

**BY-LAWS
OF
BRIARCLIFF SWIMMING AND RECREATION CLUB, INC.**

ARTICLE I – NAME

The name of this organization shall be the Briarcliff Swimming and Recreation Club, Inc. and it shall be incorporated in the State of Connecticut as a non-profit organization.

ARTICLE II – PURPOSE

The purpose for which this club is formed is to promote the health and general welfare of its members and in pursuance thereof to own and operate a swimming pool and other recreational facilities, together with such incidental objects as are appropriate in the conduct of its activities, in the Town of Avon, County of Hartford and State of Connecticut for the exclusive use of its members.

ARTICLE III – GOVERNMENT

Section 1. The Club shall be managed by a Board of Directors, consisting of a President, Vice President(s), Secretary, Treasurer, Lifeguard Chairperson and Director.

Section 2. Elections for the Board of Directors will be held at the annual fall meeting. The Board of Directors shall be elected for a one year term beginning Jan. 1st.

Section 3. Any member of the Board of Directors who shall terminate his/her membership in the club shall thereupon cease to be a member of the Board of Directors. The President, or in his/her absence, the Vice President(s), shall appoint a substitute member to the board who will serve until an election is held at the next annual winter meeting.

Section 4. All members of the Board of Directors shall serve without compensation.

ARTICLE IV – BOARD OF DIRECTORS

Section 1. Consistent with these By-Laws, the Board of Directors shall:

- a. Transact all Club business and make and amend rules governing health and safety in the operation of the club facilities.
- b. Appoint and remove clerks, agents, servants and employees as it may deem necessary and fix their duties and compensation.
- c. Fix and impose penalties for violations of these By-Laws and rules of the Club. Penalties may consist of suspension in the use of the Club facilities or revocation of membership for severe violations.
- d. Constitute and appoint committees and define the duties of same.

- Section 2. The Board of Directors shall designate the bank or banks in which the funds of the Club shall be deposited and determine the manner in which the checks, drafts and other instruments for the paying of funds of the Club shall be executed. The Board shall require that the President or Vice President and Treasurer sign all such checks, drafts or other instruments for payment of money drawn in the name of the Club.
- Section 3. The Board of Directors shall cause the books of the Club to be audited at the end of the fiscal year (Jan 1 thru Dec 31st) by someone selected by the Board, who shall not be a member of the Board, and the reports of the Treasurer and auditor shall be presented to the membership. A preliminary report will be made at the annual fall meeting.
- Section 4. The Board of Directors shall meet during the month immediately following the winter meeting of the Club, and at other times and intervals as they shall deem necessary. Five (5) members of the Board shall constitute a quorum.
- Section 5. Nothing in these By-Laws shall be construed to permit the Board of Directors to borrow or pledge the credit of the Club without the specific approval of the membership at a duly held meeting.
- Section 6. Any member of the Board of Directors may be removed from office in accordance with the following procedure: Upon signed petition by ten members presented to the Board of Directors at a membership meeting, the President shall call for a vote regarding such removal. Thereupon the membership shall vote in accordance with normal voting procedure. If a member of the Board of Directors is removed from office in this manner, the general membership shall elect a replacement to fill his/her unexpired term.

ARTICLE V - OFFICERS

- Section 1 The President shall preside at the meeting of the Club and the Board of Directors. He/she shall be the executive officer of the Club. He/she shall appoint, subject to the approval and confirmation of the Board, all committees, designating the chairmen thereof. He/she shall be, ex-officio, a member of all committees.
- Section 2 The Vice President(s) shall oversee the operation and maintenance of the physical plant and property of the Club. He/she shall, in the absence or disability of the President, act in his/her stead.
- Section 3 The Secretary shall send out notices of meetings of the Club and Board of Directors and keep the minutes and the correspondence pertaining to his/her office.

Section 4 The Treasurer shall keep the accounts of the Club, collecting its revenues and paying its bills as approved by the Board of Directors. He/she shall deposit funds of the Club received by him/her, in the name of the Club, in such depository as may be named by the Board of Directors. Bills and statements for incurred charges will be rendered as required.

Lifeguard Chairperson shall oversee the hiring and management of the pool lifeguard. Pay rates for the lifeguard will be set by the Board of Directors at the winter meeting.

Section 6 Membership Chairperson is responsible for all activities, events and issues relevant to maintaining or increasing pool membership.

Section 7 Director is an advisor to the Board of Directors who shall provide guidance and assistance to the Board as is appropriate. The Director shall be appointed by the Board by a vote within 30 days after the winter meeting.

ARTICLE VI – MEMBERS

Section 1 Membership in this club shall be open to all domiciles residing within the properties as originally conveyed to Green Acres Inc. by Cherry Park Enterprises, Inc. as recorded in the Avon Town Records, Volume 37, Page 467, known as the Cherry Park Race Track, being more particularly bounded and described as follows:

Westerly by Lovely Street as the same appears on said map of plan, which street is a public highway in the said Town of Avon.

Easterly by Secret Lake, Roaring Brook and the easterly bank of Roaring Brook, in part of each;

As of December 19, 2003, this area is defined as Briarcliff Development and includes:

All domiciles with addresses on Craigmere Circle, Andrea Lane and Brentwood Drive.

Domiciles on Lovely Street with the house numbers of 92, 98 and 104

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Section 2 There shall be two classes of membership; Class A membership and Class B membership.

a. Class A members shall be made up of the owners of lots or homes in the

“Briarcliff Development”.

b. Class B shall be made up of all other members of the Corporation who own

lots or homes outside the “Briarcliff Development.”

c. Membership will become available to Class A two weeks earlier than Class B.

If pool membership reaches capacity after it is opened up to Class B, all prospective members will have to wait until the next season to re-apply for membership regardless of the class to which they belong.

d All members shall be entitled to vote at all membership meetings with each member being given one vote for each lot or home that he/she owns.

e If a vote of the membership of the corporation involves the sale, lease or mortgage of real property or an issue pertaining to the use of Corporation land, Class A members can, by a majority vote of their class, veto and thereby cancel any action approved of by a vote of all members of the Corporation. Class A members must meet within 15 days of the vote in question in order to veto said vote.

Section 3 All members of the Club shall be accorded the facilities of the Club subject to the Rules and Regulations which shall be posted at all times. Children living with their parents shall be accorded use of the facilities on the basis of their parents’ membership. The Rules and Regulations shall not unduly restrict the use of the pool by children.

a. Any damage to the property of the Club caused by a member or his/her guest shall be paid for by such member. No person shall take any article belonging to the club.

b. The Club assumes no responsibility, and members or their guests can have no claim against the Club, for property of members, or any guests, which may be brought into or left in the Club building, or on the Club grounds.

c. Any domicile of the properties described in Article VI, Section 1, hereof, who chooses not to become a member of the Club for any reason whatsoever, shall not be accorded any Club privileges, Any domicile may be reinstated to full membership by applying to the President of the Board of Directors and payment of dues and fees in full..

Section 4 “Lifetime Memberships” are not transferable and will terminate in the event the Club ceases to exist.

Memberships are transferable only in the event that a member moves out of the Town of Avon. The membership is transferable only to the party purchasing the house owned by a current member. All dues and assessments must be paid in full by the existing party prior to transfer of membership. The new member will be responsible for payment of any current initiation fees.

Section 5 The Board of Directors may, if needed, create special memberships or incentives in an effort to stimulate interest in the club for growing membership if it is determined that the current level of membership is not sufficient to sustain the club financially. Such memberships, as with all current memberships, are for the privilege of the use of the Club only and do not imply any ownership of Club land, Club property or interest in the Club as an entity.

ARTICLE VII – ASSESSMENTS AND DUES

Section 1 The Board of Directors, at the winter meeting each year, shall establish and regulate the assessments and dues for all memberships for the current year, subject to approval by the Briarcliff membership .

- a. There shall be a fixed fee for each new family which is non-refundable. The amount will be determined by the Board of Directors based on anticipated expenditures and will be voted on by the members at the winter meeting.
- b. There shall be yearly dues paid by member families which shall be non-refundable and shall be sufficient to provide the necessary yearly expenses of running the Club and the proper maintenance and improvement of its property, and such dues shall be payable by such date as may be established by the Board of Directors.
- c. Special assessments may be required from time to time. The amount will be determined by the Board of Directors and voted on at the fall Meeting.
- d. No assessment or dues nor any part thereof shall be refunded in the event that Club operations are required to be terminated or suspended for any period, nor shall any part of the net earnings of the Club inure to the benefit of any member or individual.

Section 2 A delinquent member is one who has not paid his/her dues by the due date determined by the Board at the winter meeting. The penalty for non-payment of dues by this date may be loss of Swim Club privileges until such time as full payment is received by the Treasurer and may also preclude opportunity for membership if the Club has reached membership capacity. Billing of annual dues to members must be made by March 20th for Class A and April 3rd for Class B.

ARTICLE VIII – MEMBERSHIP MEETINGS

Section 1 The annual meeting of the Club shall be held in the fall at such place and time as the Board of Directors may determine. The Annual Meeting shall be for the purpose of nominating and electing the Board of Directors, presenting committee reports, and for the transaction of such other business as may be indicated in the notice or may be brought before it.

A meeting shall be held no later than March 15th to approve the budget.

Section 2 Special meetings of the Club may be called by the Board of Directors. Also, upon written request of ten (10) members to the President, stating the purpose thereof, a special meeting shall be called by the President to be held within fifteen (15) days of such written request.

Section 3 Notice of membership meetings shall be given to the membership at least ten (10) days prior thereto in writing.

Section 4 Only one (1) member of a household, as defined in Article VI – Section 2, shall be entitled to a vote at a meeting of the Club. Voting may be via voice, but any member shall have the right to demand voting by roll call.

Section 5 Twenty-five percent (25%) of the total membership shall represent and constitute a quorum at all club meetings. A member must be present to constitute a quorum.

ARTICLE IX – BOARD MEETINGS

Section 1 Special meetings of the Board of Directors may be called by the President, and shall be called by the President upon request by any two (2) members of the board.

Section 2 Notice of meetings shall be given to each member of the Board at least five (5) days before the date of the meeting.

ARTICLE X – MISCELLANEOUS

Section 1 Any question as to the meaning or proper interpretation of any of the provisions of these By-Laws shall be determined by the Board of Directors.

Section 2 The Club shall purchase and keep in force, liability insurance, personal as well as property insurance for the protection of the Club and its members and shall also carry adequate fire insurance. The amount of said insurance is to be fixed by the Board of Directors.

Section 3 These By-Laws may be amended by a two-thirds (2/3) vote of the membership present at any meeting of the Club provided at least five (5) days notice of such amendment be given to each member in writing.

Section 4 Rules and Regulations, other than those over which the Board of Directors have authority, may be made or amended by a two-thirds (2/3) vote of the membership present at any meeting of the club provided that at least ten (10) days notice of such amendment be given to each member in writing.

Section 5 It is the responsibility of the Board of Directors to manage the use of the club and to limit the impact of noise, parking and other appropriate issues on the immediate neighborhood. The Board will communicate with the immediate neighbors regarding events that may have such impact and may be of concern to them.

Attachment I – Rules and Regulations

General: These rules and regulations are for the protection and benefit of all members. They are established to assure safe and sanitary operation of the club and its facilities. Parents are asked to caution their guests and children to know and observe all rules.

Season: Memorial Day through Labor Day to be amended at the discretion of the Board of Directors.

Pool Hours: 9:00 am to 9:00 pm daily, however, the pool may be closed for maintenance operations, health conditions, weather or other reasons deemed sufficient by any member of the Board of Directors.

Rules of Conduct:

- a. Members must drive slowly and carefully on entrance road and in the parking area.
- b. Food may be consumed within the pool enclosure and all members are

responsible to clean up, wash and store items used.

c Beverages may be consumed within the pool enclosure. NO GLASS CONTAINERS ARE PERMITTED WITHIN THE POOL ENCLOSURE.

Guests:

- a. All guests must be accompanied by a member. Those using the pools must be registered by the accompanying member upon entering the pool enclosure.
- b. Guest fees will be set yearly at the fall meeting. Please refer to your enrollment form each spring.
- c. We welcome friends and neighbors to visit our pool so that they may consider joining, however visits are limited to two (2) visits per season per person in total.
- d. Out of town, overnight guests are welcome at all times and must follow the rules of the pool.

Health & Safety:

- a. All bathers must shower before entering the pool.
- b. All persons known or suspected of having a communicable disease shall be excluded from the pool.
- c. No running or causing undue disturbance or discomfort to others in or about the pool enclosure will be allowed. **NO DIVING FROM OBJECTS OR STRUCTURES AT POOLSIDE.**
- d. No air inflated tubes, water guns, or slides shall be allowed in the pool.
- e. No items such as toys or chairs shall be stored at the club.

Health & Safety (cont'd)

- f. Use of the pool enclosure by children – Children under thirteen (**13**) years of age must be supervised by a parent, guardian or babysitter who is at least fifteen years old. If there is no lifeguard on duty, children must be supervised by a parent, guardian or babysitter who is at least eighteen years old.
- g. No one is permitted to swim alone. When the lifeguard is not on duty and a person eighteen years of age or older wishes to swim, there must be another person eighteen years of age or older present in the pool enclosure.
- h. Use of the wading pool will be limited to children under seven (7) years of age. No metal or rigid plastic toys shall be allowed in the wading pool.
- i. Children who are not toilet trained must wear swim diapers at all times.
- j. Any child using the wading pool must be supervised by a parent, guardian or babysitter within the enclosure.
- k. In the event of a thunderstorm all persons must vacate the pool enclosure for a period 20 minutes after the last sound of thunder is heard.
- l. Members outside the gated area are responsible for their own safety. The lifeguard is responsible for those in the pool enclosure only. Children under the age of 13 should not be at the lake unsupervised, they must be accompanied by someone 15 years of age or older. No member or guest should swim in the pool or lake alone.

- m. Children 15 years or older can bring one guest to the pool if; The lifeguard has prior notification from the members parent, the pool is not already too busy, the guest signs in, and that guest has not visited Briarcliff more than twice.
- n. It is the duty of all members to ensure the safety and welfare of all pool members
- o. The Board of Directors reserves the right to evaluate guest visits and determine if those visits are a burden to the pool and its membership and to amend the guest guidelines as it sees fit.

Rental:

- a. All persons using the club facilities do so at their own risk. The club will not be responsible for any accident or injury in conjunction with such use.
- b. The club will not be responsible for loss or damage to personal property.
- c. All suggestions are welcome and should be made in writing to the president.
- d. Fees for rental of the pool or its property will be set by the Board at the winter meeting for the coming year.
- e. Persons renting the pool must arrange for the lifeguard to be on duty and are responsible for paying that Lifeguard at a rate to be determined for the duration of the event.

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