

Communications

**From:** lyme1234@yahoo.com,  
**To:** bog@blackpointbeachclub.com,  
**Subject:** Re: BPBCA BOG Charter Revision Public Hearing Scheduled  
**Date:** Mon, Jul 26, 2021 1:25 pm

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Can I ask for any updates that have been made to date 7/26th? I understand public hearing to be held Aug. 2nd. Please forward any work completed/changed before then.

Thank you,  
Barbara Johnston  
35 Sea Crest Ave.

On Sunday, July 25, 2021, 08:35:03 PM EDT, BOG <bog@blackpointbeachclub.com> wrote:

The Black Point Beach Club BOG will hold a Public Hearing on Monday August 2nd, 2021 at 6:00 p.m., at the Black Point Beach Clubhouse, to consider the work completed by the Charter Revision Subcommittee.

<https://www.blackpointbeachclub.com/wp-content/uploads/2021/07/7-21FINAL-DRAFT-BPBC-Charter-Revisions.pdf>

**From:** cmaries70@yahoo.com,  
**To:** bog@blackpointbeachclub.com, cmaries70@yahoo.com,  
**Subject:** NO SUCH RULES OR REGULATIONS SHALL ABRIDGE OR LIMIT RIGHTS  
**Date:** Tue, Jul 27, 2021 7:41 am

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VOLUME 35  
1934

Page 304

September 1,

This Agreement made the 1<sup>st</sup> day of September, 1934, by and between the **Shore and Lake Corporation**, a Connecticut corporation having its principal office in the Town of Westbrook, County of Middlesex, in said State, party of the first part, and the **Black Point Beach Club Association**, a **CORPORATION DULY CHARTERED** by the General Assembly of the State of Connecticut, and located in the Town of East Lyme, in said State, party of the second part, hereinafter call the Association.

WITNESSETH: WHEREAS James Jay Smith, of said Westbrook, was formerly the owner of two tracts of land located at Black Point Beach Club, in the Town of East Lyme, said tracts being shown on maps filed in the Office of the Town Clerk of East Lyme on April 3, 1931 and on May 27, 1931, respectively; and

WHEREAS **said land was acquired by the party of the first part by deeds duly recorded** in the office of the Town Clerk of East Lyme, and a majority of said lots having been sold or contracted to be sold; and

WHEREAS **THE PURCHASERS OF SAID LOTS** ~~or~~ some of than organized the **ASSOCIATION AND OBTAINED A CHARTER** from the General Assembly in 1931 which was subsequently amended in 1933, **and are now maintaining the Association** for the **GENERAL PURPOSE** of **improving or controlling to some extent the conditions in the neighborhood of and in connection with said tracts of land**; and

WHEREAS the Association is desirous that the party of the first part should **grant to the Association PERPETUAL AND PERMANENT CONTROL AND MANAGEMENT** of **all the roads, streets, courts, trails, avenues, drives and lanes in and about two tracts of land, together with the tennis courts, club house, Woodland Park, and Playground and the land marked "Reserve Beach" on the east side of said maps, together with the jetties and piers extending into the water from said beaches and also the pier on the west side of the property extending westerly from the Black Point Road to Bridge Creek and having a width of sixty (60) feet,** all upon the terms and **CONDITIONS HEREINAFTER STATED**, and the party of the first is willing to do so upon said terms and conditions;

NOW, THEREFORE, in consideration of the premises and of one dollar by each party to the other in hand paid, and in consideration of the agreements hereinafter contained, the parties have agreed and do hereby agree as follows:

The party of the first part does hereby remise, release and forever **QUITCLAIM UNTO THE ASSOCIATION**, its successors and assigns, all the right, title and interest, claim and demand whatsoever, that the said party of the first part has or ought to have in or to lots No. 738,739, and 740, known as the "*Tennis Courts*", Lots No. 723 with the *Club house* thereon standing, a tract of land known as "*Woodland Park and Playground*", and land marked "*Reserve Beach*", as set forth and described upon a certain map entitled "**Black Point Beach Club, Property at Niantic**", Town of East

Lyme, Conn, owned by Jas. Jay Smith, Jas. Jay Smith, Co., Developers, 1328 Broadway, New York and Niantic, Conn.” and also known as “**Map of Plan 1**”-filed with Town Clerk of East Lyme May 27, 1931”, so long as said Tennis Courts, Club House Woodland Park and Playground are used for recreational purposes but not for commercial uses or purposes, and **all roads, streets, courts, trails, avenues, drives and lanes as described and set forth upon said map and upon map entitled “Plan No. 2, Black Point Beach Club, Property at Niantic, Town of East Lyme, Conn, owned by Jas. Jay Smith, Jas. Jay Smith, Jas. Jay Smith, Co., Developers, 1328 Broadway, New York and Niantic, Conn.” and also known as “Map of Plan 2**”-filed with Town Clerk of East Lyme April 3, 1931,”and also land described as “**Reserve Beach**” on said Plan No. 2.

Said land described as Woodland Park and Playground is subject to the right of Jas. Jay Smith, his heirs, assigns, and lessees, and also subject to the right of the party of the first part, its successors, assigns and lessees, to maintain and operate the well and water plant now in said park, and to drill further wells if necessary to increase the water supply, as well as to install and to operate properly additional pumps, motors, engines, and tanks, and to build suitable buildings over said **water plant**.

**Said roads and streets are subject to the right of the party of the first party of the first part and OTHERS TO MAINTAIN THEREIN PIPES AND OTHER APPARATUS FOR THE PURPOSE OF SELLING AND DISTRIBUTING WATER.**

And the party of the first part does also remise, release and **FOREVER QUITCLAIM UNTO SAID ASSOCIATION**, its successors and assigns, all jetties and piers extending into water from said Reserve Beach, and also the pier on the West side of the property extending westerly from the Black Point Road to Bridge Creek and having a width of sixty (60) feet.

Beginning on the west side of Black Point Road in a line parallel to and 8 feet southerly of the north line of lot 1020 as shown on Plan No. 1, said pier runs westerly to Bridge Creek, then northerly along Bridge Creek 60 feet and again easterly to Black Point Road on a line parallel to and 12 feet northerly of a continuation of the south line of lot 1022; thence southerly along Black Point Road 60 feet to the point of the beginning.

The party of the first part reserves to itself, its successors, **assigns**, and lessees, the right to use all the above-mentioned land **for all purposes as appurtenant to the land OF THE PARTY OF THE FIRST PART IN SAID TRACT, subject to any and all rights heretofore reserved to or granted by the party of the first part** or said James Jay Smith in and to said premises or and part thereof, **including the right to maintain pipes and other apparatus for the distribution of water through the roads and streets in said tracts.**

TO HAVE AND TO HOLD the premises hereinbefore specified with all the appurtenances **UNTO THE SAID ASSOCIATION**, its successors, assigns, forever so that neither said party of the first part nor its respective successors or assigns nor any other person under it shall hereafter have any claim, **right or title in or to the premises or to any part thereof, but** therefrom are by these presents **FOREVER BARRED AND SECLUDED** except as aforesaid and hereinafter mentioned.

The **ASSOCIATION COVENANTS** and agrees for itself, its successors and assigns, that it will at its and their own expense and without cost to the party of the first part, **its successors and assigns, use, keep, and maintain said lots** No. 738, 739, and 740, known as the Tennis Courts, said tract of land known as Woodland Park and Playground, and land marked Reserve Beach, **and said roads, streets, courts, trails, avenues, drives, and lanes, jetties and piers and other property in good and passable conditions and repair** and will relieve the party of the first part, its successors and assigns, of any all costs and expense with reference thereto or liability on account thereof.

It is mutually agreed that **the Association** may adopt and enforce such reasonable and proper **RULES AND REGULATIONS OF GENERAL APPLICATION**, to all lots upon said tract with reference to the control and management of said roads, streets, courts, trails, avenues, lanes, drives, tennis courts, Woodland Park and Playground, Reserved Beaches, jetties, piers, as it may deem advisable, provided however, **that no such rule or regulations shall abridge or limit, or attempt to abridge or limit any right or rights WHICH ANY PURCHASER OF ANY LOT FROM THE PARTY OF THE FIRST PART OR ANY OTHER PERSON shall acquirer with respect to said roads, streets, court, trails, avenues, lanes, drives, tennis court, Woodland Park and Playground, Reserve Beach, piers and jetties, or shall violate or impair, which is reserved to or owned by James Jay Smith, his heirs, the party of the first part, its successors and assigns, TO ANY PURCHASER, OR ANY OTHER PERSON WITH REFERENCE THERETO.**

It is further mutually understood and agreed that James Jay Smith, his heirs, assigns and lessees, and the Shore and Lake Corporation, **its successors or assigns,** shall have full permanent and exclusive right and authority to lay, maintain, repair and renew pipes and mains, in and under any of such roads, streets, courts, trails, lanes, avenues, drives and Woodland Park and Playground, in connection with the supply of water to said property *so long as James Jay Smith, his heirs, executors, assigns, lessees, or the Shore and Lake Corporation, its successors or assigns, shall OPERATE AND MAINTAIN said water works.*

IN WITNESS, WHEREOF the parties hereto have caused theses premises to be executed and their respective corporate seals to be hereunto affixed by their officers here-unto duly authorized the day and year above written.

Signed, seal and delivered

In the presence of:

The Shore and Lake Corporation

By

James Jay Smith

Its

President (Corporate Seal)

Henry Cave

Mabel G. Hasting

**From:** deballen363@yahoo.com,

**To:** bog@blackpointbeachclub.com, bpbcmanger@gmail.com,

**Cc:** jim0752@comcast.net, deballen363@yahoo.com,

**Subject:** Fw: Kayak Racks

**Date:** Wed, Jul 28, 2021 12:48 pm

**Attachments:** IMG\_9294.jpg (107K), IMG\_9295.jpg (137K), IMG\_9297.jpg (164K), IMG\_9300.jpg (118K), IMG\_9306.jpg (158K), IMG\_9310.jpg (141K)

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Good Afternoon!

This is a follow-up to an email that I sent one month ago to Sharon Bruce. I was informed that this was also forwarded to the BOG. The purpose of this correspondence is to request that the BOG look into the current situation regarding a critical lack of storage space for kayaks and paddle boards, and the present placement of the storage racks at the association's beaches.

Presently, there are designated kayak storage areas at the following association "right of ways."

Bottom of Woodland St  
Bottom of Nehantic Rd (in water anchorage)  
Bottom of Sea View Ave - boat launch area  
Bottom of Sea Spray Ave  
Bottom of Osprey Rd - South Beach

I am requesting that the BOG provide at lease two more storage racks at the Sea View beach location. This could include an additional rack for paddle boards. Jim and I moved our kayaks from Sea Spray to Sea View because of the slippery and hazardous conditions there (see email below). In addition, there are so many kayaks and boards at Sea View that every time we take our kayak out we have to climb over other kayaks and boards as they are leaning and sometimes on top of others. Please note that since my previous email and pictures below, there are many more kayaks on the Sea View beach location.

We appreciate the time and effort that all of you put in to making this an enjoyable association and I appreciate you looking into this. Please confirm that you have received my correspondence and let me know if I can provide you with any additional information.

Deb Allen  
31 Sea Spray Ave  
860-729-5349

----- Forwarded Message -----

**From:** Deborah Allen <deballen363@yahoo.com>

**To:** "sharonbruce926@gmail.com" <sharonbruce926@gmail.com>

**Sent:** Sunday, June 27, 2021, 10:14:05 AM EDT

**Subject:** Kayak Racks

After speaking with you yesterday, Jim and I took a ride to take a look at the kayaks at the beach.

There are a lot of boats and kayaks at the boat launch (see pic). The one kayak rack is full and we counted 10 kayaks on the ground. There appears to be no room for any other boats or kayaks. If a second kayak rack is put there, holding 12 kayaks, it would provide extra space for boats and kayaks.

The 2 kayak racks at Sea Spray (next 3 pics) are full. We will be removing our two kayaks which will leave more room for someone else. It is rocky and slippery there.

There appears to be room for an additional rack at South beach (pics).

On a personal note, we plan to move our two kayaks from Sea Spray as it is too dangerous carry them to the launch (with the rocks) and slippery (full of seaweed). I already took a good fall there. Our hope is to find some room at the boat launch, even though it now appears to be full. We feel it makes sense to put the additional rack at the boat launch.

Thanks again for listening to me regarding this. Let me know if I can provide any additional information.

Thanks!

8/1/2021

Fw: Kayak Racks

Deb Allen

Sent from my iPhone

6 Attached Images



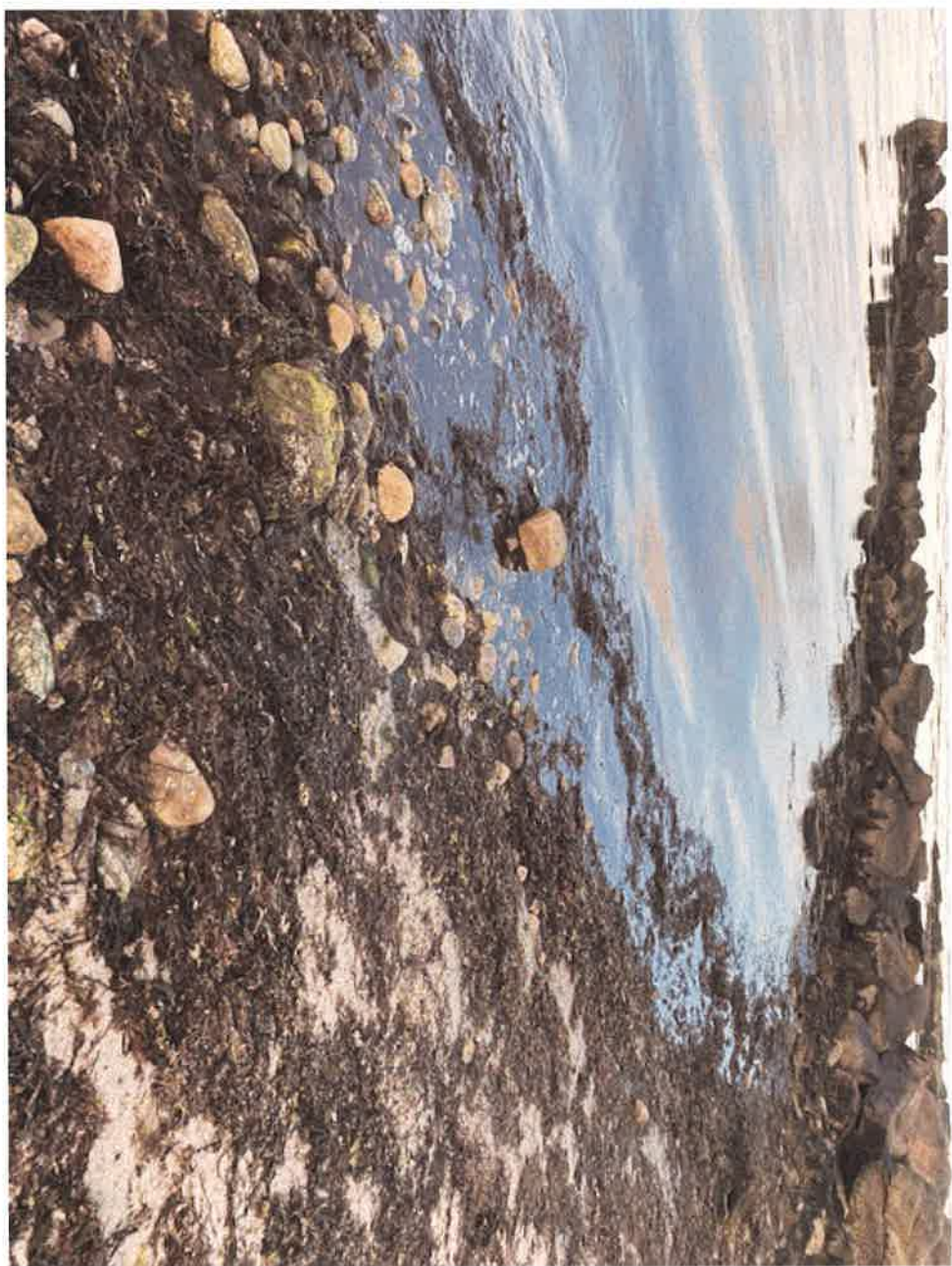




















**From:** oldcoachcrane@yahoo.com,  
**To:** bog@blackpointbeachclub.com,  
**Cc:** s\_chodorov@yahoo.com,  
**Subject:** Re: BPBCA BOG Charter Revision Public Hearing & BOG Special Meeting Update  
**Date:** Fri, Jul 30, 2021 10:18 pm

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I'd like to ask why the change from all residents to this new 'one vote per household' proposal. What problem are you solving? Why is it better?

Robert Crane  
61 Sea View

**"The only thing necessary for the triumph of evil is that good men do nothing."**

On Friday, July 30, 2021, 10:02:29 PM EDT, BOG <bog@blackpointbeachclub.com> wrote:

The Black Point Beach Club BOG will hold a Public Hearing on Monday August 2nd, 2021 at 6:00 p.m., to consider the work completed by the Charter Revision Subcommittee, which will be immediately followed by a BOG Special Meeting.

**\*\*Please Note, this is now a Zoom Meeting Due to Covid-19 Concerns\*\***

Meeting Link: <https://us02web.zoom.us/j/9460236028?pwd=MFduSCtuMDc4OXdlb1ZrZ1JOem5vQT09>

Or,

Join Zoom Meeting at [zoom.us](https://zoom.us) and use the following Meeting ID and Passcode:

**Meeting ID:** 946 023 6028

**Passcode:** 052633

Or dial up,

Join Zoom Meeting and Dial by your location:

- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

**From:** cmaries70@yahoo.com,

**To:** bog@blackpointbeachclub.com, aschepker@sbcglobal.net, lyme1234@yahoo.com,

**Subject:** MUNICIPAL CORPORATION

**Date:** Tue, Aug 3, 2021 8:10 am

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## What is QUASI CORPORATIONS?

Organizations resembling corporations; municipal societies or similar bodies which, though not true corporations in all respects, are yet recognized, by statutes or immemorial usage, as persons or aggregate corporations, with precise duties which may be enforced, and privileges which may be maintained, by suits at law. They may be considered quasi corporations, with limited powers, co-extensive with the duties imposed upon them by statute or usage, but restrained from a general use of the authority which belongs to those metaphysical persons by the common law. *Scates v. King*, 110 111. 456; *Adams v. Wise-asset Bank*, 1 Me. 361, 1 Am. Dec. 88; *Lawrence County v. Railroad Co.*, 81 Ky. 227; *Barnes v. District of Columbia*, 91 U. S. 552, 23 L. Ed. 440. This term is lacking in definiteness and precision. It appears to be applied indiscriminately (a) **to all kinds of municipal corporations**, the word "quasi" being introduced because it is said that these are not voluntary organizations like private corporations, but **created by the legislature for its own purposes and without reference to the wishes of the people of the territory affected** ; (b) to all municipal corporations except cities and incorporated towns, the latter being considered the **only true municipal corporations** **BECAUSE THEY EXIST AND ACT UNDER CHARTERS OR statutes of incorporation** while counties, school districts, and the like are merely created or set off under general laws; (c) to municipal corporations possessing only a low order of corporate existence or the most limited range of corporate powers, such as hundreds in England, and counties, villages, and school districts in America.



**From:** lyme1234@yahoo.com,  
**To:** aschepker@sbcglobal.net,  
**Cc:** bog@blackpointbeachclub.com,  
**Subject:** Fw: Attorney General Tong and 22 AGs Call on Congress to Urgently Pass Legislation to Safeguard Democracy  
**Date:** Thu, Aug 5, 2021 8:27 pm

Hi Anita - I'm not an attorney but a democracy is why I feel BPBCA through it's wording of the proposed charter change for voting is so important.

Your speaking that BPBCA is not a municipality but a Special Act it's saying @ the BPBCA that we are just a Special Act. I think that was misleading for people for losing their right to vote in BPBCA ! Can you please explain to me that why I understand it to be both ? Am I wrong ? In writing please.

Thanks & awaiting your answer before holding a BPBCA referendum, Aug. 28th 2021,

Barbara Johnston

35 Sea Crest Ave.

----- Forwarded Message -----

**From:** Office of the Attorney General <ag.no-reply@ct.gov>

**To:** Barbara Johnston <lyme1234@yahoo.com>

**Sent:** Tuesday, August 3, 2021, 12:12:04 PM EDT

**Subject:** Attorney General Tong and 22 AGs Call on Congress to Urgently Pass Legislation to Safeguard Democracy



Web Version



## OFFICE OF THE ATTORNEY GENERAL CONNECTICUT

### Attorney General Tong and 22 AGs Call on Congress to Urgently Pass Legislation to Safeguard Democracy

**Posted on August 3 , 2021**

(Hartford, CT) –Attorney General William Tong and a coalition of 22 attorneys general, today sent a letter to Congress urging immediate action to safeguard democracy.

In the letter, the attorneys general ask Congress to pass legislation protecting against both voter suppression and election subversion. The coalition – led by Wisconsin Attorney General Josh Kaul, Michigan Attorney General Dana Nessel, Nevada Attorney General Aaron Ford, and North Carolina Attorney General Josh Stein – share their concerns about what may come in future elections, if action is not taken urgently.

“We witnessed firsthand President Trump and his allies attempt to overturn the results of the 2020 election with repeated lies about the integrity of the democratic process and with violence and terror when traitors stormed the U.S. Capitol to interfere with the certification of election results on Jan. 6. In the wake of this attack on our democracy, we need Congress to pass legislation that ensures elections stay free and fair,” **Attorney General Tong said.** “Now, more than ever, it is crucial to have

protections that safeguard our beautiful democracy and preserve it for many years to come."

In the letter, the attorneys general describe how their offices worked to ensure that the 2020 general election was conducted freely, fairly, and with integrity. And several factors contributed to the failure of former President Trump and his allies to overturn a democratic outcome: "The legal arguments made by those seeking to overturn election results were generally so extraordinarily weak that they did not have even the veneer of legitimacy. Certain election officials—both Republican and Democratic—refused to buckle under pressure at critical points, placing election integrity and our democracy, ahead of partisanship. And the attack on the outcome of the 2020 presidential election, while dangerous, was inept."

Without new federal legislation strengthening protections for voting rights and preventing election subversion, attorneys general are concerned that the nation cannot confidently rely on the incompetence of subverters to protect the will of the voters in future elections.

Several states have passed laws that create new barriers to voting or make it easier to overturn election results.[1] In a statement issued on June 1 of this year, more than 100 democracy scholars explain, "[W]e have watched with deep concern as Republican-led state legislatures across the country have in recent months proposed or implemented what we consider radical changes to core electoral procedures in response to unproven and intentionally destructive allegations of a stolen election." [2] They observe that "[s]tatutory changes in large key electoral battleground states are dangerously politicizing the process of electoral administration" and "seeking to restrict access to the ballot." And they warn, "[T]hese laws politicizing the administration and certification of elections could enable some state legislators or partisan election officials to do what they failed to do in 2020: reverse the outcome of a free and fair election."

The attorneys general state, "The truths upon which this nation was founded are self-evident. They are not self-executing, however. The profound challenges confronting our democracy demand that Congress act to prevent voter suppression and election subversion. Irrespective of one's views on the value of the filibuster in general, it must not be allowed to stop Congress from addressing these issues so fundamental to our Constitution and democracy. "

In addition to Attorney General Tong, attorneys general from the following jurisdictions signed the letter: California, Colorado, District of Columbia, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and Wisconsin.

Read the letter [here](#).

Read on CT.gov

Office of the Attorney General  
165 Capitol Avenue  
Hartford, CT 06106  
(860) 406-5318

Facebook | Twitter



**From:** lyme1234@yahoo.com,  
**To:** bog@blackpointbeachclub.com,  
**Subject:** Re: BPBCA BOG Charter Revision Public Hearing & BOG Special Meeting Update  
**Date:** Fri, Aug 6, 2021 8:48 pm

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Hi - I think there may be a needed correction for the Aug. 9th meeting ? In all the times the agenda usually uses three numbers. There appears to be only two #'s given this time to dial. Is this a change from Zoom.USA ? Maybe a different provider ?  
Barbara Johnston  
35 Sea Crest Ave.

On Friday, August 6, 2021, 07:09:06 PM EDT, Black Point Beach Charter Revision Committee <bog@blackpointbeachclub.com> wrote:

**Charter Revision Commission August 9th, 2021, Meeting Agenda via Teleconference at 6:00 p.m.**

**\*This is a Charter Revision Business Meeting Open to the Public. \***

**To Participate please call-**

**877-411-9748, Password: 8171494#.**

**Agenda**

**I. Minutes of the July 17th Meeting**

**II. Public Comment**

**III. Charter Revision Commission consideration and deliberation of BOG recommended changes to the draft Commission report (attached is the final draft with BOG changes)**

**IV. Vote by Charter Revision Commission on FINAL Report**

**V. Adjourn**

**A copy of the current Black Point Beach Club Association Charter can be found on the Black Point Beach Club Association website under the heading of "Official Business."**

<https://www.blackpointbeachclub.com/wp-content/uploads/2021/07/7-21FINAL-DRAFT-BPBC-Charter-Revisions.pdf>

**From:** lyme1234@yahoo.com,  
**To:** brookers2@aol.com,  
**Subject:** Re: Failure Notice - BPBCA of wording & legal ad notice May 23, 2009  
**Date:** Mon, Aug 23, 2021 10:53 pm

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BPBCA & BOG -Thanks Brooke for the follow through of my request on 8/23/2021.

I know this commission will just try to pass the Charter Revision LEGAL AD as presented. I guess they don't just understand their serious mistake. I believe the legal ad as noticed is not legal for such a Charter change as it's to be presented on 8/28/2021 per my requested email from the BPBCA secretary.

Everything 'normal in river city' is how it works in the by BPBCA via The Charter Revision Commission & The Board (BOG) as they recommended ! I believe it should read - Black Point Beach Club Association ! Where is the word CLUB ? Informational meeting 8/28/2021.

Referendum for charter change as planned should be voided after informational meeting 9:AM of 8/28,2021.

If you read below the original Charter name. New one to read 'Charter of The Black Point Beach Association' ? Please check below the wording, I believe, this present legal notice is in error too.

Okay, so present it to the CT legislature but your legal ad notice maybe a different Corp ? Which Legal Ad wording is correct ? Two different Corp's name ? Change ?

Please correct wording before Referendum vote is taken for non proper notice & of eligible voting members notified.  
Thanks you.  
Barbara Johnston  
35 Sea Crest Ave.  
Niantic, CT

On Monday, August 23, 2021, 09:03:54 PM EDT, Brooke Stevens <brookers2@aol.com> wrote:

Hi Barbara, Below is the Charter followed by the legal ad.

Thanks, Brooke

## Charter

### Restated Charter of The Black Point Beach Club Association

Conn. Special Act No. 462, 1931 Session of the General Assembly, as amended through May 23, 2009.

#### Section 1.

The owners of a freehold interest in any land within the limits specified in section two of this act, in the locality known as Black Point in the town of East Lyme, shall be, while they continue to be owners of such land, a body politic and corporate by the name of The Black Point Beach Club Association, 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 possess the powers hereinafter specified. All persons who are over eighteen years of age who own or who may own any land within said limits shall, while they continue to be owners of such land, be members of The Black Point Beach Club Association and entitled to vote at any meeting of said association and shall be eligible to any office in said association. Electors of the Town of East Lyme residing within the boundaries of the association shall also be entitled to vote at any meeting of said association, and shall also be eligible to hold office in said association. The section shall become operative on its approval by a majority vote of the qualified members of the

association present at a meeting thereof for and held for that purpose. (Amended, Special Act 499, 1933 Session of General Assembly; amended, Annual Meeting, May 23, 2009))

## **Section 2.**

The limits and territory of said The Black Point Beach Club Association are defined and established as follows: All that territory in the town of East Lyme bounded easterly by the mean high water mark of Niantic bay, which is part of Long Island Sound; southerly in part by land formerly known as the land of the estate of Norman J. Bond, in part by land of the Payne heirs, in part by land of Gamble Rogers, in part by land of John Manwaring and in part by land of Thomas Watrous; westerly in part by land of the Payne heirs, in part by land of John Manwaring, in part by land of Thomas Watrous and in part by the highway known as Black Point road and northerly in part by land of Mrs. Calvin S. Davis, in part by land of F.R. Dart and in part by land of George Geeri being all the land plotted as shown on a map entitled "Black Point Beach Club Property at Niantic, Town of East Lyme, Conn., Owned by Jas. Jay smith", and all the land plotted as shown on a map entitled "Plan No.2, Black Point Beach Club Property at Niantic, Town of East Lyme, Conn., Owned by Jas. Jay smith", to be filed in the town clerk's office in East Lyme, and all the land on the east side of East Shore drive north of the north line of the estate formerly of Norman J. Bond.

## **Section 3.**

The objects of said association shall be to provide for the improvement of the lands in said territory and for the health, comfort and protection and convenience of the inhabitants thereof.

## **Section 4.**

The First meeting of the members of said corporation shall be held not later than September 9, 1933, at such time and place within the limits of said The Black Point Beach Club Association as the committee hereinafter named shall appoint in a notice warning such meeting, for the purpose of electing a governing board to consist of seven members of the Black Point Beach Club Association, who shall hold office until the first day October, 1934, and until others shall be chosen in their places, unless they or any of them shall sooner cease to be property owners within the limits of said association. Annual meetings shall thereafter be held not later than the eighth day of September, at such time and place as the governing board shall direct and warn, and shall elect a governing board to consist of seven members, who shall take office immediately following the close of the annual meeting. At the annual meeting of the association to be held in September, 1935, two members of the governing board shall be elected for a term of one year, three members for a term of two years and two members for a term of three years, and, at every annual meeting thereafter, the successors to the members whose terms expire shall be elected for terms of three years each and until the election and qualification of their successors. Said governing board shall have the care, custody, management, control and direction of all funds and property of the association, including power to contract for and obligate the association for its corporate purposes and the power to transfer unexpended balances from one appropriation to another and the power to use unexpended balances for any corporate purposes; adjust and settle all claims against it, authorize, execute and make payments for all contracts, supplies and obligations of the association and employ and direct all individuals, partnerships and corporations whose services shall be engaged by the association. said governing board shall, in accordance with the requirements of the general statutes, adopt by-laws and ordinances which it shall determine necessary or desirable to effect the purposes and powers of the association. (Amended, Special Act 499, 1933 Session of General Assembly; Special Act 299, 1935 Session of General Assembly; and Special Act 191, 1961 Session of General Assembly; amended, Annual Meeting, May 27, 2006)

**Section 5.**

Henry Cave of Hartford, William-J. Wilson of Suffield, J.S. Wagner of Hartford, Francis S. Murphy of West Hartford, T. Eben Reeks of New Britain and John H. Hunt of Niantic, or a majority of them, shall have full power to warn the first meeting of the members of said association for the purpose of electing seven members to form a governing board, which warning shall be written or printed, signed by a majority of said board, and three copies at least posted in public places within the limits of said association, at least three days before such meetings; and either one of said committee may call such meeting to order and may lead the same to the choice of a moderator and clerk and to the election of a governing board. All subsequent meeting, annual or special, shall be warned by said governing board in the manner prescribed by it in rules or by-laws made by said board.

**Section 6.**

Any vacancy in said board, occurring during the year, may be filled by a majority of the remaining members, and such member so appointed shall hold office for the unexpired portion of the term.

**Section 7.**

Said association may purchase, acquire, own or sell real estate and the governing board may provide through by-laws, ordinances or otherwise for the following: 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 protect by suitable means property within its limits from theft or injury; to appoint at its expense one or more special policemen or watchmen, who shall have the powers and duties within its limits, in relation to criminals and criminal offenses, that constables have in towns, including the power to arrest for violation of any regulation or by-law of said association or any law, and the judiciary shall punish for resistance to or obstruction of such special policemen or watchmen while in the proper performance of their official duties in the same manner as though they were duly constituted police officers of the town of East Lyme; to clean and improve any and all ditches and drains and to open the ground of streets, highways, thoroughfares and public grounds for installing drain pipes and catch basins; to construct, maintain and repair drainpipes, ditches, sewage and waste pipes, wherever located within the territorial limits of said association; to care for beaches and waterfronts; to keep the streets and all public places within the limits of said association quiet and free from noise; to regulate the parking of motor vehicles; to build, repair and improve highways, roads and sidewalks within the limits of said association, and to charge fifty percent of the cost of construction and repair of sidewalks to the adjoining property, which charge shall be a lien on the adjoining property; to construct, erect and maintain docks, Jetties, breakwaters, diving rafts or floats, retaining walls and ramps; 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 highway adjacent to or in front of the property owned, leased or occupied by them; to prevent the deposit upon the property within the limits of said association of any refuse, garbage or waste material of any kind which, in the opinion of said board, may endanger the public health or safety or which may become a nuisance; to remove garbage, filth, nightsoil, ashes and other refuse matter within said limits and to authorize such person as the board may designate to make entry on any private property within said limits for the purpose of taking and removing all fifth, garbage, ashes, nightsoil or any other offensive matters; to establish building lines; to protect any property from danger by fire including the regulation of the number of cottages and structures that may be erected or placed oh a single building lot within said limits; to regulate the carrying on within the limits of said association of any business that will, in the opinion of said board, be prejudicial to public health or dangerous to or constitute an unreasonable annoyance to those living or owning property in the vicinity thereof, which regulations shall be uniform for each class or kind of buildings or structures or class of business; to

regulate peddling as provided for in towns under the general statutes; to restrict the right of entry upon the property of said association except upon the highways and to promote the planting of trees and shrubbery and other work leading to the improvement of the general appearance of the community. The governing board shall have the right to borrow not more than One Million, Five Hundred Thousand Dollars, in anticipation of taxes and for public improvements, when authorized by a majority vote of the members present at any regular or special meeting duly warned. Said association shall have exclusive charge and control of all roads within the limits and shown on the maps referred to in section two of number 462 of the special acts of 1931, which are not under town or state control. Said governing board may fix a penalty for each violation of any such by-laws, ordinances or regulations in the manner set forth in the Connecticut General Statutes, and the penalties may be recovered in any action brought for the purpose in the name of The Black Point Beach Club Association before any court having jurisdiction for the use and benefit of said association. No by-laws or ordinances shall take effect until ten days after its passage, nor until it shall have been posted on a signpost within the limits of the association, to be designated by the governing board for at least seven days. A certificate of the secretary of said association of the posting of any by-law or ordinance, as provided herein, shall be prima facie evidence of such posting. Nothing herein shall be construed as authorizing the board or the association to change by regulation restrictions in deeds and nothing herein shall impair the sole exclusive right of the Shore and Lake Corporation, its successors and assigns, to install and maintain water pipes in the streets shown on said maps. (Amended, Special Act 93, 1941 Session, General Assembly; Special Act 20, 1947 Session, General Assembly; Special Act 175, 1957 Session, General Assembly; Special Act 191, 1961 Session, General Assembly; amended, Annual Meeting, May 27, 2006)

#### **Section 8.**

At any annual meeting or adjourned annual meeting of said association upon notice to all members of said association by posting a notice signed by the chairman or by any four members of the governing board, at least ten days before the date of such meeting, designating the time and place thereof, the association may by a majority vote of the members present at such meeting, adopt the basis of its assessment on all real property within the limits of said association to correspond to the assessment values of the property as shown on the tax list of the town wherein such property is located and may adopt such method as the basis of assessment and thereupon may establish such rate of taxation for the ensuing year as such meeting may determine. When real estate so entered in the town list shall be located partly within and partly without the limits of said association, and there shall be no distinct and separate value put by the assessors of the town upon the part lying within said association the secretary of said association shall assess the part within said association in the proportion which the part within the association shall bear to the whole tract or property so assessed, using his best judgment as to such value. When the title to any property shall have changed before the time of laying any tax, such property shall be listed by the secretary in the name of the person owning it at the time of the laying of such tax. Said secretary shall within such time as may be limited by the governing board, return such list duly signed and sworn to by him, to the governing board of said association which shall revise such list, and, if such board shall find that the same fails to correspond with the assessment list of the town of East Lyme, or if said board shall find that there are any errors in the proportional valuation of such parts of any piece of property partly within and partly without the association, said board shall correct the same and such list when so revised shall be adopted by said board and shall then be and constitute the assessment list for the association. Any person claiming to be aggrieved by the doings of the secretary of said board or said board in preparing such list, shall have the right of appeal to the superior court as is provided by the general statutes for appeals from boards of relief to the superior court. Said 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 on such budget upon the assessment list of the association then last completed or next thereafter to be completed, which budget and tax rate shall be posted on the sign post of said association not less than five days before such annual

meeting. The tax rate of said association shall not exceed eight mills. Said association at any annual meeting shall have the power to increase or decrease such budget and rate of taxation recommended by said board of governors. The rate of taxation so recommended by said board of governors shall be final unless increased or decreased by the association at such annual meeting. The tax so laid shall be collected by the treasurer or by any collector specially appointed by the governing board for the purpose, and a rate book shall be prepared and signed by the secretary of said board within such time and in such manner as may be directed by said board, and warrants shall be used for the collection of money due on such rate bill pursuant to the provisions of section 1208 of the general statutes. Said association shall have the power to determine all other matters pertaining to the levy or collection of such tax. written notice of the rate of such tax and the amount thereof, or of the assessment apportioned to each member of the association, shall be sent by treasurer or collector to each member of the association before July 1 in each year, on which date such tax shall be due and payable and in the manner stated therein, and if such tax shall not be paid when due, it shall bear interest at the rate provided for in the Connecticut General Statutes. The treasurer or other collector shall have all the powers of collectors of town taxes and shall be accountable to the governing board in the same manner as town collectors are accountable to selectmen. Such tax or assessment shall be a lien upon the property upon which it shall be laid and may be collected by suit in the name of the association by foreclosure of such lien or in such manner as town taxes may be collected. Such lien may be continued by certificates which shall be recorded in the land records of the town or towns in which it is located, pursuant to the provisions of the general statutes relating to the continuance of tax lien. (Amended, special Act 93, 1941 Session, General Assembly; Special Act 229, 1935 Session General Assembly; special Act 191, 1961 Session, General Assembly; amended, Annual Meeting, May 27, 2006)

## Section 9.

The governing board of The Black Point Beach Club Association may appoint a zoning commission which shall have, within the territorial limits of said association, the powers and duties conferred and imposed on zoning authorities by chapter 124 of the general statutes. Said governing board may make by-laws to regulate the conduct of such zoning commission, and establish rules and regulations relating to the construction of buildings including the adoption of a building code and the appointment of a building inspector. Said governing board shall have the power to adopt the state Building Code under the provisions of chapter 354 of the general statutes and to amend the same from time to time. (Amended, Special Act 20, 1947 Session; General Assembly; Special Act 191, 1961 Session, General Assembly).

## Legal Ad:

Notice is hereby provided to the Black Point Beach Association members and electors that, on August 28, 2021, a vote of the Black Point Beach Association eligible voting members shall occur in order to approve or reject proposed amendments to the Black Point Beach Association Charter. The vote will take place at 9:00 a.m. at the Black Point Clubhouse located at 6 Sunset Avenue, Niantic, CT.

The proposed amendments to the Charter are as follows:

1. A clarification as to whom can be a member and therefore eligible to hold office in the Association. Currently, only homes owned by an individual or a group of individuals can be members and be eligible to hold office at Black Point. **Our recommendation allows for residential properties that are held by individuals, trusts, corporations, partnerships and life use arrangements ALL be**



**considered members and therefore are eligible to hold office and to participate in Association Boards and Committees. Specifically:**

- When the ownership of any property in the Association is in the name of one or more individuals, each co-owner is considered to be a member of the Association. **This is the same as the current Charter.**
- When the ownership of any property is in the name of a corporation, trust, partnership, or limited liability company, that entity will designate a "member representative" for that property. That member representative is considered the member for that entity and is able to hold office in the Association.
- Each member or member representative and his or her legal spouse shall be eligible for any office in said Association ; and
- Holders of a life use of any property are considered to be Members and able to hold office in the Association.

2. A recommendation that each property is entitled to **one** vote, regardless of a property's form of ownership. This is consistent with other local Beach Associations and has been approved by the Connecticut General Assembly. This will ensure fairness in voting. Currently, a property that is held in multiple names can cast as many votes as there are names on the deed. This can create an unintended unfair advantage for properties that have multiple owners. Recently, a nearby beach association held a vote on a capital improvement project and properties that had multiple owners (in some cases six or seven owners) each cast a vote for that property, dramatically skewing the results. That Association now has changed its Charter to the one property, one vote rule.

The revisions that we are recommending have been approved by the Connecticut General Assembly for other beach associations.

A complete copy of the Black Point Charter and the proposed amendments are available on the Black Point Beach Club website as well as in the Town Clerk's office for the Town of East Lyme. Anybody wishing to have a copy of the same mailed to them, please contact Brooke Stevens via email at [secretary@blackpointbeachclub.com](mailto:secretary@blackpointbeachclub.com) and a copy shall be provided.

-----Original Message-----

From: babara johnston <lyme1234@yahoo.com>  
 To: Brooke Stevens <brookers2@aol.com>  
 Sent: Mon, Aug 23, 2021 4:58 pm  
 Subject: Fw: Failure Notice

Trying again. I left out a letter.  
 Barbara

----- Forwarded Message -----

From: "mailer-daemon@yahoo.com" <mailer-daemon@yahoo.com>  
 To: "lyme1234@yahoo.com" <lyme1234@yahoo.com>  
 Sent: Monday, August 23, 2021, 02:32:07 PM EDT  
 Subject: Failure Notice

Sorry, we were unable to deliver your message to the following address.

<[secretary@blackpointbeachclub.com](mailto:secretary@blackpointbeachclub.com)>:

No mx record found for domain=blackointbeachclub.com

----- Forwarded message -----

Brooke - I sent the other e-mail to a different email address. I question the name provided in this recent legal ad. The ad is not in the correct name as it has always appeared ? If this is a 'legal ad' than I believe it should have it's correct name appearing ? Please provide a fine notice copy (via e-mail) please as offered.

Thanks,  
Barbara Johnston  
35 Sea Crest Ave.

PS I hope this new wording change as it now appears 8/19/2021 has been submitted to the BPBCA atty ? Did he have any comment ?

**From:** lyme1234@yahoo.com,  
**To:** brookers2@aol.com,  
**Subject:** Re: Asking if you were able to forward my email ?  
**Date:** Tue, Aug 24, 2021 9:48 pm

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Thanks very much. I appreciate it. Answer will be interesting. Read my blog in The Day Wed. referring to an article about voting.  
Barbara

On Tuesday, August 24, 2021, 07:03:12 PM EDT, Brooke Stevens <brookers2@aol.com> wrote:

Hi Barbara,  
I have forwarded your email and am waiting for a response. I will let you know when I get one.  
Thanks, Brooke

-----Original Message-----

**From:** babara johnston <lyme1234@yahoo.com>  
**To:** brookers2@aol.com  
**Sent:** Tue, Aug 24, 2021 6:25 pm  
**Subject:** Asking if you were able to forward my email ?

Hi Brooke - I'm asking if you have forwarded yesterday's email to the BPBCA powers that be ? I've blogged an article in The Day tonight so I'm double checking.  
Can you please just send me a yes or no to be sure they've received it. Thanks,  
Barbara

8/27/2021

Re: John Lewis Voting Rights Advancement Act passed via H.R. 4 in Washington, DC

From: lyme1234@yahoo.com,  
To: brookers2@aol.com,  
Subject: Re: John Lewis Voting Rights Advancement Act passed via H.R. 4 In Washington, DC  
Date: Wed, Aug 25, 2021 8:15 pm

Brooke - Sorry for the answer. I'd like to ask him/her of Waller, Smith & Palmer - attys @ law, to please whomever it is, to put it in writing or email before Saturday referendum. No voting rights here in BPBCA. No published legal notice in The Day either ?  
It's just a very sorry way for land owners in BPBCA's existing Charter & as part of the 'shall be a corporation in law' ! Where's the legal law's of BPBCA in Connecticut ?  
I don't believe absence of a correct legal name for a voting referendum qualifies as a 'minor technicality' in a voting issue.  
Thanks,  
Barbara

On Wednesday, August 25, 2021, 06:35:06 PM EDT, Brooke Stevens <brookers2@aol.com> wrote:

Hi Barbara,  
I've been advised by an attorney that the whole idea of the ad is to provide notice to the world that this amendment is being considered, the legal ad accomplished this goal, and the absence of "club" is a minor technicality and no further concern as it does not hinder the notification of the vote.  
Thanks, Brooke

—Original Message—

From: babara johnston <lyme1234@yahoo.com>  
To: secretary@blackpointbeachclub.com  
Cc: Blackpointbeachclub.com <bog@blackpointbeachclub.com>  
Sent: Wed, Aug 25, 2021 1:25 pm  
Subject: John Lewis Voting Rights Advancement Act passed via H.R. 4 In Washington, DC

To All- Please understand that all my life I'm favor the right of legal voting for all especially property owners.

The recent BPBCA & it's commission (sub-committee) recent proposal for a charter change is trying to make it's municipality BPBCA voting much more difficult for it's property owners. I'm calling their changes as voter suppressk

A Referendum is to be held Saturday April 28, 2021 @ the BPBCA club house @ 9 AM. Errors exist in their mailed notice & as charter changes wording too. Needing correction is the na

I've emailed the BPBCA secretary as directed & awaiting an answer to cancel this Referendum until corrections are made. Nothing to date 8/25/2021.

Sincerely,  
Barbara Johnston  
35 Sea Crest Ave.  
Niantic, CT 06357