

LAKE ONEIDA BEACH PROPERTY OWNERS ASSOCIATION, INC.

BY-LAWS

ARTICLE I – NAME AND OBJECT OF INCORPORATION

Section 1. This corporation shall be known as the Lake Oneida Beach Property Owners Association, Inc. (LOBPOA).

- A) The corporation has not been formed for pecuniary profit or financial gain, and no part of the assets, income or profit of the corporation is distributable to or ensures to the benefit of its members, directors or officers except to the extent permitted under the Not-for-Profit corporation law.
- B) The purpose shall be to promote cooperation and friendship of its members and instill in them a high sense of loyalty to each other and the Association.
- C) To solicit, collect, and otherwise raise money and funds for the purpose of:
 - 1. Maintaining the lake front park area in a neat and clean condition.
 - 2. Making appropriate improvements and to purchase and acquire necessary materials to accomplish these goals.

Section 2. The object of the Association shall be:

- A) To furnish for its members facilities for fishing, hunting and boating at Oneida Lake, Madison County, New York.
- B) To provide for the mutual assistance, enjoyment, entertainment, and improvement for all such persons.

ARTICLE II – MEMBERSHIP

Section 1. The membership of the association shall consist of those persons who have signed the Certificate of Incorporation as Incorporates, together with all property owners who are received as members as hereinafter provided.

Section 2. The boundary limit for members shall encompass the Lake Oneida Beach area. This includes all parcels of land bounded on the North by the South Shore of Oneida Lake, on the South by Route 31, on the West by approximately ten (10) feet on the West side of Jefferson Avenue, and on the East by approximately one hundred feet on the East side of Syracuse Herald Avenue. This encompasses parcels 1023.5 through 1481 inclusive.

Section 3. All persons who own property within the boundaries of Lake Oneida Beach according to the Town of Sullivan tax records prior to August 31, 1978 shall be eligible for charter membership in the Association. Upon payment of the first year's dues and upon receiving a membership card, they shall be known as charter members. Revised 5-8-06.

Section 4. All eligible future members whose names appear on the property deed, which exists within the boundaries described in Section 2, shall present an application accompanied by the currently approved fee together with the dues for the current year, and shall be known as voting members. Any person(s) residing within the household of a voting member shall be included as a member of the Association but will not have voting power.

Section 5. Any tenant or renter of a property or apartment within the boundaries described in Section 2 may present an application accompanied by the currently approved fee together with the dues for the current year. Said resident shall not have voting power, but shall have all other rights and privileges of the Association.

Section 6. Upon death of any member who leaves survivors, the Certificate of membership shall automatically transfer to such survivors. Upon death of a member who leaves no survivors, the membership shall cease.

ARTICLE III – GOVERNMENT

Section 1. The general management of the affairs of the Association shall be vested in the Board of Directors and Officers, who shall be elected as provided in these by-laws.

Section 2. The Officers of the Association shall consist of the President, Vice President, Secretary, Treasurer and a board of seven (7) Directors. The board shall elect a chairman from among the seven (7) elected members. The elected chairman shall officiate at all meetings as here in after provided but shall vote on motions only in the event of a tie. However he has the right to state his position on a matter.

Section 3. The President shall be a member, ex-officio, at all committees. He will also sit on the Board of Directors and fill in with the right to vote in the absence of any board member and may chair the meeting in the absence of the chairman. Exception: The President shall not participate in any vote of legal form.

ARTICLE IV – MEETINGS

Section 1. The annual meeting of the Association shall be held in the month of July of each year. Notice of the time and place of the annual meeting shall be announced, in writing, to each member at least 7 days prior to the meeting.

Section 2. Each member shall have only one vote at a meeting of the members. A voter constitutes any individual whose name appears on the Madison County tax rolls or on the deed. If there is any change or addition to ownership of property, a copy of the recorded deed or a copy of inheritance papers must be submitted at a general meeting to show voting rights.

Section 3. Special meetings of members may be called by the President at any time on his own initiative, and must be called within 10 days by the President or Secretary upon the request of five (5) members to such officer made in writing. Notice of the meeting shall be mailed to each member at least seven (7) days prior to the meeting. At any special meeting only such business as is specified in the notice of the meeting may be considered.

Section 4. At all meetings of the Association, either regular or special, twenty five (25) voting members in good standing shall constitute a quorum.

Section 5. If a quorum is not present, the presiding officer may adjourn the meeting to a day and hour fixed by him, pursuant to the written notice as required in Section two (2).

Section 6. At all meetings of the Association, "Robert's Rules of Order" shall govern the order of any business.

1. Reading of minutes of immediately prior meeting for information, correction if any and approval.
2. Treasurer's report
3. Reports of the officers
4. Reports of the committees
5. Unfinished business
6. New business

Section 7. Meetings of the Board of Directors and Officers shall be called by the chairman of the Board on his own initiative whenever, in his judgment, it may be deemed necessary, or by the Secretary upon the request of any three (3) members of the Board of Directors in writing. This must be called within 10 days of the written request. Two (2) days notice of the meeting shall be deemed sufficient notice except in the event of an emergency meeting, when no time limit would be required.

- A) At least four (4) regular directors and the chairman must be present. (In the absence of the chairman, the President may chair the meeting)
- B) Five (5) board members will constitute a quorum.

ARTICLE V – ELECTION OF OFFICERS

Section 1. A voting member must have been in good standing for one (1) year in order to be eligible for election. The officers and directors of the Association shall be elected at the annual meeting. Each voting member present shall be entitled to one (1) vote for each officer or director to be elected. With a quorum present, candidates shall be duly elected by plurality vote.

Section 2. The officers and directors of the Association shall be elected as follows:

- A) All officers and four (4) members of the Board of Directors shall be elected for a term of two (2) years. (Years ending with an odd number)
- B) Three (3) members of the Board of Directors shall be elected for a term of two (2) years. (Years ending with an even number)
- C) The members of the board shall choose the chairman of the board.

Section 3. Terms of office.

- A) No member shall hold the same office for more than two (2) consecutive full terms. After serving two (2) consecutive full terms, a member must vacate the office for a minimum of one (1) full year.
- B) A former member will not be eligible for appointment or election to the same office for one (1) full year, but may be immediately eligible for any other office.
- C) Exception: The offices of Secretary and Treasurer may succeed themselves until resigning or replaced at a regular election. They may also be chosen from the non-voting membership.

Section 4. Nominating committee.

- A) The members shall select a three (3) member nominating committee at a general meeting of the membership.
- B) The members of the nominating committee shall choose the chairman of the nominating committee.

ARTICLE VI – VACANCIES IN OFFICE

Section 1. If a vacancy occurs among the Officers or on the Board of Directors, a member in good standing for the existing term shall fill the vacancy, chosen by the Officers and the Board of Directors. Exception: The Vice President shall fill the existing term of the President and a Vice President shall be chosen by the Officers and the Board.

ARTICLE VII – DUTIES OF THE OFFICERS

Section 1. The President shall preside at all meetings of the Association, as well as:

- A) Appoint such committees as he or the Association shall consider expedient or necessary, except for the nominating committee.
- B) Appoint a sergeant-at-arms id deemed necessary to maintain decorum at a meeting.
- C) Co-sign all Association checks, and in the absence of the Secretary, collect and distribute mail.

Section 2. In the absence of the President, the Vice President shall perform the duties of the President, and in the absence of both the President and the Vice President, the Treasurer shall preside and assume the duties of the President.

Section 3. The Secretary will keep the minutes of all meetings of the Association and of the Board of Directors and:

- A) Mail out (all) notices for meetings of the Association.
- B) Mail out all notices of the Board of Directors required by them.
- C) Have with him at all meetings a copy of the by-laws and be prepared to call attention any action under consideration that is not keeping in the same.

Section 4. The Treasurer will have charge of all receipts and monies of the Association, which shall be deposited by them in the name of the Association in the designated bank, and disburse funds as ordered. The Treasurer shall keep regular accounts of receipts and disbursement, submit a record when requested, and give an itemized statement at regular meetings of the Association. The Treasurer shall keep an accurate account of all dues from members and issue them receipts. The Treasurer and President shall sign checks and withdrawal slips on behalf of the Association upon any and all of its bank accounts. In the absence of either, the Secretary may sign. The Treasurer shall submit the books annually for audit by someone selected by the Officers and Board of Directors.

Section 5. The Secretary and Treasurer shall perform such other duties as may be required of them by the by-laws, or requested by the President or Board of Directors, provided that the request is in keeping with their office.

Section 6. The President, Secretary, and Treasurer shall, on being directed by the membership, sign all leases, contracts or other instruments in writing. All legal documents must first be approved by the membership.

ARTICLE VIII – DUTIES AND POWERS OF THE BOARD OF DIRECTORS

Section 1. The Board of Directors and Officers shall have general charge and management of the affairs, funds and property of the Association. They shall have full power, and it shall be their duty to carry out the purposes of the Association according to its by-laws. More specifically, to determine whether the conduct of any member is detrimental to the welfare of the Association, and to determine the penalty for such misconduct or any violation of the by-laws or rules with final action to be approved at a general meeting.

Section 2. The Board of Directors and Officers may make rules for the conduct of members during their use of the Association property and define and limit the privileges given to the members and their guests. All rules are to be presented for approval by the general membership at a general meeting, not inconsistent however, with anything herein set forth.

Section 3. The Board of Directors and Officers may allocate funds for any and all needs of the Association, within the limits of “two hundred and fifty dollars” (\$250.00). All other expenditures, except for LOBPOA taxes and insurance, must be brought before the membership for approval at a general meeting.

Section 4. The Board of Directors and Officers may appoint at their discretion such committees as they deem necessary for the betterment of the Association.

Section 5. The Board of Directors and Officers may at their discretion appoint a temporary alternate to fill the vacancy of a board member whom for health or personal reasons will be unable to attend two (2) or more consecutive meetings of the Board. The alternate must be selected from the eligible membership and will have full rights and privileges as any duly elected board member.

Section 6. The meetings of the Directors must be held in the Town of Sullivan, Madison County.

ARTICLE IX – MEMBERSHIP FEES

Section 1. The Association fiscal year is from July 1st – June 30th. Members’ annual dues must be paid on or before the July annual meeting to be eligible to vote. They may be paid to the Treasurer or any officer or board member who shall issue a dated receipt. A two-thirds majority at an annual meeting after proper notice as herein set forth must approve any changes to the dues and/or application fee.

Section 2. Any member whose dues are unpaid on July 31st of any year shall not be entitled to the use of any property or facilities, owned by or under lease or contract, by the Association. The members if his or her family and guests of all unpaid members shall also be barred from such privileges. When the dues of a member are brought up-to-date and the by-laws of the Association agreed to, the member’s privileges may be restored.

Section 3. Any member who fails to pay annual dues by July 31st shall be required to pay the currently approved application fee plus dues for the current year.

ARTICLE X – COMPENSATION OF DIRECTORS AND OFFICERS

Section 1. Neither the Officers, Directors nor members serving on committees shall receive any salary or compensation for services rendered to the Association, except for reimbursement of out-of-pocket expenses with original receipts incurred on behalf of the Association with prior approval of the Board of Directors.

ARTICLE XI – RULES AND REGULATIONS FOR MEMBERS AND GUESTS

Section 1. No persons except a member of the Association and the family or guest of such member shall use any properties or facilities owned, leased or contracted for by the Association for any purpose whatsoever. Guests must have dated written permission and with phone number from current member on their person if not accompanied by a member.

Section 2. As used in these by-laws, rules and regulations, the term “family” shall include only persons within the third degree of relationship to either the member or their spouse.

Section 3. Within the meaning of the forgoing, the term “guest” of a member shall include only persons actually visiting with the member, or occupying the property of a member without rental or consideration for no longer than two (2) consecutive weeks in any one (1) year. Guests who occupy the property of a member for longer than two (2) consecutive weeks in one (1) year must obtain a membership. The guest member shall have no voting power at meetings, but they shall have all other rights and privileges of the Association facilities and property.

Section 4. A person who pays for rent or board shall not be included in the term “guest”. A paying roomer or boarder, which term shall include any person occupying for a consideration a portion only of the property of the member, shall not use any properties or facilities of the Association unless they become a member.

Section 5. The entire LOBPOA area shall remain the right of way to Oneida Lake for all Association members. All access to Oneida Lake; including Jefferson, Cayuga and Madison Ave. proposed, boat launch areas shall remain clear at all times for the launching of members' boats.

Section 6. Any members on the LOBPOA properties who are who are disorderly and/or boisterous, after being duly notified of such improper conduct shall leave the area in an orderly fashion or be subject to arrest.

Section 7. Any member whose conduct while using the properties and facilities owned, leased or contracted by the Association shall, in the opinion of the Board of Directors, be considered detrimental to the welfare of the Association, may be expelled from the membership by a vote of two-thirds of the entire Board of Directors. This may only happen after due notice to such member, and giving them an opportunity to be heard. Any action shall be reported to the membership at the next regular general meeting for their approval.

Section 8. The Board of Directors may establish and enforce any and all additional rules and regulations deemed advisable and necessary. They become effective after approval by the membership.

Section 9. Each and every member of the Association, their family and guests and the subsequent owners or occupants of any property at any time owned by them and situated in the LOBPOA area shall be bound by and abide by these by-laws, rules, and regulations.

ARTICLE XII – NOTICES

Section 1. All notices to members shall be mailed to their addresses as given on the books of the Association and such mailings shall constitute presumptive evidence of service thereof.

Section 2. Notices of the annual meeting of the Association shall also be published in the legal newspaper for the Town of Sullivan one (1) week prior to the meetings.

ARTICLE XIII – AMENDMENTS

Section 1. These by-laws may be amended only by a two-thirds majority vote of the members present at a regular or special meeting of the Association, provided notice of the purport of the proposed Amendment has been stated in the call for the meeting.

ARTICLE XIV – COMMERCIAL USAGE

Section 1. No commercial use of the Association properties shall be permitted. This includes all property areas and right of ways owned by or under lease or contract by the LOBPOA.

REVISION

These by-laws as revised were voted on and approved at the annual meeting of the membership July 17, 2003 with revisions to the articles of membership approved May 8, 2006 and certain articles revised for clarification and approved June 21, 2010.

These by-laws as revised were voted on and approved with changes made to separate the annual dues from the application fee at the annual meeting of the membership July 29, 2013.