said Association shall be held in June or July, 1921, at such time and place within the limits of said THE BAY VIEW IMPROVEMENT ASSOCIATION as the committee hereinafter named shall appoint in the warning of such meeting, for the purpose of selecting a Board of Governors of said THE BAY VIEW IMPROVEMENT ASSOCIATION, who shall hold office until June 1st, 1922, and until others shall be chosen in their places. Annual meetings shall be held in the month of June in each year at such time and place within the limits of said

Association as said Board of Governors shall direct, and at such meeting, a Board of Governors of five members shall be elected to serve for one year from their election until others shall be chose in their places.

**SECTION 5:** G. P. Fessenden, R. M. Davies, Joseph R. McKnight, H. C. C. Miles, and L. E. Blackmer, or a majority of them shall have power to warn the first meeting of the members of the Association, which warning shall be written or printed and signed by the majority of said Committee and three or more copies shall be posted in public places within the limits of said Association at least three day before such meeting. A member of said Committee shall call such meeting to order. Said meeting shall choose a Moderator and Clerk and elect each member of the Board of Governors separately by ballot. All subsequent meetings, annual or special, shall be warned by the Board of Governors in the manner prescribed in Rules or By-Laws adopted by said Board.

**SECTION 6:** Any vacancy in said Board may be filled by the majority of the remaining members for the remainder of the term.

**SECTION 7:** Said Association shall have power to adopt By-Laws, Rules and Regulations, for its government and to enforce the same in the name of the Association; and it may employ one or more persons to remove garbage, filth, night-soil, ashes and other refuse matter within said limits and authorize such person or persons to make entry on any private property within said limits for the purpose of removing same. Said Association may employ one or more persons to act as special police and watchman of the property within said limits, who shall be empowered to enter on any of the private property within said limits whenever it shall be necessary for the protection of the same from fire, theft, loss or injury. Said Association may make all necessary Rules and Regulations for the care and protection of the open beach above high water mark within the limits hereinbefore described, not inconsistent with any rights therein heretofore acquired by any individual. Said Association may assess and apportion the expense among all the cottage, dwelling house, hotel and restaurant owners, and owners of all other buildings within said limits, provided no building shall be assessed more than ten dollars and no building lot be assessed more than two dollars for all of such service in any year. Said Association may collect all such assessments from the several owners of such properties by action at law in the name of said Association and any money due on any such Assessment shall be a lien upon the property of any such owner, which may be foreclosed in the same manner, in which for taxes due the town of Milford are foreclosed. Notice in writing of every meeting of the Association, stating the purpose of the meeting, shall be given by the Clerk by letter properly stamped, addressed to each member of the Association and mailed at least ten days before said meeting.

**SECTION 8:** Twenty members of said Association shall constitute a quorum for the transaction of business and any member may designate in writing any person to act

as his or her proxy at any meeting of said Association.

**SECTION 9:** Said Board of Governors shall have power to direct the manner and place and vessels or receptacles to be provided and used at various privies within said limits, and may adopt proper rules and regulations for said purposes.

**SECTION 10:** Said Board of Governors, shall within said limits, examine into all nuisances and sources of filth found within said limits which in its judgement may endanger the health of the inhabitants or render the occupation of any dwelling uncomfortable, and may notify all persons causing or maintaining such nuisance to abate the same within such time as the Board of Governors shall order, and if the same shall not be abated as ordered said Board may abate the same and recover the expense thereof from any person so causing or maintaining the same by an action in the name of said Association. If any property owner shall fail to provide the proper receptacle as ordered by said Board for privies and outhouses, such Board may provide the same and recover the cost thereof from the owner of the property by an action in the name of said Association, and when a proper receptacle for night-soil is provided as directed by said Board, any occupant of the property failing to deposit the night-soil from such property in such receptacle, and depositing the same on the ground, shall be liable to pay said Association five dollars for every week such night-soil shall be deposited upon the ground in violation of the order of said Board, such penalty to be recovered in the name of said Association by an action at law.

**SECTION 11:** Said Association shall have the same power privileges regarding fires, sewers and health as towns.

**SECTION 12:** All By-Laws, Rule and Orders made by said Board of Governors may be published in any newspaper having a circulation within the limits of said Association or copies thereof may be posted in public places within said limits and after three days such By-Laws Rules and Orders shall be in force.

**SECTION 13:** Said Association may elect a Clerk and a Treasurer and all Warnings, Notices, Orders and By-Laws may be signed by such Clerk. The Clerk shall keep a record of all the doings of said Association. The Treasurer shall keep account of all moneys received and paid out and shall report at each annual meeting.

**SECTION 14:** Said Association shall have no jurisdiction of the limits herein described between high and low water mark except to abate nuisances, prevent the depositing of sewage or garbage, quell disturbances and breaches of the peace and make arrests.

**APPROVED APRIL 20, 1921.**

The following is a copy of the Charter Amendment, Special Act No. 271, State of Connecticut, January session, 1951:

**SPECIAL ACT NO. 271**

**AN ACT AMENDING THE CHARTER OF THE BAY VIEW IMPROVEMENT ASSOCIATION**

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

**SECTION 1:** Section 4 of number 134 of the special acts of 1921, is amended to read as follows: The first meeting of the members of said Association shall be held in June or July, 1921, at such time and place within the limits of said THE BAY VIEW IMPROVEMENT ASSOCIATION as the committee hereinafter named shall appoint in the warning of such meeting, for the purpose of selecting a board of governors of said THE BAY VIEW IMPROVEMENT ASSOCIATION, who shall hold office until June 1, 1922, and until others shall be chosen in their places. Annual meetings shall be held on the Saturday next preceding the first Monday of September in each year at such time and place within the limits of the fourth district of the town of Milford as said board of governors shall direct, and at the first such meeting after the effective date of this act, there shall be elected a board of governors of five members two of whom shall be elected to serve for one year and three of whom shall be elected to serve for two years from the Tuesday immediately succeeding the first Monday of September of the year of their election and until others shall be chosen in their places; and at each such annual meeting thereafter; members of said board shall be elected to serve for two years.

**SECTION 2:** Section & of said act is amended to read as follows: Said Association shall have power to adopt by-laws, rules, regulations, for its government, and to enforce the same in the name of the association; and it may employ one or more persons to remove all garbage, filth, night-soil, ashes and other refuse matter within said limits and authorize such person or persons to make entry on any private property within said limits for the purpose of removing same. Said Association may employ one or more persons to act as special police and watchman of the property within said limits, who shall be empowered to enter on any of the private property within said limits whenever it shall be necessary for the protection of the same from fire, theft, loss or injury. Said Association may make all necessary Rules and Regulations for the care and protection of the open beach above high water mark within the limits hereinbefore described, not inconsistent with any rights therein heretofore acquired by any individual. Said Association may assess and apportion the expense among all the cottage, dwelling house, hotel and restaurant owners, and owners of all other buildings and building lots within said limits, in amounts to be determined each year at the annual meeting of said Association by majority vote of the members present

and voting at such meeting, provided such voting will take place subsequent to the reading and acceptance of the annual report of the Treasurer of said Association. Said Association may collect all such assessments from the several owners of such properties by action at law in the name of said Association and any money due on any such Assessment shall be a lien upon the property of any such owner, which may be foreclosed in the same manner, in which for taxes due the town of Milford are foreclosed. Notice in writing of every meeting of the Association, stating the purpose of the meeting, shall be given by the Clerk by letter properly stamped, addressed to each member of the Association and mailed at least ten days before said meeting.

**SEC. 3 This act shall take effect August 1, 1951.**

**APPROVED June 29, 1951.**

In accordance with SEC. 7 of the Charter of the BAY VIEW IMPROVEMENT ASSOCIATION, By-Laws were adopted at a meeting of the members of said Association, held July 9, 1921,. The Board of Governors consisted of George P. Fessenden, W. W. Austin, R. E. Dodge, H. C. C. Miles and R. M. Davies. George P. Fessenden, the first Chairman of the BAY VIEW IMPROVEMENT ASSOCIATION (1921-22), was elected on June 30, 1934, at the annual meeting of said Association, Honorary Chairman for Life, of the Board of Governors. On October 10, 1934, George P. Fessenden, Honorary Chairman, died.

On July 1, 1933, the original By-Laws, (now SEC. 2) was amended to provide that any bill or bid over \$100.00 must be approved by a majority vote of all members of the Board of Governors. At the same time SEC. 5 (now SEC. 4) was amended to provide for an audit to be made by an accountant appointed by the Board of Governors.

On February 28, 1978, SEC. 1 of the By-Laws was amended to provide for the filling of a vacancy on the Board of Governors at a special meeting of the Association, in the event, the remaining members of the Board could not agree on a person to be appointed to fill such a vacancy at the next Board meeting after the vacancy has occurred.

On July 6, 1981, the By-Laws, as revised and renumbered herein, were adopted by the Board of Governors.

**BOARD OF GOVERNORS  
LOUIS BAAS, Chairman  
WALTER BLOGOSLAWSI  
EDWARD J. CARRY  
CHARLES RIETH  
ELIZABETH A. SCHILDGEN**

On June 16, 1991, SEC. 8 of the By-Laws was amended to establish a period of time by which proposals may be submitted to the Board of Governors to be considered for the Annual meeting, and the period of time prior to the Annual meeting the Clerk must mail the Notice of the meeting. Additionally, a standard PROXY form must be used and registered with the Clerk no later than thirty (30) minutes prior to the commencement of the meeting (special or annual).

On June 16, 1991, SEC. 10 has been amended to include a Roll Call of all Proxies and the Proxy holders.

On June 16, 1991, SEC. 24 and 25 have been amended to require the report of the Budget Committee and the Nominating Committee to be delivered to the Board of Governors by July 31 of the current year.

On June 16, 1991, the By-Laws, as revised herein, were adopted by the General Membership of said Association.

**BOARD OF GOVERNORS**  
**MARY O'CONNOR-WARJAS, Chairman**  
**DONALD COZZOLINO**  
**DONALD HANIFIN**  
**ROBERT POST**  
**FRANCE STOKES**

## **BY-LAWS OF THE BAY VIEW IMPROVEMENT ASSOCIATION**

### **BOARD OF GOVERNORS**

**SECTION 1:** The officers of the BAY VIEW IMPROVEMENT ASSOCIATION shall consist of a BOARD of GOVERNORS of five members, a Clerk and a Treasurer. The Board of Governors shall be elected in accordance with the provisions of Section 1 of the Special Act No. 271, January, 1951, Session of the General Assembly of the State of Connecticut. Any vacancy occurring in the Board may be filled by appointment by the majority of the remaining members of the remainder of the term. In the event that the remaining members cannot reach a majority decision, at the next Board meeting, to appoint some member to fill the vacancy, it shall be filled by election at a Special Meeting of the Association held for that purpose within 30 days after the Board meeting; however, if the vacancy occurs within 30 days prior to the Annual meeting of the Association, a member shall be elected at the Annual Meeting to fill the vacancy for the remainder of the term.

The Clerk and the Treasurer shall be appointed by the Board of Governors to serve during the term of office of the Board appointing them.

### **OFFICERS - DUTIES**

**SECTION 2:** One member of the Board of Governors shall be elected Chairman and one other member of the Board shall be elected Vice Chairman. The Chairman shall preside at all meetings of the Board and of the Association. He shall make and sign all contracts when they have been approved by the Board. Any amount of bill or bid over two hundred and fifty (\$250.00) dollars must be submitted to all members of the Board of Governors and approved by a majority of all such members. The Chairman shall call to order all meetings, annual and special, of the Association and at each Annual Meeting he shall make a report of the work and activities of the Association. The Vice Chairman shall perform the duties of the when that person shall be unable to do so, due to absence from BAY VIEW or for any other reason for such ability.

### **CLERK - DUTIES**

**SECTION 3:** It shall be the duty of the Clerk to receive all Assessments laid by the Association, and all other monies due to the Association. The Clerk shall keep a record of all monies collected in a book or books kept for that purpose, in a format prescribed by the Board of Governors. The Clerk shall transfer such monies, after recording their receipt, to the Treasurer as soon as possible. It shall be the duty of the Clerk to place a lien, in the records of the City of Milford, in the name of the Association against any and all property owners who fail to pay the Assessments made by the Association. Such liens for unpaid assessments shall be filed when the

assessment has not been paid within the sixty (60) days of the date of which it is due and payable. It shall also be the duty of the Clerk to attend all meetings of the Association and of the Board of Governors, keep a record of the business at all such meetings, issue all orders and notices approved by the Association or the Board of Governors, and issue calls for all meetings as provided by the Charter and these By-Laws. The Clerk shall furnish a surety bond of one thousand (\$1000.00) dollars, the expense of which will be borne by the Association.

#### TREASURER - DUTIES

**SECTION 4:** The Treasurer shall receive all the monies of the Association and shall deposit them in a checking and or savings account in one or more banks designated by the Board of Governors. The Treasurer shall report at any meeting of the Board of Governors, when called upon by any member of the Board, the condition of the treasury and the progress of his work. The Treasurer shall also make a report to the Association at the Annual Meeting of all of assessments made, collected and not collected, and of all monies received and disbursed during the last full fiscal year. He shall pay all bills when such payment has been approved by the Board of Governors. The Treasurer shall furnish a surety bond for two thousand (\$2000.00) dollars, the expense of which will be borne by the Association. Any check drawn to the order of the Treasurer (such as for salary or reimbursement of expenses), shall be signed or countersigned by the Chairman or Vice Chairman of the Board of Governors.

#### SALARIES - CLERK & TREASURER

**SECTION 5:** The salaries of the Clerk and Treasurer shall be fixed each fiscal year in the budget approved by the members at the Annual Meeting of the Association. They shall be paid in four equal payments on the last business day of each calendar quarter of such fiscal year.

#### AUDIT

**SECTION 6:** An appropriate audit of the receipts and disbursements and of the financial records of the Association shall be made each year by an accountant appointed by the Board of Governors. The accountant shall make his report of such audit, with any comments or recommendations, to the Board. A copy of the audit report shall be furnished to each member of the Board, to the Treasurer - if not a member of the Board - and to the Clerk for the records of the Association.

#### MEETINGS OF THE BOARD OF GOVERNORS

**SECTION 7:** The Annual Meeting of the Board of Governors shall be held in the month of June in each year at such time and place as may be designated by the Chairman. Other meetings of the Board shall be held at least once in each calendar

quarter at a time and place designated by the Chairman. More frequent meetings of the Board may be held, if deemed necessary by the Chairman. Three members of the Board shall constitute a quorum for transaction of business by the Board. In addition, if two or more members of the Board make a request, in writing, to the Clerk for a special meeting of the Board, it shall be called. Written notices of all meetings of the Board of Governors shall be mailed by the Clerk to each member of the Board at his or her mailing address, at least ten (10) days prior to the date of such meeting. At any regular meeting of the Board any member of the Association who has a grievance may appear and submit the grievance in writing (or orally, by consent of the majority of the Board).

### ANNUAL MEETINGS OF THE ASSOCIATION

**SECTION 8:** The Annual Meeting of the Association shall be held in accordance with the provisions of Section 1, Special Act No. 271, January, 1951, Session of the Connecticut General Assembly, and shall be called by the Clerk for such time and place as the Board of Governors may direct in accordance with that Act. Any member may present a proposal to be considered and acted upon by the membership no later than July 31, immediately preceding the date of the Annual Meeting. All such proposals must be in writing and submitted to the Board in a timely manner. Notice of the Annual Meeting shall be given by the Clerk to every property owner at least 15 days prior to the holding of the same, either by mail to his or her last known residence, or by notice left upon the properties.

In determining whether a quorum of twenty members is present, as required by Section B of the Charter of the Association, a member represented by proxy shall be deemed to be present, as if he or she were physically present. All members of the Association attending or voting at such meeting by proxy must execute said proxy on a form prescribed by the Board of Governors and must file and register such proxy with the Clerk of the Association, no later than thirty (30) minutes prior to the commencement of said meeting.

### SPECIAL MEETINGS

**SECTION 9:** Special meetings of the Association may be called by the Clerk upon order of the Board of Governors. Special meetings shall also be called by the Clerk upon receipt of a written request or petition signed by ten (10%) percent or more of the members of the Association, whose assessments have been paid in full by the date of signing the request or petition. Notice of all such meetings, whether ordered by the Board or requested by ten percent of the members, shall be given by the Clerk through the mailing of individual notifications to all members at their mailing addresses at least ten days prior to the date at which such meeting is to be held. Notices of special meetings shall state the purpose or purposes of said meeting, and no action shall then be taken at said meeting upon any matter not directly related to the

announced purpose or purposes thereof. Special meetings may be held at such time and place within the City of Milford as the Board of Governors may direct, or as stated in the request or petition signed by ten (10%) percent of the members.

### **ORDER OF BUSINESS AT MEETINGS**

**SECTION 10:** The order of transaction of business at all meetings of the Board of Governors shall be as follows:

1. Roll Call (Including the public reading of all Proxies)
2. Reading of the Minutes
3. Report of the Chairman
4. Report of the Clerk
5. Report of the Treasurer
6. Unfinished Business
7. New Business
8. Adjournment

In the event of dispute as to the order of business, precedence of motions, or other parliamentary matters, the standard procedures as outlined in "Robert's Rules of Order" shall govern.

### **COMPLAINTS**

**SECTION 11:** All complaints or notices of needs of police or sanitary service shall be made to the Board of Governors in writing, and may be left with the Clerk or sent by mail.

### **ASHES - GARBAGE - RUBBISH**

**SECTION 12:** No person shall throw, place or convey from the premises occupied by him or her for the purpose of placing upon any streets, sidewalks or property upon the beach or any other property any rubbish, weeds, cans, brush, ashes, waste paper, garbage, filthy matter or refuse of any kind. Garbage and trash disposal shall conform to the Sanitation Ordinances of the City of Milford.

## SANITATION

**SECTION 13:** Owners of cottages where cesspools are to be installed must be governed by the following rules for their installation:

Sewer from the ground end of soil-pipe to cesspool may be of cement, tile or cast iron as preferred. Sewer, where it enters cesspool must go in at the side near the top, so that it will ventilate the cesspool. All waterclosets, lavatories, bathtubs, sinks, washtrays, etc., to be vented according to size of building up through roof, all properly trapped, joints of soil pipe to be caulked with lead and made impervious to sewer gas (same to apply to all waste and vent pipes) and all work must conform to the building code of the City of Milford.

All interior plumbing work and electrical wiring must conform to the building code of the City of Milford. No cesspool shall be maintained within fifty feet of any well to prevent them from becoming offensive or detrimental to health. All cesspools must be cleaned where and at such times the Board shall direct. Cesspools must be built on owner's property, not in the street. Cesspools must never be cleaned out in the daytime in the summer months, but can be done between midnight and 5:00 a.m., standard time. Cesspools for closets must be vented; in no case shall the vent be less than two inches in size or left near ground level, but must be extended up through the roof as described for closet soil-pipe.

All cesspools into which closets empty must not be less than 150 cubic feet inside measurement, and properly walled up within reasonable distance of dwellings so as not to be a nuisance, unsanitary or injurious to public health. Top of cesspool may be made of some indestructible material, cement preferred, with manhole in center of top for cleaning purposes.

All cesspools, or sewers, either private or public, shall be built under the provisions of the Sanitary Code of the City of Milford.

## INJURY TO TREES, ETC.

**SECTION 14:** No person shall injure any trees or shrubbery growing or kept as an ornament or other purpose on any street, avenue or public place.

## DOGS

**SECTION 15:** No owner or keeper of any dog which habitually fights other dogs, or attacks or threatens to attack persons or animals, or snaps, or growls to the discomfort of passersby shall permit it to go at large, and no person shall knowingly keep or harbor any dog which by loud and excessive barking or howling causes annoyance to people living in the vicinity. No owner or keeper of any dog shall take it or permit it to go or be taken, upon the Private Beach of the Association at any time. Dogs found at large upon the beach may be taken it custody by any officer or employee of the Association and disposed of in accordance with the law of the State

and the ordinances of the City of Milford. Any person persisting in the violation of this Section, either willfully or through negligence, shall be prosecuted in accordance with the law.

#### **REFUSE NEGLECTED - HOW REMOVED**

**SECTION 16:** Any quantity of refuse matter that may have been allowed to accumulate through oversight may be removed at the expense of the owner or occupant of the premises upon which it is located.

#### **TENANTS - OBJECTIONABLE**

**SECTION 17:** If the tenants of any dwelling are reported as objectionable, the owner will be held liable for any damage done by them, and action will be taken by Board of Governors through their police authority for the removal of such persons.

#### **NOISE - DISTURBANCES**

**SECTION 18:** No owner or lessee of any dwelling shall permit occupants of such dwelling to conduct any festivities or create unnecessary noise or disturbance after the hour of 12 o'clock, midnight, standard time, to the discomfort of persons living in the vicinity.

#### **PRIVATE BEACH**

**SECTION 19:** The six hundred (600) feet of private beach owned by the Bay View Improvement Association will be retained for the use of the property owners and their guests, and will be policed to that end. No obstructions of any description will be permitted to be erected on the beach. Any person committing nuisance on the beach or green, or any street, avenue, highway or public place will be liable to arrest and prosecution. Parking of automobiles or other vehicles along the Bay Shore drive at this point of the beach is prohibited.

#### **OWNER'S RESPONSIBILITY**

**SECTION 20:** All owner renting dwellings to other persons for temporary quarters for any length of time shall be required to provide proper receptacles for refuse matter as required for permanent dwellers, and shall be governed by the same laws and regulations and shall pay the same tax for sanitary and police services as charged per schedule.

## PERMITS

**SECTION 21:** All permits granted by the Board of Governors shall contain the provision that the same are to be null and void should they in the judgement of said Board become a nuisance, or should a condition be created by such permits dangerous to the health of anyone.

## AMENDMENTS TO BY-LAWS

**SECTION 22:** An Amendment made to BY-LAWS of the Bay View Improvement Association must be made in writing, and laid on the table for thirty (30) days before action can be taken on same.

## COPIES OF BY-LAWS

**SECTION 23:** Copies of these By-Laws shall be distributed among all property owners and lessees, and three or more copies of same be posted in public places within the limits of said Association. Ignorance of the provisions of these By-Laws will not constitute an excuse for any infractions thereof.

## BUDGET COMMITTEE

**SECTION 24:** The Chairman of the Board of Governors shall appoint annually, not later than sixty days prior to the date of each Annual Meeting of the Association, a Budget Committee consisting of the Treasurer and any two members of the Association whose assessments shall be fully paid to the date of their appointment. The duties of said committee shall be (1) To Prepare a statement to the financial condition of the Association as of the close of the fiscal year immediately preceding the Annual Meeting; (2) To prepare a proposed budget for the fiscal year commencing July 1, of the calendar year following the Annual Meeting; (3) To recommend the amount to be assessed on each property (house and lot), together with the suggested discount, if any, for early payment; (4) To submit said statement to the Board of Governors for approval no later than July 31, for issuance to the Clerk.

Upon receipt of said statement and budget, bearing evidence of approval by the Board of Governors, it shall be the duty of the Clerk to mail or otherwise cause to be delivered copies of the same to all members of the Association at the time of posting notice of the Annual Meeting.

## NOMINATING COMMITTEE

**SECTION 25:** The Chairman of the Board of Governors shall appoint annually, not later than sixty days prior to the date of each Annual Meeting of the Association, a Nominating Committee consisting of not less than five members of the Association

whose duty it shall be to prepare a slate of nominations of members eligible and willing to serve as Governors of the Association. Such slate of nominees shall be submitted to the Board of Governors for approval as to their eligibility no later than July 31, for transmission to the Clerk. It shall be the duty of the Clerk, on receiving the approved slate to cause copies thereof to be prepared and issued to all members of the Association at the time of mailing the notices of the Annual Meeting. A ballot to be used in voting for the election of members to the Board of Governors at the Annual Meeting shall be furnished with the list of nominees. At the Annual Meeting additional persons who are qualified members of the Association may be nominated from the floor. Such nominations from the floor must be seconded. However, such nominees may not be considered for election unless they are present and state that they are willing to serve, if elected.

### ELIGIBILITY FOR OFFICE

**SECTION 26:** No person shall be eligible for nomination or election to the Board of Governors, or to apply for appointment as Clerk or Treasurer, unless his or her assessments shall be fully paid to the date of the election, or to the date of his or her application for appointment.

## HOW TO CAST YOUR VOTE

### **BY PROXY:**

1. In the mailing you have received giving you notice of the Annual Meeting, you will find a PROXY form with a number stamped on the upper right hand corner. That number is registered with the Clerk as the Proxy for your house. If you want to vote by Proxy, you will sign the form on the Signature line and enter the address of your house or lot on the Address line. These two areas MUST be entered on the Proxy. Only ORIGINAL Proxy forms can be used. If the form is lost, the Clerk of the Association must be contacted to receive a new form. The new form will have the same number stamped on it.

2. The person who receives the Proxy has to register it with the Clerk of the Association and this registration has to take place prior to thirty minutes (30) of the beginning of the Annual Meeting, (no later than 9:30 AM E.D.T.). No Proxies will be accepted for registration after that time.

3. All Proxy forms will be turned into the Clerk of the Association between 9:30 and 10:00 AM E.D.T. and will be held by the Clerk. Any forms that are incorrectly completed will be disallowed. The Association Member will have been recorded with the number of Proxies in their possession and will have the opportunity to vote those or not, on any call for a vote.

4. The first order of business will be the Roll Call, the reading of the names of the individuals holding Proxies.

5. The names of the candidates listed on the Proxies will be tallied during the meeting by the poll workers. If there are no names on the Proxy, or if the names are incorrectly listed, the Proxy will be disallowed. All Proxies and the Proxy Log Book will be kept on file with the Clerk of the Association for a period of one year.

### **BY BALLOT:**

1. All Ballots will be available at the Annual Meeting for the members present to use in the election of Officers.

2. As each homeowner arrives at the meeting, they are instructed to register and receive their ballot. Designated individuals will be working off of the same type of registration document that was used for the registration of the Proxies. The STREET, HOUSE NUMBER and NAME will be crossed off with a "B" placed next to it, and the homeowner will be given their ballot.

- 3. Do not fill in more names than there are spaces provided on the Ballot. If that is done, it will render the Ballot void.**
- 4. The Ballot will be surrendered at the Call for a Vote by the Chairman and the Ballot tally will be combined with the Proxy tally for the TOTAL VOTE.**
- 5. The Ballot log book will be kept by the Clerk of the Association as a record of the ballot registration for a period of one year.**

**SAMPLE PROXY**

It is in the best interests of your Association to have as many of the members present or represented at the meeting as possible. For this reason, a Proxy form is submitted herewith for your convenience in the event that you cannot attend, but wish to exercise your rights as a member on those items noticed in the Meeting Agenda and to be represented by someone empowered to act and vote on your behalf on those items not specifically noticed.

KNOW ALL MEN, that I, the undersigned member of the Bay View Improvement Association, do hereby give notice of the following actions which I wish to have noted for the record on those items noticed in the Meeting Agenda as follows:

A Resolution to elect the following nominated persons to the Board of Governors:

( ) CANDIDATE NAME

( ) CANDIDATE NAME

( ) CANDIDATE NAME

( ) CANDIDATE NAME

( ) \_\_\_\_\_ (write in)

For those items and questions presented to the membership, not specifically noticed on the Meeting Agenda, I do hereby appoint \_\_\_\_\_ as my proxy to vote in my place and stead at the Annual Meeting to be held at Calf Pen Meadow School, Milford, Connecticut, on Saturday, September 5, 1992 at 10:00 A.M., and at any adjournment or adjournments as fully and with the same power and effect as if I were personally present.

Signature \_\_\_\_\_

Address of House/Lot in Bay View \_\_\_\_\_