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Proposed Bylaw Amendments - February 2021

1 message

Fri, Feb 26, 2021 at 10:54 AM

I apologize for my long delay in getting back to you. As you may know, I also heard from Susan Brown, representing a group of family and neighbors and I want to say that I respect all your opinions and concerns..

I need to back track for a moment and to tell you that the amendments proposed in February were in response to having reached our 200-member maximum capacity and were intended to address potential problems arising from old language being left in our bylaws in the current setting of 2021. These changes were meant to be Phase 1 of the Bylaws Committee's proposals for this year. They were done now with the hope that if they passed, the upcoming season of membership renewals and new member applications would be much less troublesome and problematic. Then moving forward the Bylaws Committee planned in Phase 2 to delve into the more complicated, controversial and emotional issues of Membership in Article II. These included the possibility of bringing in the "Pleasure Beach" boundaries, defining what a modern day Associate Member should be and, the transfer of membership. We wanted to do a survey first, then allow ample time for "town meeting" type discussions before heading into the beach season. Maybe we can still follow that plan or maybe not, depending on what our members want.

Article II, Section 4, No.2 came into focus last summer when the Association reached its maximum capacity and established a waitlist for the first time ever. In particular, the language that followed "The total number of assessed households shall be limited to 200," suddenly became relevant and of utmost importance. That language was: "with a grandfather clause that states people who now reside within the original boundaries will be allowed to join regardless of the total number." The problem was that no one knew what the original boundaries were. _____

After research was done, we believe that the original boundaries were the town of Waterford according to the attached WAI 1949 Bylaws, which is the oldest version of bylaws that we have. This was collaborated by the attached excerpt from the "Collected Memories of Pleasure Beach" by Ann Browning Horsman and June Wright Prentice. The fact that membership was eligible to anyone residing in the town of Waterford immediately raised red flags and alerted us to a whole host of problems that could arise from leaving this language in the bylaws. This was the primary impetus in moving ahead to propose amendments to Article II language prior to the beginning of the 2021 membership season.

After consulting with our attorney, we have learned a lot about what a non-profit organization like ours can and can not do under the CT Statutes. Below I've listed some of the key points that our attorney made:

- Property rights do not come from bylaws. Property rights are established by deeds and contracts or agreements with the Association as recorded in the Land Records;
- Boundaries as defined in bylaws can not be depended on. Bylaws, including boundaries, can be amended at any time by members according to the then prescribed requirements;
- CT Statutes do not allow for the transfer of membership unless it is included in the Articles of Incorporation or the bylaws;
- Currently WAI's bylaws are silent on the transfer of membership and therefore membership ends with the death of a member.

This is a lot to process and we can discuss any of these points more thoroughly at the next informational sessions or personally if you would like. Also, we are currently in the process of providing access to the recording of the February 10th zoom meeting with Attorney Marrion and hoping to provide highlights of her comments on the amendments at hand at our next informational sessions (Feb 28th and March 7th). I urge you to listen to her explanations. She does a lot better job than me.

And please know that none of this is meant to alarm you. I was surprised too and care very much about the inheritance of my property as well as the whole Pleasure Beach community. I believe the answer is that we need to educate our members and work together to add a Transfer of Membership section to our bylaws that best represents our collective goals as a membership.