The Charter of the Property Owners' Association of Lake Hayward Table of contents

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Editor's note: This version of the Charter has a Table of Contents, headers within each section and spaces between text for ease in navigating through the document.

It duplicates the Charter as filed by the POALH Secretary-clerk with the State of Connecticut Secretary of State in all other aspects and is true and accurate.

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House Bill No. 453

Special Act No. 87

AN ACT INCORPORATING THE PROPERTY OWNERS' ASSOCIATION OF LAKE HAYWARD as amended by Special Act 75-25 approved May 8, 1975 and as amended by Home Rule duly enacted, amendments approved at the regular meeting of the Property Owners' Association of Lake Hayward on August 15, 1993.

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

Section 1.

Incorporation of the association

The owners of a freehold interest in any land within the limits specified in section 2 of this act, in the locality known as Lake Hayward in the Town of East Haddam, shall be, while they continue to be owners of such land, a body politic and corporate by the name of the Property Owner's Association of Lake Hayward, 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.

Voting Rights

Any natural person who is an elector of the Town of East Haddam and resides within said limits of the Association or who has attained the age of eighteen years and owns any legal lot within said limits which has an assessed value equal to or in excess of one thousand dollars and has registered with the secretary-clerk of the Association shall, while he or she continues to be such elector and resident or an owner of such lot, be a member of the Property Owners' Association of Lake Hayward, shall be entitled to vote at any meeting or referendum of said association and shall be eligible to hold any office in said association. No member shall be entitled to more than one vote.

Section 2.

Limits and boundaries of the association

The limits and territory of said association shall be that part of the development known as Lake Hayward Club, located in the town of East Haddam, bounded and described as follows: Beginning at a point on the westerly side of Lake Hayward northwesterly of the bridge; thence running in a southerly direction along the west side of Lake Shore drive about five hundred feet to a point in line with the northerly line of lot number 5-A shown on plan #1, map of Lake Hayward Club property filed in the office of the town clerk

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of East Haddam; thence running easterly along the north line of lot numbers and to the water of Lake Hayward; thence running southerly along the west line of Lake Hayward to the south end of the lake; thence easterly along the south end of the lake to the lower lake (so-called); thence southerly along the west line of the lower lake to Salem road; thence easterly along the northerly line of Salem road to a point about six hundred twenty-five feet easterly from Lake Shore drive (measured in a straight line); thence running southerly about six hundred feet across Salem road and along a wall; thence southwesterly about four hundred forty feet and westerly three hundred feet along a fence; thence northerly three hundred feet and easterly about seventy feet along a fence to a stone wall; thence northerly about two hundred fifty feet along a wall to the Haywardville road; thence easterly along the southerly line of Haywardville road to a point about three hundred feet southwesterly from Lake Shore drive; thence running northerly across said road and along land now or formerly of James Shugrue about seven hundred feet; thence easterly by land of Shugrue about four hundred feet to Lake Shore drive; thence northerly on the west side of Lake Shore drive to a point one foot southerly from the southeast corner of lot number 747, shown on plan #3, map of Lake Hayward Club property filed in the office of the town clerk of East Haddam; thence running westerly along Shugrue land about six hundred feet; thence northerly along Shugrue land about three hundred thirty feet; thence westerly along Shugrue land about two hundred feet; thence northerly along Shugrue land about nineteen hundred feet; thence westerly along Shugrue land about two hundred feet; thence northerly along Shugrue land about four hundred feet; thence easterly along Shugrue land about four hundred feet; thence northerly along Shugrue land about twelve hundred sixty feet; thence westerly along Shugrue land about four hundred ninety feet to the west side of town road; thence northerly along the west side of the town road about three hundred eighty feet; thence easterly by the north line of the town road about four hundred fifty feet; thence running northerly four hundred seventy-five feet along land now or formerly of Harry Rudne; thence easterly about two hundred sixty-six feet along Rudne land; thence northerly about twenty-six hundred feet along Rudne land to the edge of the swamp or pond; thence easterly and southerly along the edge of the pond or swamp to point of beginning near the bridge. The property is divided into three districts; District I. From the northerly boundary of the above described property to the southerly boundary of Hilltop road; District II. From the southerly boundary of district I to the northerly boundary of lot number 408 on Lake Shore drive; thence running westerly along said lot number 408 extending along the southerly boundary of Laurel lane to Wildwood road; thence northwesterly to the northerly boundary of lot number 590; thence westerly on the northerly boundaries of lots number 509, 631 and 694 on Cragmore road. District III. Beginning with the southerly boundary of district II to the southerly boundary of property known as the Lake Hayward Club, more particularly described above. The limits and territory of said association may be extended at any time upon written application of the owner or owners of other lots, provided such application shall have the approval of a majority of votes of the members present at any annual meeting or special meeting

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warned for that purpose, and thereupon such land shall be incorporated within the limits and territory of said association and the owner or owners thereof shall be a part of said body politic and corporate. At a meeting dated April 7, 1963, the following resolutions were adopted: resolution No.1, resolved that the Property Owners' Association of Lake Hayward enter into an agreement with the Shore and Lake Corporation providing for: (A) the transfer to the Association of any water rights which it has acquired in Lake Hayward, together with a tract of land lying at the southerly end of the lower lake and lying between the Lake and the Old Salem Road as shown on plan No.4 of the Lake Hayward Club property, including dam and two spillways; said water rights and land are described in deed from James Jay Smith to the Shore and Lake Corporation, dated August 3, 1929 and recorded in Volume 53, Pages 267-8 of the East Haddam Land Records, and in deed from Louise H. Weeks, et al to James Jay Smith, dated June 22, 1929 and recorded in Volume 53, Pages 253-4 of said records; such conveyance to the Association shall be subject to all rights and privileges heretofore granted by said The Shore and Lake Corporation; (B) the assumption by the Association of all obligations and liabilities of said Corporation in said property and containing such other terms and conditions as may be advisable; (C) . reservation to said The Shore and Lake Corporation, its successors and assigns, and granting to Avy B. Smith, his heirs and assigns, the right to grant rights in the water of Lake Hayward and in the above described land, to purchasers of lots for recreational purposes. Resolution No.2. To accept the application of Avy B. Smith for the extension of the territorial lines of the Association to include the following land; beginning at point on the west side of Lake Shore Drive one hundred feet (100') southerly from the southeast 'corner of the Lot No. 747 as shown on map of Lake Hayward Club Property, Plan No.3; thence, running southerly a distance of five hundred and sixty-five feet (565') more or less, along the west side of Lake Shore Drive to an iron pin at the Northeast Corner of a fifteen foot right of way; then running westerly two hundred feet (200') along said right of way and land of the Shore and Lake Corporation; then turning and running Northerly along other property of the Shugrues five hundred and sixty-eight feet (568') more or less to land now or formerly of Constance Germain Zamichiei; then turning and running easterly two hundred feet (200') along said Germain or Zamichiei land to Lake Shore Drive at point of beginning. At a meeting dated June 16, 1963, a resolution was adopted to extend the territorial limits of the Association to include Lot No. 747A said property being owned by Constance Germain Zamichiei.

Section 3.

Objects

The objects of said association shall be to provide for the improvement of the land in said territory, its maintenance as a residential area, the health, comfort, safety, protection and convenience of the inhabitants thereof and the maintenance and protection of the lake.

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Section 4.

District representation

At each annual meeting, beginning in 1958, the members of said Association shall elect, from said members, a successor for the term of three years to the member at large whose term then expires and successors, one from each district as heretofore described, for the terms of two years each to the other members of said board whose terms then expire. If a district as heretofore described does not have a member to elect to represent that district, then a member at large shall be elected to fill that vacancy and when the term normally expires the district shall again elect a member from said district.

Officers of the board

Said board of governors shall elect from its members a president, vice-president, and secretary-clerk. The members of the board of governors shall hold office until their successors are elected and have been qualified unless sooner disqualified by ceasing to be owners of land within the limits of the association or qualified electors as heretofore described or upon their removal for cause by a vote of two-thirds of the total members of said Association taken at a meeting duly warned and held for that purpose.

Annual meeting

Annual meetings shall be held on the third Sunday in August, at such time and place within said limits as a majority of the board of governors shall decide and warn.

Section 5.

Warning of meetings

All meetings, annual or special, shall be warned by the secretary of said association in such manner as may be described in the by-laws of said association.

Section 6.

Vacancy of board members

Any vacancy occurring in the membership of said board of governors between annual meetings of the association shall be filled by a majority of the remaining members of the board of governors until the next annual meeting, at which time the members of the association shall elect, as above prescribed, a member of the board for the unexpired portion of the term. Any vacancy occurring in any office between annual meetings shall be filled by the board of governors for the unexpired portion of the term.

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Section 7.

Duties of the board of governors

President

The president of said association shall be chief executive, shall preside over all meetings of the association and of the board of governors and generally perform such duties as are customarily performed by presiding officers.

Vice-President

The vice-president, in case of the absence or disability of the president, shall assume the duties thereof.

Secretary-Clerk

The secretary-clerk shall sign all warning notices, orders and bylaws and shall keep a record of all actions of the association and of the board of governors.

Treasurer

The treasurer shall keep an account of all monies received and paid out and shall render a report at each annual meeting and at other times, at the request of a majority of the board of governors. Said treasurer shall be bonded for not less than five thousand dollars.

Other duties

The board of governors may appoint or employ an attorney at law as counsel for said association and authorize payment to him/her for services rendered.

The board of governors may appoint or employ an assistant secretary-clerk to assist the secretary-clerk in the performance of the secretary-clerk's duties and a treasurer to fulfill the treasurer's duties as such officer's duties are described within this charter, chapter 105 of the Connecticut general statutes and the Property Owners' Association of Lake Hayward by-laws, as such may be amended from time to time, and authorize payment to them for services rendered.

If, due to absence 'or illness, the secretary-clerk or treasurer is unable to perform their duties, the board of governors may appoint or employ a substitute.

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Section 8.

Powers of the association

Said association may:

Levy taxes, assessments and charge user fees,

may buy, sell, lease, mortgage, hold or own real or personal property,

may enact, amend or repeal by-laws

and take any and all other actions necessary or desirable in furtherance of its purposes.

Powers of the board of governors

The board of governors may:

enact, amend or repeal ordinances or regulations

when a vote is taken by said board and at least two-thirds of said board approves the ordinance or regulation.

Purposes of by-laws, ordinances or regulations

All such by-laws, ordinances or regulations shall be for the following purposes:

To regulate travel over the highways within the limits of the association, when, in the opinion of said board, the free and unrestricted use of said highways may become dangerous or inconvenient;

to appoint and remove police officers to act within the limits of said association, who shall have the powers of constables within said limits for the purposes of making arrests for violations of any regulation or by-law of said association or any law;

to clean and improve any or all ditches and to care for the beaches and waterfronts;

to keep streets and all public places within the limits of said association quiet and free from undue noise;

to regulate the parking of motor vehicles;

to build, repair and improve highways, roads and sidewalks, within the limits of said association except as specified below;

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to require owners or lessors of land or buildings within the limits of said association to remove leaves and other inflammable material or obstructions from the highways adjacent to or in front of property owned, leased or occupied by them;

to prevent the deposit upon property within the limits of said association of refuse, garbage or waste material of any kind which, in the opinion of said board, may endanger the public health or safety or become a nuisance;

to remove garbage, filth, ashes and other refuse matter within said limits, and to authorize such person or persons as the board may designate to make entry on any private property within said limits for the purpose of taking and removing such filth, garbage, ashes or other refuse:

to establish building lines;

to protect any property from fire, including regulation of the number and kind of cottages, houses and structures that may be erected or placed on any building lot within said limits;

to prohibit the carrying on within the limits of said association of any business other than that conducted within said limits at the time of the passage of this act;

to regulate peddling as provided for in towns under the general statutes;

to regulate hunting and the carrying of fire-arms; to regulate the running of animals at large;

to regulate entertainments, concerts and celebrations;

to restrict the right of entry' on the property of said association and to promote the planting of trees and shrubbery and other work leading to the improvement of the general appearance of the property within said limits of said association.

In addition to the foregoing, the Association shall have all powers conferred on districts pursuant to chapter 105 of the general statutes, as such may be amended from time to time.

Said Association shall have charge and control of all roads within the limits as shown on the maps referred to in section 2 of this act which are not state or town roads.

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Penalties

Said board of governors may fix a penalty for each violation of any such by-law, ordinance or regulation, of not more than one hundred dollars, and the penalties may be recovered in an action brought for the purpose in the name of the Property Owners' Association of Lake Hayward before any court having jurisdiction, for the use and benefit of said association.

Amendments to the by-laws

Amendments to the Association by-laws may be proposed either by the board of governors or by petition signed by twenty or more members.

Any petition shall contain the complete text of the proposed amendment and shall be submitted to the board of governors between January first and April first.

The board of governors shall mail to all members the complete text of any proposed by-law amendment, including any amendment proposed by petition, by May first.

In the next succeeding June, the Association shall hold a meeting for member comment regarding the proposed amendment and may, by an affirmative vote of a majority of the members present at said meeting, modify the text of the proposed amendment.

The board of governors shall mail the complete text of the proposed amendment, including any changes thereto made at the June meeting, to all members at least thirty days prior to the date of the August Annual meeting.

The proposed by-law amendments shall then be voted upon at a referendum of the Association noted and conducted in accordance with the general statutes of the State of Connecticut.

Approval of any proposed amendment requires an affirmative vote of at least two-thirds of the members voting at the referendum.

If approved at such referendum, the proposed by-law becomes effective fifteen days after such approval.

A certificate of the secretary of said association of the mailing of any ordinance, regulation, or proposed by-law change as provided herein shall be prima facie evidence of such mailing.

Section 9.

Water Company

The association is authorized to purchase the property of any existing water company and after such purchase, to operate a water supply system for the domestic use and the fire protection of the inhabitants of the association;

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to make contracts for such water supply with any person or corporation having the right to furnish water within the limits of said association;

to construct, lay and maintain water mains, pipes, hydrants or reservoirs which are within the limits of said association;

to make use of any lands and of the ground or soil under any railroad, street or private way for the purposes of laying and maintaining such pipes and mains in such manner as to least damage the owner thereof and to least obstruct or impede travel thereon, causing all damage to be repaired and all damage sustained by any person or corporation by reason thereof or in consequence of the interruption of travel to be paid to such person or corporation;

to regulate the distribution and use of such water and to establish the prices to be paid therefore.

Nothing herein shall be construed to authorize the association to impair the sole exclusive right of the Shore and Lake Corporation or Avy B. Smith, their heirs, successors and assigns, to install and maintain water pipes in the streets and to operate a water system within the limits of said association.

Nothing in this section shall conflict with the right of the Town of East Haddam to own and operate a water department or fire protection system or the use of any land for hydrants, water mains, pipes, or any other thing necessary to operate water fire protection systems.

Section 10.

Budget and mil rate

The board of governors shall prepare and submit to said Association, at each annual meeting, a budget and recommend a tax, for the purpose of and based upon such budget, of not more than fifteen mils on the dollar on the total value of real estate within the limits of said association as shown by the last-completed grand list of the town of East Haddam, which budget and tax rate shall be posted on the signposts of said association not less than ten days before such annual meeting.

Said association shall have the power, at such annual meeting, to increase or decrease such budget and rate of taxation recommended by said board of governors, provided the rate of taxation shall not exceed fifteen mills.

The rate of taxation so recommended by said board of governors shall be final unless changed by the association at such annual meeting.

The taxation limit of fifteen mills set forth in this section shall be exclusive of any costs or expenses required to service any indebtedness incurred pursuant to Section 19 thereof.

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Appointment of tax collector

Said board shall appoint or employ a tax collector to collect such taxes, and warrants may be issued for the collection of money due on the rate bills, pursuant to the provisions of section 12-130 of the general statutes.

Section 11.

Notice of taxes

Taxes shall be noticed, levied and collected as provided by and in a manner consistent with chapter 105 of the general statutes of Connecticut, as amended from time to time.

Section 12.

Abatement of taxes

The board of governors shall have the power to abate any tax if any taxable property shall be destroyed by fire or the elements prior to the date when such tax shall become due.

Section 13.

Quorum

Forty members of said association shall constitute a quorum for the transaction of business.

Section 14 is repealed.

Section 15.

Permit to sell spirituous and intoxicating liquors

No permit to sell spirituous and intoxicating liquors within the limits of said association shall be granted without the approval of two-thirds of the total membership of said association voting at a regular or special meeting, duly warned.

Use of buildings or structures

No building or structure shall be used for any business or commercial purpose without the approval of two-thirds of the total membership of said association voting at a regular or special meeting duly warned.

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Section 16.

Right of appeal

Any person aggrieved by any order, regulation or act of said association, its officers or agents, shall have the right of appeal to the court of common pleas for Middlesex county, or to any judge thereof in vacation, by petition setting forth the reasons of appeal to which shall be annexed a citation to said association, which shall be served upon its president or secretary within five days after the issuance or refusal to issue any such order, regulation or act and shall be returnable to said court or judge within five days after the service of such petition.

Said court, or judge in vacation, shall review the facts and enter a decree thereon. Costs may be taxed as in civil actions. During the tendency of any such appeals, such orders, regulations or acts, or such refusals to grant same, shall remain in full force and effect until set aside or vacated by decree of said court or judge.

Section 17.

Conflict of by-laws, regulations, taxes

If any by-laws or regulations adopted by the Property Owners' Association of Lake Hayward shall conflict with any valid ordinance, now in force or later enacted, of the town of East Haddam, the ordinance of said town shall prevail provided, if the limits or standards set by an ordinance of the town of East Haddam are below the limits of standards of a by-law or regulation adopted by the Property Owner's Association of Lake Hayward, then the by-law or regulation of the Property Owners' Association of Lake Hayward shall prevail.

Any tax levied by said town of East Haddam on property within the limits of this association shall have priority over any lien for taxes levied on the same property by said association.

Section 18 is repealed.

Section 19.

Borrowing power

The Property Owners' Association of Lake Hayward shall have the power to incur indebtedness by issuing its bonds, notes or other obligations as provided by and in a manner consistent with Chapter 105 of the general statutes of Connecticut, as amended from time to time, subject to the provisions of this section.

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The issuance of bonds, notes or other obligations, other than obligations issued in anticipation of the receipt of tax collections, shall be authorized by resolution adopted by the board of governors and thereafter submitted to a referendum of the voters of the Property Owners' Association of Lake Hayward.

Any such resolution shall become effective only if two-thirds or more of the voters voting at the referendum vote to approve the resolution.

Notice of the referendum shall be given and the referendum conducted in accordance with the provisions of section 7-9b and section 7-9c of the general statutes of Connecticut, as amended from time to time, and of any other applicable sections of said general statutes.

The issuance of notes or other obligations in anticipation of the receipt of tax collections shall be authorized by resolution of the board of governors.

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