

June 1, 2014 Annual Meeting

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

2014 Annual Meeting      June 1, 2014      1:00 PM      The Acre

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Minutes

1. Listing of Eligible Voters and Incorporations of Proxies from 12:20 – 1:00
2. Call to Order at 1:06 PM
3. Approval of 2013 Annual Meeting Minutes

Motion to approve the minutes: Ryk Nelson  
2<sup>nd</sup> –Dan Tennant  
Passed Unanimously.

4. Reports:

- a. President: Thanks for a good year. The offices of the president, vice-president and secretary are open.
- b. Treasurer: We are solvent. We now have only one checking account because we closed the savings account.
- c. Tax Collector. 128 taxable properties  
110 paid in full. \$8914.80 collected this year. There are 18 outstanding properties from 13 owners.  
See report for breakdown  
Motion to accept the tax collector's report: Ryk Nelson  
2<sup>nd</sup> –Dawn Jacques.  
Passed Unanimously.

- d. Auditors: Russ Tait reported that the LWBA records were found to be in good order with no errors or corrections.  
Motion to accept the treasurer's report: Ryk Nelson 2<sup>nd</sup> –Dawn Jacques Passed Unanimously.

e. Beach and Properties Committee.

This year we have a new landscaper who is insured and lives in the neighborhood: DZ Property Management LLC, David Zegeer

He will do it for the \$600 budgeted.

Successful fall and spring clean ups. Thanks to those who participated.

All three beaches will get new sand this year.

Picnic Tables:

2 on First Beach

1 on 2<sup>nd</sup> Beach

2 on 3<sup>rd</sup> Beach

We are retiring the rickety wooden tables and replacing them with sturdier ones.

Motion to accept Beach and Properties report: Ryk Nelson

2<sup>nd</sup> Penney McCominsky

Passed unanimously.

f. Annual Picnic Committee.

We had a good picnic last year. The position to head up this year's committee is open.

Motion to accept Annual Picnic Committee report: Ryk Nelson

2<sup>nd</sup> Penney McCominsky

Passed unanimously.

5. Old Business:

a. Easement of Second Beach Property.

We are in the midst of this, still in negotiation so carry on to next year.

**Motion** to cite the general state statutes that allow the LWBA Board of Directors to create an easement of any Association properties.

Made by Mary Anderson, 2<sup>nd</sup> Jane Erway.

Wouldn't any land given away revert back to the town?

Land is not being sold it is being leased for a specific amount of time.

Almost unanimous 1 Nay. **Motion Passes.** The Board can get in touch with our state rep for help.

b. Payment of milfoil and fanwort—letters from lawyers. (Letters were available for viewing at the meeting.)

Point of order: the lawyer hired by the Board of Directors said that it was legal for the LWBA to give money for weed control. No other lawyer's findings should matter.

Discussion: LWBA shouldn't pay for lake weeds. It will be a continuous problem.

LWBA has no responsibility past the water's edge.

A June 1, 1992 letter from the attorney general said that it isn't in the purview of the LWBA to pay or be taxed any more after the dam was built.

A tax would be discriminatory. There are more records and we have to stay in the jurisdiction.

We are a special act district that is limited to the water's edge.

The town of Lebanon has total jurisdiction over the water.

A letter from another attorney that said the LWBA cannot give a payment for weed control and that the town is responsible for the lake.

This is the beach association, not the special tax district. The special tax district is being dissolved. The Flood and Erosion Board has been dissolved.

**Motion:** Table this discussion of paying for weed treatment until the next annual meeting. Made by Dave Santoro 2<sup>nd</sup> Jim Smith

Aye: 27 Nay: 9 Motion passed.

We can go to a town meeting and complain about the water in the lake.

6. New Business:

a. Street lights.

The town will not pay for streetlights. Lights were originally put in by LWBA and then the town took it over. Now the town has dropped payment.

**Motion:** The LWBA should pay for the four street lights (not to exceed \$600.) (amendment) Amendment made by Bob Hathaway 2<sup>nd</sup> by Mary Anderson.

Motion made by Jane Erway, 2<sup>nd</sup> Bob Hathaway.

Discussion: The Santoro's pay for the first beach light now. At two previous meetings the LWBA voted not to pay for lights.

Amendment: 27 aye, 9 nay. Amendment passes

Motion: 26 aye, 10 nay. Motion passes.

Motion: LWBA should reimburse the Santoro's for their payment of the 1<sup>st</sup> beach light.

Motion made by Ryk Nelson, 2<sup>nd</sup> by Dawn Jacques.

Passed unanimously.

b. Beach hours.

Should beach hours be changed so they are closed between dusk and dawn. How would it work with 2<sup>nd</sup> beach members? We shouldn't restrict beach hours. No motion.

c. Indoor board meetings.

Meetings should be held inside when it's cold. Elderly members have said that it is difficult getting to the acre for meetings.

Some members have said they don't feel comfortable going to other homes, so it should be in a public place.

**Motion:** LWBA Board meets should be held indoors at a public place.

Motion by Jane Erway, 2<sup>nd</sup> Bob Hathaway.

Discussion: Are there fees at the community center or library or legion? We need to check on it. We have the acre and three beaches.

Aye 9 Nay 26 Motion Failed.

d. Revisiting last year's votes.

**Motion:** We should redo last year's close votes because there were illegal (3<sup>rd</sup> beach and Rittlinger Circle.) Motion made by Jane Erway, 2<sup>nd</sup>: Ron Steinhilber

If the votes were illegal, that fact should have been addressed at the time. But no one could see if they were improper. State election commissions often have re-votes after the fact. Everyone today would be voting today even if they were not there last year.

Maybe we should be more mindful and do a roll call for the future. We would be disenfranchising some people who are not here.  
Vote: Aye 3 Nay 32 Motion failed.

e. Giving out lock combination to non-members.

We should not give out the combination to non-members. Last summer Ron S. replaced the eye bolt that people were bending back.  
Motion: People who get caught giving out the combination should be fined or lose privileges. No second. Motion dies.

f. Visible junk at homes.

**Motion:** If a property has junk in its yard for more than two weeks, the LWBA will send a letter to the property owner asking that it be cleaned up.

Motion made by Jane Erway 2<sup>nd</sup> Betty Godek.

Discussion: There is a blight law. We have a right to have a health inspector. We had a zoning person in the by-laws at one time, but the LWBA gave up that responsibility to the town.

Aye 3 Nay 32 Motion failed.

g. Portable Toilet at First Beach for the season.

**Motion:** There should be a portable toilet on First Beach for the season.

Motion made by Christy Kelly. 2<sup>nd</sup> by Penney McCominsky

\$300 for the season and weekly pumping. Neighbors may not like it. Does it matter which beach it goes to? State Health Department said that a permit is necessary. Warrantee deed says no outside toilet shall be erected on the premises. (Those are for outhouses, not porto potties.)

Aye 1 Nay 33

h. Married couple as board members.

They are allowed, but only have one vote.

i. Home septic tanks.

Any septic issues are the town's responsibility.

j. Board of Directors adhering to by-laws.

The Board of Directors does the best they can.

k. Formation of a by-law revision committee.

A significant review was done 6 years ago. Bob Hathaway and Mary Anderson have an old revision that was never used.

There cannot be any by-laws that are in conflict with the charter.

Motion: We will go through the old by-laws. No 2<sup>nd</sup>.

Motion dies.

l. Approval of Budget for 2014 – 2015.

Motion to approve the budget made by Bob Hathaway 2<sup>nd</sup> by Jane Erway

Aye 25 Nay 9 (one person left). Motion Passed, Budget accepted.

m. Approval of Tax Rate for 2014 – 2015.

Motion to approve the Tax Rate at \$65.00 for the year.

Motion made by Dave Santoro

2<sup>nd</sup> by Scott Lima

n. Nomination and Election of Officers and Directors for 2014 – 2015.

Ryk Nelson nominated Tom Sholly for President, 2<sup>nd</sup> by Liza Santoro

Passed Unanimously.

Dave Gendreau Nominated Penney McCominsky as a Board Member. 2<sup>nd</sup> Wayne Handfield. Passed Unanimously.

Christy Kelly nominated Scott Lima as a Board Member 2<sup>nd</sup> by Lenny Pomerleau.

Passed Unanimously.

Jane Erway nominated Betty Godeck for Secretary. 2<sup>nd</sup> Scott Lima.

Passed unanimously.

7. Open Discussion for Members—Secretary reads member letter and emails.

Lee read a letter from Betty Godeck. All matters had been discussed during the meeting.

8. Archive Project

Cathy

9. Adjournment

10. Motion to adjourn by Dave Santoro, 2<sup>nd</sup> by Ryk Nelson. Passed unanimously at 3:00.

11. Swearing in of 2014 – 2015 Officers and Directors.

**Lake Williams Beach Association  
Tax Collector's Annual Report  
July 1, 2013 - June 30, 2014**

**Taxable Properties**

At this time there are 128 taxable properties in the LWBA.

**Collections**

A total of \$8,914.80 was collected in taxes and late fees. This represents 110 taxable properties paid in full.

7/1/13 - 6/30/14 Member Tax	\$ 7,205.00
Past Due Amounts	\$ 1,275.00
Interest	\$ 434.80
Breakdown of Total Amount Collected	<u>\$ 8,914.80</u>

**Outstanding Taxes Due**

There are currently eighteen (18) taxable properties which represent thirteen (13) owners. The total amount outstanding is \$ 3,861.22

Respectfully Submitted

*David Gendreau*

Tax Collector, LWBA

**Lake Williams Beach Association  
Checking & Savings Account Summary  
July 1, 2013 - June 30, 2014**

**June 1, 2013 -  
June 1, 2014**

**CHECKING ACCOUNT**

<b>Beginning Balance</b>	<b>\$ 4,726.00</b>
<b>Revenue from Member Taxes/Fees</b>	<b>\$ 8,914.80</b>
<b>Expenses (Detail on Budget - Actual)</b>	<b>\$ 7,605.22</b>
<b>Miscellaneous Expenditures-transfer to savings</b>	<b>\$ 40.00</b>
<b>Ending Balance</b>	<b>\$ 5,925.78</b>

**SAVINGS ACCOUNT**

<b>Beginning Balance</b>	<b>\$ 4,838.59</b>
<b>Interest Income</b>	<b>\$ 2.05</b>
<b>Transfers to/from Checking</b>	<b>\$ 40.00</b>
<b>Ending Balance</b>	<b>\$ 4,880.64</b>

**TOTA** **\$ 10,806.42**

Respectfully Submitted

*Cathy Nelson*

Treasurer, LWBA

**Lake Williams Beach Association  
Budget Proposal  
July 1, 2014 - June 30, 2015**

<b>Description</b>	<b>July 1, 2013 - June 30, 2014</b>		<b>July 1, 2014 - June 30, 2015</b>
	<b>Budgeted</b>	<b>Actual</b>	<b>Proposed</b>
<b>Insurance</b>	<b>\$ 3,300</b>	<b>\$ 3,031.76</b>	<b>\$ 3,200</b>
<b>Town Property Tax</b>	<b>\$ 1,500</b>	<b>\$ 1,408.90</b>	<b>\$ 1,500</b>
<b><i>Board Stipends &amp; Fees</i></b>			
<b>Secretary Fee</b>	<b>\$ 500</b>	<b>\$ 500.00</b>	<b>\$ 500</b>
<b>Treasurer Fee</b>	<b>\$ 150</b>	<b>\$ -</b>	<b>\$ 150</b>
<b>Tax Collector Fee</b>	<b>\$ 550</b>	<b>\$ 550.00</b>	<b>\$ 550</b>
<b>Auditor Fees</b>	<b>\$ 100</b>	<b>\$ 70.00</b>	<b>\$ 100</b>
<b>Collection Expenses</b>	<b>\$ 150</b>	<b>\$ 63.48</b>	<b>\$ 150</b>
<b>Postage/Copies/PO Box</b>	<b>\$ 250</b>	<b>\$ 97.53</b>	<b>\$ 200</b>
<b>Board of Directors Expenses</b>	<b>\$ 100</b>	<b>\$ -</b>	<b>\$ 100</b>
<b>Annual Picnic</b>	<b>\$ 700</b>	<b>\$ 703.70</b>	<b>\$ 700</b>
<b><i>Beach &amp; Property Expenses</i></b>			
<b>Sand</b>	<b>\$ -</b>		<b>\$ 300</b>
<b>Lawn Maintenance</b>	<b>\$ 600</b>	<b>\$ 600.00</b>	<b>\$ 600</b>
<b>Repairs / Improvements</b>	<b>\$ -</b>		<b>\$ 2,100</b>
<b>Miscellaneous</b>	<b>\$ 400</b>	<b>\$ 395.00</b>	
<b>Legal Fees</b>	<b>\$ 850</b>	<b>\$ 125.00</b>	<b>\$ 250</b>
<b>Emergency Reserve</b>	<b>\$ 500</b>	<b>\$ -</b>	<b>\$ 500</b>
<b>Totals</b>	<b>\$ 9,650</b>	<b>\$ 7,545</b>	<b>\$ 10,900</b>
		<b>Divided by 128 Properties</b>	<b>\$ 85.16</b>
	<b>Proposed Member Tax for July 1, 2014 - June 2015</b>		<b>\$ 65.00</b>



Lake Williams Beach Association  
 Checking & Savings Account Summary  
 July 1, 2013 - June 30, 2014

June 1, 2013 - June 1, 2014

CHECKING ACCOUNT	
Beginning Balance	\$4,726.00
Revenue from Member Taxes/Fees	\$8,914.80
Expenses (Detail on Budget - Actual)	\$7,605.22
Miscellaneous Expenditures-transfer to savings	\$40.00
Ending Balance	\$5,925.78
SAVINGS ACCOUNT	
Beginning Balance	\$4,838.59
Interest Income	\$2.05
Transfers to/from Checking	\$40.00
Ending Balance	\$4,880.64
<b>TOTAL ASSETS</b>	<b>\$10,806.42</b>

Respectfully Submitted  
 Cathy Nelson

Treasurer, LWBA

## Auditors' Report

2013-2014

After reviewing the books kept by the Treasurer and the report of the Tax Collector, including verification of deposits and withdrawals to the Bank Statements, we find the records of the Lake Williams Beach Association to be in good order. No errors were found and no corrections to be made have been identified.

Our review was limited in scope to the deposits and withdrawals no review was made of the tax bills and associated payments.

Sharon A. Maloney

Russell E. Tait



DATE	DESCRIPTION	CHECKS WITHDRAWN	TRANSFERS DEPOSITS	BALANCE
9/13	DEPOSIT		131.00	7387.64
9/13	DEPOSIT		<del>132.00</del> 717.60	7519.64
	BAL OK 10/16/13			8837.24
10/14	TRANS TO SAVINGS	10.00		8827.24
10/14	DEPOSIT		240.00	8487.24
10/18	DEPOSIT		132.00	8619.24
	BAL OK 11/21/13			8609.24
11/15	TRANS TO SAVINGS	10.00		8609.24
11/15	DEPOSIT		71.00	8680.24
	BAL OK 12/22/13			
	BAL OK 12/31/13			
	BAL OK 1/31/14			
	BAL OK 3/29/14			
	BAL OK 4/10/14			
4/29	TRANS TO SAVINGS	10.00		8670.24
4/29	DANE GENTLEMAN - TAX COLLECTOR FEE #1265	550.00		8120.24
4/29	LEE MATSON - SECRETARY FEE #1266	500.00		7620.24
4/29	- AUDITOR FEE #1267	35.00		7585.24
4/29	- AUDITOR FEE #1268	35.00		7550.24
4/29	DOUGHERTY INSURANCE - #1269	2192.76		5357.48
4/29	LEBANON POSTMASTER - POSTAGE P.O. BOX - #1270	60.00		5297.48
4/30	DEPOSIT		628.30	5925.78
	BAL OK 5/12/14			
	5/29/14 Balanced + Reversed			
	5/29/14 Sharon a. Wilkerson			

May 7, 2014

To LWBA members

Inasmuch as my list to be read at the meeting last year never was read I am sending another one with the hopes these WILL BE ADDRESSED!!!!

1. I would like to see meetings held inside during cold, rainy weather as they used to be. It is very difficult for older people to walk up to the acre. Yes there are several parking spots, but not always available. Also, it is cold and not the best conditions to sit for a few hours. I am sure going to the library or community hall is not an inconvenience and much more comfortable for conducting meetings. These facilities have been used in the past.

2. I want the illegal proxies that were counted for two important issues last year thrown out and these voted on again. You know full well these are illegal as one person voted 3 times and the issues supposedly passed by one vote. You are not even sure of that, as you have no count on record that can be called correct.

3. I would like to see the by laws of our association adhered to. No giving out the combination to friends for one. You cannot deny the fact that this is done on a regular basis. If caught doing that maybe you should lose your right to the docking or be fined. I also think that our beaches should be dawn to dusk with no exceptions. I realize the island people feel this is not good for them but they are a minority and do not control our second beach as their private parking lot. They have their parking lot for their personal use. Damage has been done to the beaches and theft was a problem at homes next to the beaches. This is documented by several homeowners.

We should send letters to people who have accumulated junk for over a month, that have now turned into junk yards, advising them that they have

a time frame to remove said junk We have this right!! according to our by laws. The town feels that this is our problem due to the fact that our by laws give us the authority. Maybe a fine would be the answer!! These junk piles have been growing and are very visable to us year round residents when the leaves are off the trees. Maybe not so offensive to seasonal users but for us year round people it is. Also, a problem when listing a house for sale. This devaluates properties!!! I know I have been told that by my real estate person.

I know there is no such thing as seasonal homes and that is good but I think there should be some control by us as to the fact if they have good working septic. There are several who do not. The town says they cannot check because they do not have the man power. The sewage in the lake last year gave us an ecoli count of 625 when normal is about 225. That should be concern enough as to where is the sewage coming from.

I have gone on line and read bylaws and minutes of 4 other lakes around here and they adhere to their laws 100%. Maybe we could start and then my property value wouldn't be down because of the violations allowing junk yards, dirty beaches, and an association not run according to the by laws.

This association is for the protection and good of all members not for favors owed or for what friends want.

JANE ERWAY

## CARON LAW OFFICES, LLC

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April 30, 2014

Re: Lake Williams Beach Association, Inc.  
Expenditures for Lake Treatment

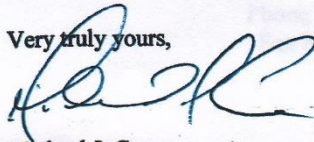
Thank you for contacting our office for advice regarding the lake association's ability to contribute money to lake treatment. It appears that there are three separate provisions in the charter that support the association's ability to contribute to the lake maintenance issue:

1. Section 3 grants the association the power to "operate and maintain, for the administration of the business of said association or for the public use of property owners and their friends ... (c) wells, springs, swamps, *lakes*, streams and the like..."
2. Section 5 states that the association "may protect by suitable means life and property within its limits from loss or damage." As owner of property abutting the lake, the association enjoys littoral rights in the lake. That right is a real property interest, and thus falls within the purview of this power. Further, the association is here given the power to protect life, and preserving the quality of the lake water clearly (no pun intended) falls within that right.
3. Section 6 speaks to "health," and gives the association the right to "... (a) Examine, within said limits, into all nuisances and sources of filth injurious to public health." Subsection (b) goes on to grants the association the power to "cause to be removed all filth to be found within said limits, which in the judgment of said town health officer may endanger the health of said inhabitants

..." Admittedly, the language of (b) does not explicitly refer to "nuisances," as does subsection (a), but a fair reading of the section as a whole strongly supports the association's right, as a matter of public health, to deal with the water quality issue.

I hope the preceding analysis provides you with a better understanding of the charter and its application to the current water quality and lake treatment issues that the association is facing. Please do not hesitate to contact me with any questions or concerns.

Very truly yours,



Michael J. Caron

Enc. Map