

**Lake Williams Beach Association (LWBA)**  
**Board of Directors Meeting**  
**The Acre (moved from Third Beach due to inclement weather)**  
**Lake Shore Drive**  
**11:00 AM, JULY 27, 2025**

**BOD in attendance:** Paul Dagnello, President  
Andrew LaTour, Vice President  
Claudette Soboleski, Treasurer  
Kimberly Meanix Miller, Secretary  
Marty Varhue, Tax Clerk  
Rudy Bernegger, Jim Russo and Chuck Saunders, Directors

**BOD excused:** Joe Jankowski, Director

**Non-BOD Association Members Present:** Kim Cavanna of 23 Lake Shore, Carola and Michael Frantzen of 295 Lake Shore, Sandy Gordan of 89 Lake Shore, Dawn Jacques of 239 Lake Shore, Diane Marquis of 147 Lake Shore, Brian McComiskey of 12 Rittlinger, Christine and Kevin Northcutt of 29 Lake Shore, Philip Pitruzzello of 240 Lake Williams, Victoria Silberstein of 235 Lake Shore, Joe Sumara of 214 Lake Shore, Tony Tyler of 125 Lake Shore, Marla Varhue of 77 Lake Shore and Linda York of 249 Lake Shore. The Zoom broadcast also showed at least three listeners.

**A CALL TO ORDER**      *President Dagnello called the meeting to order at 11:02 am*

**B APPROVAL OF MINUTES**

**a. May 21, 2025**

**Motion**      **By:** Director Russo      **Seconded:** Tax Clerk Varhue  
MOVE LWBA hereby approves the minutes, as presented, for the meeting of June 29, 2025.

**Disc:** Mrs. Dawn Jacques complained that comments attributed to Secretary Miller under her report were opinions. Ms. Diane Marquis indicated the questions referred to in the report should have been included in the minutes and asked if there was further follow-up. President Dagnello said they have had telephone conversations with the agent. Ms. Marquis stated she didn't like the minutes, criticizing sentence structure, inclusion of opinions and references versus including the original documents. She said the draft should be updated and be considered at the next meeting for a vote.

Secretary Miller indicated that minutes frequently include opinions and that they intend to provide an official record of what happened at meetings, remarking if someone said the sky is green, and it was relevant, that it could be properly recorded in the minutes. She said that she had not included the emails with the questions because she had been previously asked, on multiple occasions, by both Mrs. Jacques and Mrs. Northcutt, not to include their names in other circumstances. She added that she was happy to do so, however. She continued saying that these minutes belong to the board and she would adjust and handle them at its direction. Ms. Tony Tyler said it's common practice to approve as amended rather than having to wait for a future meeting. Secretary Miller confirmed with both Mrs. Jacques and Mrs. Northcutt that they were willing to have their emails posing insurance questions attached to the minutes to which both answered affirmatively. Concern was expressed about the membership not being directly notified of the insurance issue. President Dagnello replied indicating that they would discuss it further when they get to the designated agenda item.

**Motion to amend By:** Director Russo                      **Seconded:** Tax Clerk Varhue  
MOVE LWBA hereby amends the motion on the floor to update Secretary Miller's statement under her report to indicate opinion and to attach to the minutes the emails from Mrs. Jacques and Mrs. Northcutt posing insurance questions as well as the answer from the agent.

**Result:** Motion to amend passes unanimously (8-0-0)

**Result:** Amended motion passes unanimously (8-0-0)

## **C REPORTS**

### **a. President**

President Dagnello said there was a lot of tension, that we are all neighbors and encouraged everyone to tone it down. He continued saying that we are all here to do the best we can for the association as volunteers, and the other members should know how much work that it can be. He indicated that the board members are all committed to transparency and were trying new things to help them achieve it. He noted examples such as broadcasting the meetings via zoom and the "members only" section of the website to post documents related to liability and legal matters, that are less appropriate to post on the public portion of the site. He indicated he hoped next to work on a notification function where people can opt in by subscription, to be made aware of updates to the website. He asked people to give him time as he has a full-time job and other responsibilities beyond the association.

Ms. Tyler asked if the meetings would be recorded and Ms. Victoria Silberstein asked if people would be able to speak. Mrs. Northcutt praised the "members only" section. Secretary Miller said that they won't be recording meetings in the foreseeable future as it creates a retention liability they aren't yet prepared to take on. She indicated that they hoped to follow the town's lead and evolve to non-board members being able to speak

and the board members being able to vote virtually. She added that perhaps they would be able to record meetings at some point in the future as well. She said that the town does not currently allow town members to vote virtually, and she suspected that's because they would not be able to easily legitimize eligibility. She continued saying that the association would face the same issue for many of the members that are unknown to the board and thus, this is not likely something the board would ever pursue.

#### **b. Treasurer**

Treasurer Soboleski presented her report dated July 27, 2025, (attached) and said that \$1856 was spent since the last meeting most of which was property taxes. She continued saying that property taxes unexpectedly increased by \$102, which wasn't budgeted, so that will have to be addressed for the January payment. She said the board could potentially use the emergency fund. She noted \$13,439 in deposits acknowledging \$100 donation from Terry Gilbert of 57 Lake Shore, in honor of member Betty Godek of 63 Lake Shore, who recently passed away. She continued saying she reached out to Betty's husband Phil, who asked that the donation be used for the new bulletin boards. She said they invoiced \$26,085 and \$12,746 is unpaid at this time adding she has 9 payments in hand that were not part of the report. Ms. Silberstein indicated many municipalities can move up to 10% among budget lines. Treasurer Soboleski indicated they don't have that enabling language and are tied to a threshold of \$200 from the charter.

#### **c. Tax Clerk**

Tax Clerk Varhue reported that about 70% have paid with approximately \$15K received and \$12K outstanding, which is on par with the previous year. President Dagnello asked about the total from the previous year. Tax Clerk Varhue said they were almost complete except for the property sold at auction and the dispute. Treasurer Soboleski noted M&A realty disputed what they owed, and they put a lien on the property sold at auction but not yet on M&A's. She added they follow the practice of the town placing liens after owners are two years past due.

#### **d. Secretary**

Secretary Miller noted the following correspondence (attached) received by the board since the previous meeting:

- i. 7/10/25 Pat Smead of 61 Lake Williams re: traffic on Lake Williams
- ii. 7/13/25 Dawn Jacques of 239 Lake Shore re: Answers to Insurance Questions
- iii. 7/15/25 Christine Northcutt of 29 Lake Shore re: Encroachment Questions
- iv. 7/17 & 7/21/25 Christine & Kevin Northcutt of 29 Lake Shore re: Encroachment and

#### Short-Term Rentals

- v. 7/17/25 Dawn & Marcel Jacques of 239 Lake Shore re: Encroachment and Short-Term Rentals
- vi. 7/22/25 Victoria Silberstein of 235 Lake Shore re: adherence to deed and charter
- vii. 7/23/25 Rita Lemery & Nick Pipitone of 228 Lake Shore re: insurance and encroachment
- viii. 7/26/25 Christine & Kevin Northcutt of 29 Lake Shore re: Executive Session and non-board member's ability to speak outside of Open Discussion

Secretary Miller noted the concern about traffic, saying that the board has no ability to control traffic on a town road, but it can echo the sentiment in communications to the town. In response to the last message from the Northcutts she said she understood the concern when things are done behind closed doors, and she was a huge proponent of transparency. She continued saying that they follow the practice of municipalities in the state, as they do for other practices, and she would only advocate when meeting in executive session is in the best interest of the association. She said that the circumstances that are potentially relevant to the association would be strategy about litigation and the same for the purchase or sale of land. She said that they must indicate the subject of the executive session and then any action would require a vote outside of executive session. She said because no action can occur behind closed doors, the membership would become aware should any discussions reach the point that action became necessary or appropriate. She emphasized that having such discussions in open session would greatly harm the position of the association.

She also expressed support for the board's effort to limit non-board members speaking outside of the "open discussion" portion of the agenda. She said that there are multiple examples of the board struggling to get through its agenda and that board meetings represent the only time that the board can act and make progress on its business on behalf of the association. She said that there has also been a lot of informal feedback from members about the length of meetings and the difficulty of the board to accomplish its business as reasons why people do not attend meetings and/or do not volunteer for board positions. She emphasized the board is not limiting the ability of members to speak in any way, only when on the agenda it is appropriate for them to do so. She said that they also agree non-board member comments would be welcomed outside of "open discussion" should the board be about to act on a matter that a non-board member has information that could be persuasive to board members about to vote. Otherwise, she appreciated non-board members being cooperative and supportive and holding questions and comments to the open discussion portion of board Meetings.

## **e. Committee Updates**

### **i. Finance**

Treasurer Soboleski said there's been no reason to meet, and activity has been reported under her report as well as the Tax Clerk's. She did say that President Dagnello will be assisting her with insurance matters.

### **ii. Beach & Properties**

Director Russo said he intends to dispose of the guardrails that were somehow discarded at The Acre. Ms. Marquis stated the association did that during the Beach 2 project. Secretary Miller asked about the bulletin boards and Director Russo asked that she text him to remind him to move on that project. Treasurer Soboleski asked about the removal of the broken picnic table, relocation of a Beach 3 table to Beach 1 as well as the acceptance of the donation of a plastic table by the Youngs for use at Beach 3. Mrs. Northcutt commented that there may now be two broken tables. Treasurer Soboleski expressed concern about a member getting hurt and association liability urging that they be removed. Director Russo said he would handle the removal.

### **iii. Annual Picnic/Social (Annual Picnic: September 13, Rain Date September 14)**

Treasurer Soboleski said they had met awhile ago to discuss the date and preliminary plans but would be meeting more as the date got closer. She welcomed new committee member, Sandy Gordan, and thanked her for volunteering.

### **iv. Bylaws/Charter**

Secretary Miller said she convened the Bylaws Committee for a short meeting to refresh the memory of previous members and bring the new member, Director Bernegger, up to speed. She said that the committee did a tremendous amount of work the previous year but couldn't go further without direction from the board. She said they had felt some elements of the deed were outdated but if the association were able to update it at all, it was likely to be difficult and costly. She added that the outdated elements of the deed weren't really impairing the actions of the association to warrant updating while it may be of value to just document if it's possible and what's involved if the board were able to seek legal guidance.

She said the committee also felt the charter was outdated and that there may be value in updating it. She said that she had been told previously that it was extremely difficult

and time consuming to go to the legislature for a charter revision but in the work of the committee, they came across a report (attached and on the website) from the Office of Legislative Research (OLR) that indicated not only that they do not have to go to the legislature for a charter revision, but the legislature actually prohibits them from doing so, instead providing a path through a vote to “home rule”. She noted that there was some concern from other members about this information and if any power was lost if they did so.

She speculated that since most municipalities are under “home rule”, meaning they can update their charters through prescribed processes without the state legislature, she couldn’t imagine any power the association would ever intend to wield would be lost in moving to “home rule”. She noted that she spoke to another state lake association who actually tried to go to the legislature to update their charter and were turned away and instructed to use the “home rule” process. She also said she had reached out to State Senator Osten to assure them of the information. She said that the committee wasn’t sure about the direction of the board such as pursuing a charter revision simultaneous with an update to bylaws, given their connection, or just work with the existing charter and consider an update only to the bylaws. She also noted that they had spirited discussions through their work and when they ran into matters of interpretation where they couldn’t bring about consensus, they documented it for the board to seek a legal opinion.

She said that board discussion of their work was often toward the end of the agenda in the previous term and therefore, they struggled having any meaningful conversations about it as a board. She added that at the last board meeting, there seemed to be support to explore a charter update but also recognition that it would be the work of the next (this) board. She said that during the most recent committee meeting she commented that those people not in favor of a charter revision are probably not well suited to sit on the commission in place to propose a charter revision. She said that she was criticized in the meeting for supposedly trying to have a committee of only people that agree with her, however, she said that was not true at all.

She continued saying she truly believes that having a diverse and engaged committee with different viewpoints helps to bring about the best product. She continued providing an example such as the annual picnic committee, she suggested the differing viewpoints would be most constructive regarding aspects of the picnic such as date, time of day, menu and entertainment versus whether or not to have the annual picnic at all. She says she stands by that opinion of those people who feel the association could benefit from a charter revision being tasked with proposing the best new charter they can. She emphasized that non-committee members would still be encouraged to provide input and feedback and whether they updated the charter, as well as what the updates would be, would still be subject to a vote of the entire membership. She added that while she invited people to sit or listen to the bylaws committee meetings held the

previous year, no one took her up on it. She said that she hoped that the committee meetings for the coming year could broadcast via zoom just like their board meetings.

She said that after the committee meeting, she reoriented herself to the “home rule” charter revision process and it entails the board creating a “charter revision commission”. She continued saying that this commission has a specific membership of not more than 1/3 board members and between 5 and 15 members in all. She said that this is a significant undertaking on its own and there was no information about also tasking such with a bylaws update, which really must go hand in hand. She said while the previous year’s bylaws committee spoke to some of the areas of the charter that were outdated, they did not go so far as to present a rewritten charter. She continued saying that last year’s committee did propose some ideas for updates to the bylaws but only within the context of the current charter and they really did not fully research and recommend any updates to the section on fines. She felt the bylaws committee, as constituted the previous year, worked reasonably well together and suggested that the board appoint a different group for charter revision, letting the same group continue to work on the bylaws in the context of an updated charter.

President Dagnello said that he learned they may be able to apply to UConn law clinic for free legal support from law students in their final year that are advised by seasoned law professors. He added that he’s spoken to attorneys off the record but that the association can’t rely on any such guidance. Ms. Marquis suggested they investigate the feasibility of a charter revision instead of starting with the revision process. Mrs. Northcutt said that a vote of the association is required to start the process. Secretary Miller said in her review of the process, it can start with the board or a petition of the membership but that membership approval is not required to start the process. She emphasized that there was no risk in starting the process and getting the questions answered simultaneously, as there would be no action item for vote until the spring.

Secretary Miller remarked it’s a cart and horse issue, if we ask the membership to vote to go to “home rule” now in anticipation of a charter revision proposal, they are likely not to support the question without knowing what the proposed charter update would be. Thus, she advocated to begin the work and if the work is completed, propose the membership vote on going to “home rule” and on the proposed charter and bylaws updates back-to-back. President Dagnello said if, in turn, they learn through legal advice that the process was incorrect, they can stop. He continued saying that they have a budget of \$250 for legal expenses, which is essentially useless for most needs. He said that he also began looking into legal insurance which allows for review of up to 20 documents (for example) which could be more cost-effective than paying to retain an attorney.

## **D. OLD BUSINESS**

### **a. First Beach Project**

With Director Jankowski excused, President Dagnello explained that they continue to await quotes for the proposed engineering work and are also in the process of getting the paperwork done.

### **b. Signage Update**

Secretary Miller said that the sign vendor was given the go-ahead and anticipated the signs to be installed over the coming few weeks.

### **c. Bulletin Boards Purchase**

Secretary Miller apologized noting that she asked about this under the Beach and Property committee report.

### **d. Virtual Meeting Update**

President Dagnello said the board was broadcasting the meeting for as long as the battery lasts and echoed that he hoped all board and committee meetings would broadcast similarly.

### **e. Encroachment by Owner of 223 Lake Shore**

President Dagnello said that all are aware of the encroachment issue and since the last meeting, he posted the letter from the homeowner's attorney in the new "member only" section of the website. He emphasized that the association is not being sued and that the homeowner is not claiming adverse possession, the letter simply contends that they feel they have a case for it. He said the board sent a letter restating its position. He questioned where they would go from here saying that they need legal representation. He said that he believes it would cost about \$1000 to have the matter reviewed by an attorney and be presented with options to move forward for the board to consider. He said therefore, they would need an association vote, but he didn't believe we were to that point quite yet.

President Dagnello emphasized that he spoke to the homeowner, not as a member of the board, but as a neighbor, and not in any detail, but generally. He conveyed to the other board members that there appeared to be a desire to reset the conversation and lower the temperature. He also stated that the homeowner still holds the association on



their insurance policy through renewal in October. Treasurer Soboleski interjected saying that when the association's insurance agent was informed of the encroachment, they suggested that the association be named on the encroaching homeowner's insurance policy, which was done.

Ms. Marquis questioned what was to stop the board from removing the personal property subject to the encroachment and erecting fences on the borders of all properties, not just the boundary related to the encroachment. Secretary Miller replied saying it would have to be favorably supported by membership in a budget vote. She continued saying that there was a bylaw that allowed the board to remove watercraft left on Beach 2 but from memory, she felt the process was onerous and that the bylaws committee had proposed a revision. She indicated she was unaware of specific enabling regulations that covered this scenario, but it could be investigated. She also expressed some discomfort for such a physical confrontation in handling the encroaching homeowner's personal property. Director Russo questioned if they could task UConn Law with this issue as well. President Dagnello expressed some doubt in UConn's ability to take on a contested issue such as this and felt they should start with the review and questions related to their foundational documents. Ms. Tyler suggested the board investigate the Hartford Bar Association as another potential resource for its legal support.

#### **f. Insurance and Liability**

President Dagnello noted the letter from the underwriter about short-term rentals emphasizing that the association still has insurance, it had not been cancelled. He said that their foundational documents were provided and while not permitted per se, our regulations are actually silent on the subject. He continued saying that it appears that that may not be good enough for the underwriters. He said that on the advice of their insurance agent, they are collecting certificates of insurance, including subrogation, from property owners that offer short-term rentals. Treasurer Soboleski said that when they were canceled before, they had a hard time finding a company that would cover them as they are an unusual entity and are often lumped in with HOA's.

Secretary Miller explained that during the previous spring, the treasurer had a full plate preparing financial information for a series of meetings. She admitted she hates insurance, has a block for it and really didn't want to get involved with the topic. However, she said she was also aware that the Jacques' and Northcutts were pressing for answers to some questions. She said she herself was not concerned and had confidence in the treasurer's handling of their insurance policies but felt compelled to satisfy the requests of the two families. She said she therefore decided to take it off the treasurer's plate and reach out to the insurance agent herself.

Secretary Miller emphasized that her intent was for the agent to answer with his knowledge of the industry and their specific policy. She continued to emphasize that she had no inkling that the agent would request answers from the carrier instead of answering directly. She said had this crossed her mind, she would have specified she was looking only for him to answer accordingly or have canceled the immediate request if there was no alternative but to hear directly from the carrier. She said that it was inadvertent, but it was her request to seek answers in a timely manner for the two families, that gave rise to the issue. She apologized. She said she was thankful for the ability to move to the back seat for insurance after the annual meeting, given both that the time crisis had passed for the treasurer, and the board also had a new president.

President Dagnello noted they have two of the three certificates of insurance that their agent suggested they collect. Vice President LaTour asked if they should survey their membership to determine if there are others that rent on a short-term basis. Treasurer Soboleski felt that they had found them all in their research. President Dagnello emphasized if their insurance was ever cancelled, they would notify the membership. Mr. Michael Frantzen asked if the homeowners that rent on a short-term basis have to carry insurance whether their guests are allowed to use the LWBA properties or not. President Dagnello said they were advised to get it even from short term renters that own lake front properties. Treasurer Soboleski echoed that they were advised by their agent to get it from all members who rent their homes on a short-term basis. Ms. Sandy Gordan asked if the agent suggested they get "hold harmless clauses" to which Treasurer Soboleski replied saying that that is part of subrogation.

Mrs. Jacques indicated that our regulations actually do not allow short-term rentals, referring to the deed's language limiting use of the parcels to residential. President Dagnello said that the state supreme court ruled that short-term rentals were not to be considered a commercial business despite claiming the rent as income and paying taxes accordingly. He said that most of the activity for a short-term rental occurs on-line and not on the subject property. He suggested that the intent of the language from the deed was to prevent a business that would entail unattractive signage and the nuisance of added traffic and/or noise. Mrs. Jacques indicated that all are given a copy of the deed when they close on their property in the association.

Secretary Miller stated that many from last year's bylaws committee already know that she agrees with the interpretation of the President believing the same about the intent of the language in the deed. She added that she was compelled by the single-family use remaining the same as required by the deed. She said that she would not expect signage or added traffic and/or noise. She added that there could also be a benefit for the community in that members may keep up their properties better than they might otherwise in order to be attractive to renters, as well as decreased traffic and/or noise when unrented. She was opposed to what she felt was an inappropriately strict interpretation which would limit the property rights of our members and may prevent ownership by some who depend on that income just to have a home in our association.

She said that her preference is for the association to use its bylaws to target any undesirable behavior instead of potentially encouraging gentrification, violating member property rights and banning short-term rentals. She stated that she understands where others come from and greatly respected the opinions of her neighbors who interpret it differently. She said she just happens to see it very differently.

Ms. Marquis asked if anyone responded to the insurance email. President Dagnello said they have had phone conversations with their agent. Treasurer Soboleski reiterated that they have gotten advice from their agent regarding the email from their underwriter and are following it. Mrs. Jacques questioned the potential to have an insurance committee. Secretary Miller said while she admittedly prefers as little personal involvement as possible, there are capable and willing liaisons on the board. She said at this time, there is no big task at hand, which would normally be the reason the board would create a committee.

Ms. Marquis suggested that potential renters could complete an application subject to review by the board. Treasurer Soboleski suggested that would be an overreach. Secretary Miller agreed homeowners would want to review their prospective renters carefully but didn't feel it was appropriate for the board to be involved. She added that the board's role would be more in line with setting clear and appropriate expectations through their bylaws. She said that she hoped they would have no further involvement but in the unfortunate circumstance they ever had to be, it would be through repercussions allowable by their bylaws. Mrs. Northcutt echoed the language specific to personal residential use. President Dagnello noted a supreme court ruling against regulations that sought to deny rentals on arbitrary lengths of stay.

Mrs. Northcutt questioned if they had the latest information from their insurance agent in writing to which Treasurer Soboleski replied saying they did not. Mrs. Northcutt suggested the board had nefariously and deliberately omitted a question she had posed while conveying the others. Secretary Miller didn't remember precisely without reviewing the series of emails again but did remember one question wasn't conveyed due to timing, that is, it was received after the original email posing questions was sent to the insurance agent. Mrs. Northcutt was adamant that the question that was omitted had been sent prior to the agent being emailed, again suggesting malicious intent, and stating that she was personally offended by the omission. She also said the board had no right to tell the agent not to talk to non-board members.

Secretary Miller indicated again that she would have to review the record to refresh her memory, but that Mrs. Northcutt should know her better than to assume any malicious intent. Secretary Miller again expressed disappointment in the assumption of negative intent, emphasizing her whole effort was to try and help the Jacques and Northcutts get the answers to their questions. She said she would set the negativity aside and continue to respect the opinions and concerns of her neighbors. She also said she didn't remember indicating the agent shouldn't talk to non-board members but also said

she stands by the principle that all vendor communications should only go through the board and when possible, even a single point of contact on the board.

Mrs. Northcutt asked if the question on encroachment had subsequently been submitted. President Dagnello said it had not been as they were working to first resolve the issue of short-term rentals. Director Russo emphasized that very few companies offer the insurance they need to protect their association. Treasurer Soboleski reminded the board that they had lost their insurance in 2004, and an insurance committee appears to have been in place at that time. She noted that it appears it may also have been the work of that committee that resulted in several years that the association had insurance coverage for only a single property, one unspecified beach. She suggested that the creation of an insurance committee doesn't necessarily mean that mistakes won't be made.

Mrs. Northcutt said it was a conflict of interest for President Dagnello to be involved with the insurance on the board. Secretary Miller emphasized that no single person can take action on behalf of the board so she had no concerns. She also strongly stated that any member of the board could then be accused of having a conflict as we all own property in a very small association potentially deeply impacted by each and every decision. She continued saying that each member of the board has an obligation to act impartially and if they don't feel they can, then they must recuse themselves from the matter. She said she trusts each member to take that responsibility seriously and trusts them to act impartially and in the best interest of the association.

President Dagnello said he feels he is very impartial. He continued saying that he loves the association and only agreed to be on the board because of that. He indicated that despite living out of state, he would come to the annual and special meetings and many of the board meetings, too. He said he is committed to the association. He spoke to the joy his stepchild experiences here and that their occasional short-term rental allows them the ability to have such a place. He said it doesn't make them much money but allows them to be a part of the association. He spoke to how the neighborhood welcomed him including the first person he met, Ms. Marquis, who recognized him struggling and helped with a taller ladder. He spoke fondly of all his neighbors and the relationships he's forged by being part of this special community. Tax Clerk Varhue said that the encroaching homeowner was president for many years and kicked the can down the road year after year, praising President Dagnello for facing it head on.

*Director Saunders left the meeting at 12:53pm.*

## **E. New Business**

### **a. Members Website and Communication**

President Dagnello noted that this had already been discussed earlier in the meeting.

**b. Scheduling all upcoming meetings for BOD and Membership**

Secretary Miller confirmed a quorum for the next meeting, Sunday, August 24, 2025, 11am, at 3<sup>rd</sup> Beach with The Acre as a back-up should there be inclement weather. Without objection, President Dagnello tabled discussion of the rest of the meetings.

**F. Open Discussion**

*No one spoke*

**G. Executive Session**

*Not held*

**H. Adjournment**

**Motion**      **By:** President Dagnello      **Seconded:** Tax Clerk Varhue  
MOVE LWBA hereby adjourns the meeting of July 27, 2025, at 12:55 pm.  
**Result:** Motion passes unanimously (7-0-0)

Respectfully submitted,

*Kimberly Meanix Miller*

Kimberly Meanix Miller

Secretary

**Attachments:**

7/27/25 Treasurer's Report  
7/10/25 Pat Smead of 61 Lake Williams re: traffic on Lake Williams  
7/13/25 Dawn Jacques of 239 Lake Shore re: Answers to Insurance Questions  
7/15/25 Christine Northcutt of 29 Lake Shore re: Encroachment Questions  
7/17 & 7/21/25 Christine & Kevin Northcutt of 29 Lake Shore re: Encroachment and Short-Term Rentals  
7/17/25 Dawn & Marcel Jacques of 239 Lake Shore re: Encroachment and Short-Term Rentals  
7/22/25 (X2) Victoria Silberstein of 235 Lake Shore re: adherence to deed and charter  
7/23/25 Rita Lemery & Nick Pipitone of 228 Lake Shore re: insurance and encroachment  
7/26/25 Christine & Kevin Northcutt of 29 Lake Shore re: Executive Session and non-board member's ability to speak outside of Open Discussion  
7/15/17 State Office of Legislative Research re: Charter Update Process via "Home Rule"

# LWBA Treasurer Report July 27, 2025

| Payment Details                   | Budget Category                      | Check Book<br>Withdrawals | Unpaid Credit<br>Card Charges | Deposit<br>Taxes | Deposit<br>Donation | Budget           | Budget<br>Balance |
|-----------------------------------|--------------------------------------|---------------------------|-------------------------------|------------------|---------------------|------------------|-------------------|
| awn Mowing 5/29, 6/19 & 7/3       | Beach/Prop Maintenance               | (390.00)                  |                               |                  |                     |                  |                   |
| Donation in Memory of Betty Godek | Deposit Donation                     |                           |                               |                  | 100.00              |                  |                   |
|                                   | <b>Beach/Prop Maintenance Total</b>  | <b>(390.00)</b>           | -                             | -                | <b>100.00</b>       | <b>6,000.00</b>  | <b>5,710.00</b>   |
|                                   | <b>Deposit Taxes Total</b>           | -                         | -                             | <b>13,339.00</b> | -                   |                  |                   |
|                                   | <b>Insurance Total</b>               | <b>(986.00)</b>           | -                             | -                | -                   | <b>3,900.00</b>  | <b>2,914.00</b>   |
|                                   | <b>Postage/Copies Total</b>          | <b>(87.35)</b>            | -                             | -                | -                   | <b>600.00</b>    | <b>512.65</b>     |
| 1st Installment Taxes Acre        | Property Tax                         | (1,136.85)                |                               |                  |                     |                  |                   |
| Annual Taxes 2nd Beach            | Property Tax                         | (93.72)                   |                               |                  |                     |                  |                   |
| Annual Taxes 1st Beach            | Property Tax                         | (92.18)                   |                               |                  |                     |                  |                   |
| Annual Taxes 3rd Beach            | Property Tax                         | (92.40)                   |                               |                  |                     |                  |                   |
|                                   | <b>Property Tax Total</b>            | <b>(1,415.15)</b>         | -                             | -                | -                   | <b>2,450.00</b>  | <b>1,034.85</b>   |
| Bozrah June                       | Utilities                            |                           | (51.13)                       |                  |                     |                  |                   |
|                                   | <b>Utilities Total</b>               | <b>(51.13)</b>            | (51.13)                       | -                | -                   | <b>625.00</b>    | <b>522.74</b>     |
|                                   | <b>Web Page/Audio Visual Total</b>   | <b>(373.73)</b>           | -                             | -                | -                   | <b>750.00</b>    | <b>376.27</b>     |
|                                   | <b>Annual Picnic</b>                 |                           |                               |                  |                     | <b>900.00</b>    | <b>900.00</b>     |
|                                   | <b>Board of Directors Legal Fees</b> |                           |                               |                  |                     | <b>250.00</b>    | <b>250.00</b>     |
|                                   | <b>Required Emergency Fund</b>       |                           |                               |                  |                     | <b>500.00</b>    | <b>500.00</b>     |
|                                   | <b>Tax Collection Expenses</b>       |                           |                               |                  |                     | <b>100.00</b>    | <b>100.00</b>     |
|                                   | <b>Capital Improvements Beach 1</b>  |                           |                               |                  |                     | <b>22,500.00</b> | <b>22,500.00</b>  |
|                                   | <b>Grand Total</b>                   | <b>(3,303.36)</b>         | (51.13)                       | <b>13,339.00</b> | <b>100.00</b>       | <b>38,575.00</b> | <b>35,320.51</b>  |

Beginning Check Book Balance 13,844.68  
 Expenses (3,354.49)  
 Deposits 13,439.00

**Ending Check Book Balance 23,929.19**

## Receivables Report

Total Taxes Billed 7/1/2025 26,085.00  
 Tax Payments Received 13,339.00  
**Unpaid Tax Balance 12,746.00**

July 10<sup>th</sup> 2025

Dear Claudette;

I just wanted to voice a concern of mine. Since I moved here 5 yrs ago, the taxes have doubled. I'm under the impression it's for improvements of the Beach area.

I live on Lake Williams Dr. & have never been to the beaches. (my choice)

All these taxes appear to be going for Lake Shore area. No Improvement for Lake Williams Drive.

Lots of Drivers & off Road vehicles come down this road very fast or they don't belong to this Beach Association.

I feel signs should be posted along Lake Williams Dr. concerning speed limits & slow down signs.

Dirt Bikes & caddy's from Leonard Bridge Rd or other areas should not be allowed.

We do have lots of walkers & they have to move off the road because of the Drivers.

No, I don't go to meetings because I don't feel Lake Williams Residents would not have enough to change what happens on Lake Shore.

Sincerely

Patt Smead  
61 Lake Williams Dr



Lake Williams Beach Association &lt;lakewilliamsba@gmail.com&gt;

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**Email response of insurance agent questions**

1 message

**Dawn Jacques** [REDACTED]

Sun, Jul 13, 2025 at 7:21 PM

To: Kimberly Meanix Miller LWBA Secretary &lt;lakewilliamsba@gmail.com&gt;

Dear LWBA board of directors,

I am writing you because I can't seem to get answers to my insurance questions and the secretary suggested I write to the board via this email address.

A week before the annual meeting I submitted some questions to the secretary to forward to the insurance agent at Lobo insurance agency. At the last meeting i learned that the agent had answered the questions via email. I have asked the secretary for a copy of that email and I have been told that she needs approval from the president. I am asking the board for a copy of that email from the agent at Lobo with the answers to the questions i asked. I don't understand why there is so much secrecy with this issue and with this board. Thank you for consideration of this request.

Dawn Jacques

239 Lake Shore Drive

Sent from my iPhone



**Marcel and Dawn Jacques**

239 Lake Shore Dr  
Lebanon, CT 06249  
[REDACTED]

July 17, 2025

**Sent via Certified Mail – Return Receipt Requested**

**To:**

Board of Directors  
Lake Williams Beach Association  
P.O. Box 52  
Lebanon, CT 06249

**RE: Objection to Short-Term Rentals and Ongoing Encroachment Risk**

Dear Board Members,

We are writing to formally object to the continued allowance of short-term rentals within the Lake Williams Beach Association. After reviewing our Association's deed and charter, we do not believe short-term rentals are legally permitted. Unless the Board obtains a formal legal opinion stating otherwise, we strongly oppose their continuation.

Furthermore, the Association's current insurance policy explicitly prohibits short-term rentals. If the Board chooses to allow them to continue, the insurance provider must be notified immediately. Failure to do so could result in cancellation of the policy or denial of future claims—placing both the Association and individual members at serious financial risk.

In addition, we are concerned about the ongoing encroachment on Second Beach. To our knowledge, the insurance agent has not confirmed in writing that the continued presence of personal property on Association land does not affect our coverage. We request that the Board obtain written confirmation from the insurance provider that they are aware of this encroachment and that our liability coverage remains intact.

If the Board does not take appropriate steps to confirm coverage or enforce our governing documents, we do not accept personal responsibility for any legal or financial consequences that may result. We ask that this letter be entered into the official records of the Association and shared with the insurance carrier to document our formal objection.

Sincerely,

Marcel and Dawn Jacques

*Dawn P Jacques 7/17/2025*

*Marcel Jacques 7/17/2025*



Lake Williams Beach Association &lt;lakewilliamsba@gmail.com&gt;

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**insurance questions**

1 message

**Christine Northcutt** [REDACTED]

Tue, Jul 15, 2025 at 5:50 PM

To: LWBA Secretary 24-25 Kimberly Meanix Miller &lt;lakewilliamsba@gmail.com&gt;

Hello,

I just noticed that some of the insurance questions submitted by Kevin, Dawn, and myself have been posted in the members-only section. Thank you for that. However, I didn't see our question regarding encroachment included in the list sent to the insurance agent. At first, I thought it may have simply been skipped, but it appears it wasn't forwarded at all.

Could you please send that question to the agent and provide us with a response once it's available?

Thank you,  
Christine

**Kevin and Christine Northcutt**

29 Lake Shore Dr  
Lebanon, CT 06249

July 17, 2025

**Sent via Certified Mail – Return Receipt Requested**

**To:**

Board of Directors  
Lake Williams Beach Association  
P.O. Box 52  
Lebanon, CT 06249

**RE: Objection to Short-Term Rentals and Ongoing Encroachment Risk**

Dear Board Members,

We are writing to formally object to the continued allowance of short-term rentals within the Lake Williams Beach Association. After reviewing our Association's deed and charter, we do not believe short-term rentals are legally permitted. Unless the Board obtains a formal legal opinion stating otherwise, we strongly oppose their continuation.

Furthermore, the Association's current insurance policy explicitly prohibits short-term rentals. If the Board chooses to allow them to continue, the insurance provider must be notified immediately. Failure to do so could result in cancellation of the policy or denial of future claims, placing both the Association and individual members at serious financial risk.

In addition, we are concerned about the ongoing encroachment on Second Beach. To our knowledge, the insurance agent has not confirmed in writing that the continued presence of personal property on Association land does not affect our coverage. We request that the Board obtain written confirmation from the insurance provider that they are aware of this encroachment and that our liability coverage remains intact.

If the Board does not take appropriate steps to confirm coverage or enforce our governing documents, we do not accept personal responsibility for any legal or financial consequences that may result. We ask that this letter be entered into the official records of the Association and shared with the insurance carrier to document our formal objection.

Sincerely,

Kevin and Christine Northcutt



Lake Williams Beach Association &lt;lakewilliamsba@gmail.com&gt;

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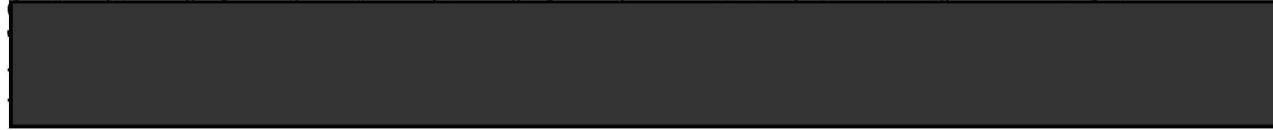
**Follow-Up to Certified Letter Re: Short-Term Rentals & Encroachment**

1 message

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**Christine Northcutt** [REDACTED]  
To: Lake Williams Beach Association <lakewilliamsba@gmail.com>

Mon, Jul 21, 2025 at 4:40 PM



Dear LWBA Board Members,

We're writing to follow up on our certified letter dated July 17, 2025, which was signed for on July 18, 2025. We have attached it to this email. At your convenience, could you kindly confirm that it was received and entered into the Association's official records?

Given the importance of the concerns raised, including short-term rentals, insurance coverage, and encroachment on Association property, we would appreciate a response when possible. We also respectfully ask that the letter be forwarded to the Association's insurance provider, as previously requested, and would be grateful for confirmation once that has been done.

Thank you for your time and attention to this matter. Please don't hesitate to let us know if any further information would be helpful.

Also, as we don't have contact information for Director Russo or Director Saunders, we'd appreciate it if this message could be shared with them as well.

Thank you!  
Kevin and Christine Northcutt  
29 Lake Shore Dr  
Lebanon, CT 06249  
[REDACTED]

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 **certified letter lwba re insurance.pdf**  
54K



Lake Williams Beach Association &lt;lakewilliamsba@gmail.com&gt;

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**[Lake Williams Beach] Contact - new submission**

1 message

**Victoria Silberstein** <reply-to+bd34eaca5485@wixforms.com>

Tue, Jul 22, 2025 at 10:24 PM

Reply-To: Victoria Silberstein [REDACTED]

To: [REDACTED] lakewilliamsba@gmail.com

**Victoria Silberstein** just submitted your form: Contact  
on Lake Williams Beach

**Message Details:**

Name: Victoria Silberstein

Email: [REDACTED]

Subject: Current concerns of LWBA members

Message: To the Board of Directors,

The LWBA has a long and rich history as an organization intended to promote a community of residents who share common land, services and interests. They had pledged to adhere to the Deed and Charter as developed at the inception of the lake, and filed with the State of Connecticut creating a special tax district by the legislature.

It is imperative that all members adhere to the content of these documents to ensure safety, shared land use and development of the association properties. All land owners should have a copy of the Deed and Charter

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If you think this submission is spam, report it as spam.

To edit your email settings, go to your Inbox on desktop.

**Message Details:**

Name: Victoria Silberstein

Email: vicstein159@yahoo.com

Subject: Adherence to the Deed and Charter of LWBA by all land owner members

Message: To the Board of Directors,

Each year, the membership of LWBA places its trust in the elected Board of Directors to carry out their duties in promoting the ideology of the Deed and Charter, being fiscally responsible in the planning and use of the collected taxes to continue to maintain the shared land, and to enforce the by-laws and regulations.

It appears that there are three areas in which the Board has not enforced regulations. These failures will result in the lapse of our insurance coverage and allow for potential damage to our properties. Specifically, the continued lack of signage on the beaches which clearly state their intended usage as private properties, the allowance of a land owner to encroach on LWBA property on second beach, and the lack of adherence to an insurance directive which does not allow for short term rentals of property.

It is hoped that these issues will be approached immediately to achieve compliance with the Deed, Charter and Insurance directives. The Association should engage the services of appropriate attorneys to determine the best course of action to obtain compliance by all land owner members.

The Association exists to ensure that each and every member is treated fairly, clearly and without prejudice. The Board is charged with carrying out these directives for the good of all members. I urge the Board to accept their responsibilities and carry out the necessary actions to ensure compliance.

I am considering not paying my taxes as a statement to the Board that I will not be a party to the willful disregard of the Deed and Charter of this

Association which was created by the State Legislature.

Respectfully submitted,

Victoria Silberstein

235 Lake Shore Drive

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If you think this submission is spam, report it as spam.

To edit your email settings, go to your Inbox on desktop.



Lake Williams Beach Association &lt;lakewilliamsba@gmail.com&gt;

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**Serious Concerns - July 27, 2025 Meeting Issues**

1 message

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Rita Lemery [REDACTED]  
To: "lakewilliamsba@gmail.com" <lakewilliamsba@gmail.com>  
Cc: [REDACTED]

Wed, Jul 23, 2025 at 11:40 PM

07/25/25

LWBA Board,

After reviewing the LWBA members' page, we were surprised and concerned by our findings.

**First**, regarding the legal notification of the intent to claim "adverse possession" by the owners of 223 Lake Shore Drive. We are upset that an act of kindness from the Board has led to this situation. It is disappointing that a neighbor and a Friend of Lake Williams would intentionally take advantage of our community and make attempts to claim property belonging to the Association.

Now that the homeowner has retained a lawyer, the issue has escalated. The Board can no longer ignore this situation and must take decisive action. Efforts made in good faith, such as issuing warnings and making requests, have not been effective. It is time for the LWBA to represent all the property owners. We need to consult with a law office that specializes in property law. At this point, resolving this legal issue should be a priority. No funds should be allocated for modifications to Beach 1 until this matter is addressed and resolved.

**Secondly**, regarding insurance, the regulations now appear to be clearly defined. We need to accept this and adhere to the policy before it is canceled, leaving us without coverage.

**Finally**, we look forward to the minutes and discussions of the upcoming meeting on July 27, 2025. The results of this meeting will guide us in moving forward. Based on the outcome, we may explore our options and seek our own legal counsel. We are making a significant investment in our property and must take every precaution necessary to safeguard our assets.

We appreciate your attention to these important issues.

Rita Lemery & Nick Pipitone  
228 Lake Shore Drive,  
Lebanon, CT 06249





Lake Williams Beach Association &lt;lakewilliamsba@gmail.com&gt;

## Request to Remove Executive Session from Agenda and Respect Member Rights During Meetings

1 message

Kevin Northcutt [REDACTED]  
To: "lakewilliamsba@gmail.com" <lakewilliamsba@gmail.com>

Sat, Jul 26, 2025 at 10:15 AM

Dear LWBA Board Members,

We respectfully request that you remove any reference to "executive session" from upcoming meeting agendas.

As a Special Act District created by the Connecticut Legislature (SA 53-214), LWBA is governed by its Charter, Deed, and Bylaws. These founding documents do not authorize the Board to conduct private executive sessions. In fact, all meetings must be open to the full membership unless a specific provision allows otherwise, and no such provision exists.

Even Robert's Rules of Order, which may offer general meeting guidance, makes it clear that executive sessions are only permitted when authorized by an organization's own rules. Our documents are silent on this, and under **Dillon's Rule**, which applies to all Connecticut special districts, the Board may only act on powers explicitly granted. That means **if it's not written in our documents, it's not allowed**.

Additionally, we ask the Board to ensure that all members are allowed to participate throughout the meeting and not be restricted to speaking only during the "open discussion" portion at the end. The Charter does not limit member input in this way, and members have the right to ask questions and speak during agenda items that affect them. Blocking such participation is not supported by any governing authority granted to the Board.

We respectfully ask that the Board uphold transparency and open participation, as required by our founding documents and Connecticut law.

Sincerely,  
Kevin and Christine Northcutt  
29 Lake Shore Dr  
Lebanon, CT 06249

## Adopting Charters, Ordinances, and Bylaws

By: Rute Pinho, Principal Analyst  
June 15, 2017 | 2017-R-0117

### Issue

Explain the procedure municipalities and special taxing districts must follow to adopt or revise home rule charters, charter amendments, ordinances, and bylaws. This report updates OLR report [2002-R-0863](#).

### Summary

Municipalities and special taxing districts generally must follow the same statutory process for adopting or amending home rule charters. This is also the case for municipalities and districts that currently operate under charters that the legislature enacted on their behalf (i.e., special act charters). The procedure is generally the same for adopting or amending a charter and involves four steps:

1. The municipality or district's appointing authority (generally its legislative body) or voters can initiate the process by resolution or petition, respectively.
2. The appointing authority must appoint a charter commission, which must consider any item the appointing authority or petition specifies. The commission may also consider other items it chooses.
3. The commission and the appointing authority must hold public hearings on the proposed charter or charter amendments according to a statutory schedule. The appointing authority may recommend changes to the commission's proposal, but the commission does not have to accept them.

4. After the commission finalizes its proposed charter or amendments, the appointing authority may accept or reject all or parts of it. Voters can petition for a referendum on the rejected parts and must ultimately vote on the proposal, regardless of whether the appointing authority initially approved it.

The statutes authorize municipalities and special taxing districts to adopt ordinances, but they establish specific procedural requirements that apply only to ordinances adopted by towns, cities, boroughs, and fire districts. The statutes are silent on whether and how municipalities and special districts can adopt bylaws. However, the statutory requirements for adopting ordinances appear to apply to bylaws as well since the statutes, local charters, and legal commentaries use the terms interchangeably.

## **Charter Adoption and Amendment**

### ***Home Rule Charters versus Special Act Charters***

The phrase "home rule charter" signals the fact that some municipalities and districts operate under charters that they adopted and amended on their own (i.e., "home rule" charters) while others operate under charters that the legislature adopted and amended on their behalf (i.e., "special act" charters). The distinction holds even though the legislature allowed all towns (in 1957) and districts (in 1963) to act on their own.

A 1969 constitutional amendment banned the legislature from enacting special acts regarding the powers, organization, form of government, and terms of elective office for any single town, city, or borough (Article Tenth). The amendment did not repeal special act charters but generally blocked the legislature from amending them. As a result, towns, cities, and boroughs operating under these charters can amend them only by converting them into home rule charters.

While the constitutional ban does not apply to special districts, they may still choose to convert their special act charters into home rule charters in order to amend them, rather than asking the legislature to do so. The legislature discourages legislation amending district charters because:

1. the legislative process does not move fast enough for districts;
2. drafting, processing, and debating numerous special acts consumes too much time; and
3. the statutes provide a mechanism through which districts can act on their own (Connecticut Advisory Commission on Intergovernmental Relations, Independent Special Taxing Districts in Connecticut, December 1988).

## ***Home Rule Action by Special Districts***

A special district operating under a special act charter must convert its charter into a home rule charter before it can amend it on its own by following the same statutory procedure municipalities must use to adopt and amend their home rule charters. Two-thirds of the voters present at a district meeting must vote to do so (CGS § 7-328a(a)).

## ***Initiation***

From this point on, the process for adopting or amending a municipal charter or amending a district charter is generally the same. (The statutes do not specify the process by which newly formed districts must adopt their charters.)

The process can be triggered by the jurisdiction's appointing authority or voters. A municipality's appointing authority is the (1) town's board of selectmen, town council, or board of directors; (2) city's common council or other body empowered to make ordinances; or (3) borough's board of burgesses. For special taxing districts, the appointing authority is the board of directors or other governing body.

The appointing authority can start the process if two-thirds of its members agree. Voters can start the process if 10% of them sign a petition to that effect, according to requirements the law establishes for preparing petitions and validating signatures. In the case of municipal charter petitions, the law requires petition signatures to be obtained within 90 days of the date when the page containing them was filed with the appointing authority in order for the signatures to be valid. In the case of either municipal or district charter petitions, it allows the petition to recommend items for the commission to consider. The petitioners must file the petition with the town or district clerk, who must validate the signatures and certify its sufficiency to the appointing authority (CGS §§ 7-188(c), 7-189, and 7-328a(c)).

In either case, the appointing authority appoints a commission to draft the charter or charter amendments (CGS §§ 7-188(b) and 7-328a(b)-(c)). Once the clerk certifies a municipal charter petition's sufficiency, the clerk cannot accept another petition for the same purpose until the first commission terminates (CGS § 7-188(d)).

## ***Appointing the Charter Commission***

The appointing authority must appoint a charter commission consisting of between five and 15 voters, no more than one-third of whom can hold another municipal or district office and no more than a bare majority of whom can belong to the same political party. The appointing authority must appoint all of the commissioners within 30 days after it voted to start the process or the clerk certified the petition (CGS § 7-190(a)).

The appointing authority can recommend items for the commission to consider, and the commission must consider these and any other items specified in the petition, if there was one. The commission can also consider other items it deems desirable or necessary. Its draft and final reports must discuss all of the items it considered.

The appointing authority must adopt a resolution setting a deadline for the commission to complete its draft report, which must fall within 16 months after the commission's appointment. The commission terminates after the appointing authority accepts or rejects the commission's final report (CGS §§ 7-190(b) and (c)).

## ***Holding Public Hearings on the Proposed Charter or Amendments***

The commission and the appointing authority must separately hold public hearings on the proposed charter or amendments. The commission must hold at least two hearings, one before it begins to draft its proposal and one before it submits the draft to the appointing authority. It may opt to hold additional hearings (CGS § 7-191(a)).

After completing its hearings, the commission must submit the proposal to the town or district clerk, who must send it to the appointing authority, which must hold at least one hearing on the proposal. Its last hearing can be no later than 45 days after it receives the report (CGS § 7-191(b)).

The appointing authority has up to 15 days from its last hearing to recommend changes to the proposal (CGS § 7-191(b)). If it does not make any, it tacitly accepts the report as the commission's final report and must act on it. If it does recommend changes, the law requires the commission to discuss them with the appointing authority. The commission may accept these recommendations and incorporate them into its proposal or reject them. In either case, it must submit its final report to the appointing authority no later than 30 days after the appointing authority makes its recommendations (CGS § 7-191(c)).

## ***Approving the Charter or Amendments***

The appointing authority must act on the commission's final report no later than 15 days after receiving it. It can, by majority vote, approve or reject the entire proposal or reject parts of it. If it rejects all or parts of the proposal, voters can petition for a referendum. They have 45 days to submit the petition, which must be signed by at least 10% of the voters. The petition requirements are the same as those for requesting a charter commission (CGS § 7-191(d)).

No later than 30 days after approving the final report or the petition's certification, the municipality or district must publish at least once in a newspaper the (1) proposed charter or (2) portion being amended, with a notice that a complete copy is available in the clerk's office or by mail on request (CGS § 7-191(d)).

The appointing authority must also decide by majority vote the forum for submitting the proposal to the voters for approval. Municipalities may submit the proposal at a regular or special election while districts may submit one at a regular or special district meeting. In both cases, the referendum must be held no later than 15 months after the appointing authority approved the proposal or the respective clerks certified the petition. The appointing authority must also decide whether to submit the proposal to the voters as a single question or several questions (CGS §§ 7-191(e) and (f)).

The voting requirements for approving the proposal depend on whether the vote is taken at a regular or special election (or meeting). A majority vote is required for proposals submitted at regular elections or district meetings. A majority vote is also required for those submitted at special elections or meetings, but that majority must equal at least 15% of all municipal or district voters. If approved, the proposal takes effect 30 days after the vote, unless the proposal requires otherwise (CGS § 7-191(f)).

The town or district clerk must file copies of the approved charter or amendments with the secretary of the state no later than 30 days after the voters approve them (CGS § 7-191(g)).

## **Ordinances and Bylaws**

### ***Distinction***

The requirements for adopting and publishing ordinances seem to apply to bylaws as well. The statutes, town charters, and legal commentaries seem to use the terms interchangeably. For example, CGS § 7-159 grandfathers "any valid ordinances, bylaws, or regulations adopted prior to

October 1, 1957 under the provisions of the general statutes...." Several town charters list both bylaws and ordinances as the means for exercising municipal powers. Black's Legal Dictionary lists bylaws as a synonym for ordinance and likewise shows "ordinance" as one meaning for bylaw.

### ***Adoption and Publication***

*Towns, Cities, Boroughs, and Fire Districts.* The law explicitly allows towns, cities, boroughs, and fire districts to adopt ordinances, subject to certain procedural requirements. The local legislative body or voters at a town or district meeting may adopt ordinances and have them published in a local newspaper. Those adopted by the legislative body take effect 30 days after publication; those adopted at meetings take effect 15 days after publication. But these requirements apply only if the local charter does not provide otherwise (CGS § 7-157(a)).

Voters can block these ordinances from taking effect by petitioning to have them approved at a referendum. At least 15% of the voters must sign the petition and submit it to the town or district clerk within 30 days after the newspaper publication. The petition must indicate if the referendum should be held at the next regular election or at a special meeting. The ordinance is adopted if a majority of voters approve (CGS § 7-157(a)).

The statutes allow jurisdictions to publish a summary of ordinances (except those making or requiring an appropriation) in lieu of the actual ones. Nonetheless, the jurisdiction's clerk must make copies of the actual ordinance available to the public upon request. The summary must include a statutory disclaimer explaining, in part, that it does not represent the legislative body's intent (CGS § 7-157(b)).

*Districts.* State law gives special taxing districts broad authority to adopt ordinances to carry out the special district law and establish the duties and compensation of their officers and how their duties must be carried out, including penalties to enforce the ordinances (CGS § 7-328). But, as noted above, it establishes procedural requirements only for fire districts.

RP:bs