

Common Interest

The Official Publication of CAI-Connecticut

Vol. XVI: Issue 1 • 2021



Inside:

2021 Virtual CONFERENCE & EXPO

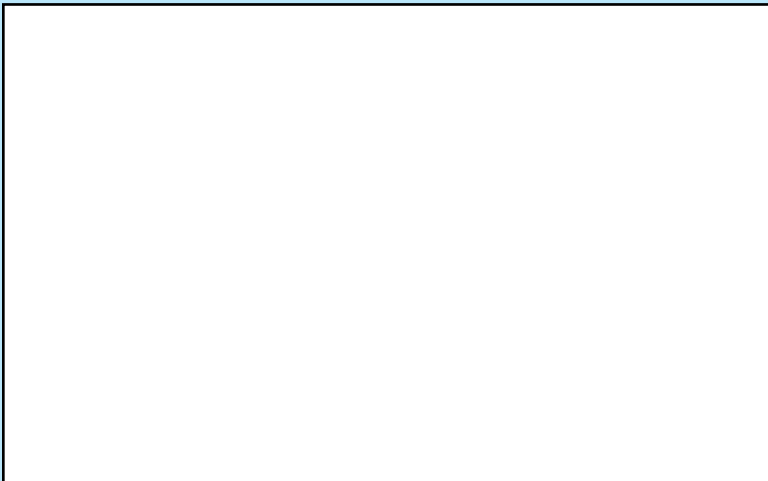
Also:

REQUESTS FOR RECORDS

**Snow & Ice Events:
A Call to Action**

**ASSOCIATION MEETINGS
& DECISION-MAKING
During the COVID Pandemic**

...and more!



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Who Is CAI?

The Connecticut Chapter is one of 63 Community Associations Institute chapters worldwide. CAI-CT serves the educational, business, and networking needs of community associations throughout Connecticut. Our members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to associations. The Connecticut Chapter has over 1,200 members including nearly 150 businesses, and over 450 community associations representing 50,000 homeowners.



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President's Message



Reggie Babcock

“A strong consensus emerged as to two imperatives, around which we will focus our plans and energy in the days and months ahead.”

Greetings - I hope you had a happy holiday and healthy new year.

It seems an opportune moment to focus on the goals of CAI-CT for 2021 and beyond. “Looking beyond” means poking our heads out of quarantine and all the limitations of that the pandemic has imposed to conjure up the image of a better day. It is coming!

Late in 2020 our Board invested an afternoon to explore the goals and needs of the Chapter. A strong consensus emerged as to two imperatives, around which we will focus our plans and energy in the days and months ahead. It is our Strategic Plan.

First, we intend to spotlight membership. In order to increase our membership ranks we need to assess the programs and other activities we run to ensure we are fulfilling real needs. Ditto as to all of our activities such as the Legislative Action Committee. The questions we ask are whether we have the most apt offerings and does the audience value them, and what tactics can be deployed to reach potential new members?

Second, we recognize a strong need to bring new candidates into our industry. Management company CEOs tell us their biggest challenge is recruiting, especially new managers. Part of the solution is legislative, making the law more conducive to bringing on board employees without prior experience. But more broadly, we perceive huge benefit to bringing career opportunities to the attention of students and early-career individuals, to court them actively, establish internships and improve the quality of the positions. And by the way, we encompass careers for potential employees with interest in all facets of community management – accounting, facility management, vendor roles and all the other aspects of our industry, not just Community Managers.

Tall orders for sure. Let’s roll up our sleeves. ■



CONTENTS

- 3 President's Message
- 4 CED Message
- 4 People in the News
- 5 Upcoming Events
- 5 Statutory Snippet
- 5 Legislative Update
- 6 New & Renewing Members
- 6 In Other News...Positive Happenings
- 7 Community Spotlight
- 8 2021 CAI-CT Board of Directors
- 9 Conference Committee Chair Message
- 10 Legally Speaking

CAI-CT CONFERENCE & EXPO

Info & Sponsors	10
Trendsetters	13
Schedule	14-15
Exhibitors	16-19
Registration Info	19

- 20 Financially Speaking
- 24 Association Meetings and Decision-Making During the COVID Pandemic
- 28 Manager's Column
- 30 Technical Explanations
- 31 Ask Mr. Condo
- 32 Classified Advertising
- 34 Index of Display Advertisers

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From the Chapter Executive Director

**"I've learned that people will forget what you said,
people will forget what you did, but people will
never forget how you made them feel."**

~ Maya Angelou



Kim McClain

Courtesy CAI-CT

The words of Maya Angelou take on even greater meaning these days. Those small, and seemingly simple, gestures take on greater significance since we are still distant from one another. Hopefully, the pandemic has taught us more than a few new lessons and provided opportunities to modify our own habits for the better. The staff and volunteers at CAI-CT make every effort to make our members feel valued and welcomed. In another effort to connect with you, we have created office hours on Wednesdays from 10:00 – 11:00 am via Zoom. My computer door will be open waiting to see you and answer questions you may have. Please go to our website: www.caict.org to find out how to visit us virtually.

Although I enjoy driving, I admit that I have learned to appreciate the fact that being online for most activities also keeps me in my computer chair instead of the driver's seat. Since COVID, I have probably "been" to more concerts, lectures, museums and classes than I would ever imagined attending in person. Cooking classes, dance lessons, Tai chi are now merely feet away. I have even been able to attend a weekend yoga program "with" my daughter who lives in San Francisco. Only one year ago, I would have never imagined such experiences would occur.

This issue is filled with details about our best opportunity to CONNECT with all of you – our Annual Conference & Expo on March 19 & 20, 2021. *New this year* – we will have **TWO** days of programs – Day 1 (March 19) has programs designed for Community Association Managers and Day 2 (March 20) has programs created especially for association board members. You are welcome to attend either – or both - whatever suits your schedule best. There will be plenty of opportunities to visit with your favorite service providers and peers and lots of awesome prizes to win throughout both days. We're even adding a few surprises here and there. Registration is open. Don't delay or you will miss out on some of the goodies we are preparing for you. And remember, no driving is necessary, but you will enjoy the ride!

Be well!

Website Insight –
*Virtual Conference & Expo
being held on Hopin.*



Hopin is a virtual venue platform with multiple interactive areas, including chat, group video conferencing and private video conferencing. We are so excited to add this software to our virtual toolbox. Using this platform will allow the CAI-CT to community to create a personal interactive event experience. Attendees will be able to hop into an education session, hop over to a commercial break, hop into a private video conference chat with a speaker, sponsor or peer. Need a private face to face with someone? Invite them to a private video call! We really think you will be blown away!

For the BEST experience on Hopin

- Restart computer 5 minutes prior to joining event.
- Use Chrome or Fire Fox.
- Be sure your computer clock is correct!
- Minimum 5mbps download/2 mbps upload – check your speed by visiting <https://www.speedtest.net/>
- Audio/Video Troubleshooting Guide – <https://support.hopin.to/en/articles/3351271-i-m-having-video-audio-problems>

Additional Reminders

- CHAT is PUBLIC
- PEOPLE is PRIVATE ■

UPCOMING CAI-CT EVENTS



CONDO INC. — The BEST Association Board Training Program

Hosted on Zoom

WEBINAR Plus Round Table Discussion
This LIVE webinar will be presented in 3 parts.

- 1. February 6** (9:00-11:00 am): Legal — Understanding State Laws & Association Governing Documents
- 2. February 13** (9:00-11:00 am): Financials — Understanding Your Financial Matters & Long-term – Developing and Implementing a Plan
- 3. February 20** (9:00-11:00 am): Insurance – Protecting Your Association & Round Table Discussion with all speakers

FOR A LIMITED TIME, PANDEMIC PRICING —
\$50 for up to 10 attendees!



Weekly Virtual Office Hours with CAI-CT

Hosted on Zoom

Got questions? We'll be available LIVE to answer them!

Wednesdays from 10:00 am – 11:00 pm

Visit www.caict.org for more information.



February Exhibitor Practice Day

Hosted on Hopin

Tuesdays & Thursdays from Noon – 1:00pm

Get MORE out of your exhibitor experience.

Attend a practice session. Visit www.caict.org to register!

SAVE THE DATE!

CAI-CT Virtual Annual Conference & Expo

Hosted on Hopin

Friday & Saturday, March 19 & 20, 2021

Reservations for Booth Space & Sponsorships now being accepted.



Visit www.caict.org to register and for updated information.



Statutory Snippet...

Is your Association in Compliance with the Annual Recording Law?

Don't miss the January 31st deadline!

According to the Connecticut General Statutes Sec. 47-270(e), every association is required, by law, to formally file information with the town clerk of their town. The statute reads as follows:

The association shall, during the month of January of each year, file in the office of the town clerk of the municipality or municipalities where such common interest community is located a certificate setting forth the name and mailing address of the officer of the association or the managing agent from whom a resale certificate may be requested, and shall, thereafter, file a certificate within thirty days of any change in the name or address of such officer or agent. The town clerk shall keep such certificates on file in his/her office and make it available for inspection.

Be certain your association contact information is up-to-date. ■

Legislative Update

Since the start of COVID, flexibility has been the key driver for most of what we all do, the Connecticut General Assembly is no exception. The commencement of the 2021 was very different, as the swearing in of the members took place outside in freezing temperatures. The deliberations of the Legislature will continue to take place virtually for the foreseeable future.

We are well aware that the Legislature will be limiting their focus on several high priority issues this session. Given that dealing with COVID and its aftermath will be one of those issues, we have focused our legislative priorities on areas that are directly related to COVID and the impact on our industry in particular. All of our proposed changes are offered to enable both unit owners and executive boards to better function in a more transparent and effective manner to provide better access to association operations and records, most importantly as a result of the current health pandemic. These proposed changes, once adopted, will enable association boards and unit owners to better communicate and function going forward.

COVID has provided some new opportunities to allow for greater participation amongst owners with respect to meeting attendance. Thanks to Gov. Lamont's Executive Order 7HH which allows for meetings to be held electronically even if the bylaws do not allow for virtual meetings, many associations have seen a dramatic increase in unit owner attendance at meetings.

Our Legislative proposals will include the following:

- Making permanent the ability to hold meetings electronically;
- Allowing for the examination or records electronically and the timeframe by which the records may be copied or examined;
- Allowing for the provision of authorization to be notified of hearings and decisions electronically or by regular mail; and
- The ability for associations to offer a waiver of liability to allow for the use of community amenities, e.g. pools. ■

NEW & RENEWING MEMBERS

Welcome New Members

Associations

Chatfield Farm Community Association Incorporated
Thames Landing Condominium Association, Inc.

Individual Managers

Anthony Benedetto
John Valigorsky

Thank You Renewing Members

Associations

Cromwell Hills Condominium Association #1
Crown Village Condominium Association
Glenwood Place Condominium Association
Oceanview of Lordship
Oyster River Landing Association, Inc.
Pine Lake Commons Condominium Association, Inc.
Saddle Ridge Farm Association
Southbrook
Southridge Condominium Association, Inc.
St. John's Common
Windermere West Owners' Association
Woodfield Village

Individual Managers

Carrie Ferrara, CMCA
Jonathan Gosnell, AMS
Dirk Hettrich, CMCA
Christopher Kohnle, CMCA
Jo Titsworth, CMCA

Management Companies

Elite Property Management, LLC
G & W Management, Inc.
South Shore Property Management, LLC

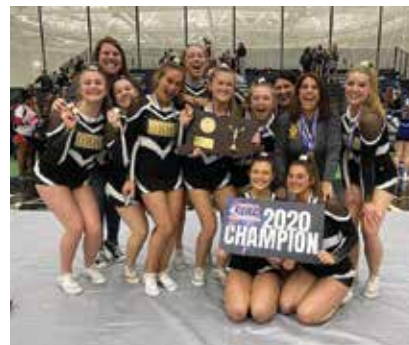
Business Partners

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CSC Services, LLC
The Falcon Group
Ian H. Graham Insurance
John M. Glover Agency
M & S Paving and Sealing, Inc.

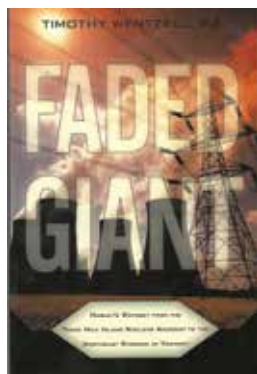


In other news... Positive Happenings

Three cheers for **Licia Ciotto** and the Madison High School Cheerleading Team!!! They recently won the CT State Championship in 2020! Licia has been coaching since her college days. She has been a cheerleading coach in Madison for over one dozen years, winning multiple championships in the youth division at the state, regional and national levels. At the high school level, her team has won two league titles and finally a CT State Championship in 2020! What made this championship even more special, was having both Licia's daughters on this team. Her oldest was captain of the team and her youngest, a sophomore. Very exciting!!! A proud mom and coach moment.



Photos courtesy CAI-CT.



Congratulations to **Tim Wentzell, P.E.** on the publication of his latest novel, *Faded Giant!* Most of you are familiar with the great articles Tim produces for this magazine, but he is also the author and textbooks and novels. Check out his most recent contribution to the literary world. ■

Have News to Share?

Send your items to
Kim@caict.org!



CAI-CT's Recommended Course for All Connecticut Community Associations

CONDO, INC.

The Business of Running Your Community

Do you serve on the board of your association? Are you considering serving? Whether you are a seasoned board member, a recently elected board member or unit owner seeking to understand more about how an association runs, this course is for you!

Fabulous February Fundamentals — 3 Component WEBINAR Plus Round Table Discussion

1. FEBRUARY 6 (9:00-11:00 am): Legal - Understanding State Laws & Association Governing Documents
2. FEBRUARY 13 (9:00-11:00 am): Long-term Planning & Financial Matters
3. FEBRUARY 20 (9:00-11:00 am): Insurance & Round Table Discussion

For a limited time, we are offering Pandemic Pricing for our most popular board education program! For the low price of \$50 total, up to 10 people can attend! It's the same price for 1 or 10 attendees from the same association. WOW!

Visit www.caict.org to register.



Food for Thought



Photos courtesy CAI+CT.

West Lyon Farm, a picturesque 155-unit condominium community in Greenwich, Connecticut — and East Lyon Farm, its smaller but equally comely neighbor — may strike anyone driving by as just two of the many lovely places to live in a town known for its affluence. But those familiar with these properties know that both enjoy an unusual degree of resident participation on boards and committees. Indeed, that penchant for pitching in, getting involved, and taking the bull by the horns when the bull is running amok was particularly evident this past spring, when COVID began making things very hard for everyone — even in Greenwich.

Seems it all began when just a handful of residents — Jeanette Clonan, Dick Pinkham, Rob Mountain, and Dick York — wondered if there weren't something tangible they could do for the townspeople directly affected by business closings and shortages. So Clonan, who lives at West Lyon Farm, made a few calls.

"I knew the town's Neighbor to Neighbor program had always provided wonderful services to the Greenwich community by contributing food, clothing, and household items to those in need. So I called them and learned that during the pandemic, their focus had shifted to distributing as much food as possible to those running low. I also learned that they had partnered with an organization called #Give Healthy, which provided an online platform through which donations could be made to purchase food for Neighbor to Neighbor simply and safely."

In fact, what Clonan learned was #Give Healthy would create a website that could be accessed by the residents of both West and East Lyon Farm wishing to donate to the larger Greenwich community while they themselves safely sheltered in place. The could go online, select the foods they wanted delivered to Neighbor to Neighbor in their name or anonymously — then pay for those groceries right then and there, though #GiveHealthy's secure payment platform. Once purchased, the food would be bought and delivered directly to Neighbor to Neighbor in Greenwich. Added Clonan, "They even set up a special web address for our East and West Lyon Residents Food Drive to optimize the convenience they offered." Well, a food drive doesn't get much easier than that. And so, with the help of West Lyon Farm's Property Manager Kevin Reeves and

Assistant Property Manager Carina Bridgemohan, flyers went out to all West and East Lyon Farm mailboxes with the defined goal of securing 600 pounds of food for Neighbor to Neighbor during the two-week food drive, which ran from April 23rd to May 7th. But that's not what happened.



According to Neighbor to Neighbor in an April 30th press release, only halfway through the two-week effort, West Lyon Farm and East Lyon Farm residents had donated six times that amount — or 3,600 pounds of food — to the organization's reserve. And that food was badly needed, since they were already providing groceries to no less

than 600 households in need, as referred to them by the Greenwich Department of Human Services.

But when all was said and done, the results were even more stunning. Donors representing some 80 West and East Lyon Farm households ended up adding a total of 5,000 pounds — or two and a half tons! — of food to the Neighbor to Neighbor food bank through #Give Healthy, which, by any measure, is a lot of food, as well as a superb example of just how formidable these two condominium communities can be when a push-comes-to-shove emergency arises.

And with push coming to shove all over again, as COVID continues to challenge the world, the U.S.A., Connecticut in general — and

Greenwich specifically, what the the residents of West Lyon Farm and East Lyon Farm have managed to accomplish is compelling.

"People were wonderfully generous," Clonan said looking back at the results of the two-week effort. "The very good feeling of having done something truly tangible to help those hardest hit by the pandemic in our community is very gratifying." And she's right.

Giving, as they say, is its own reward. And that's food for thought.

Interested in helping Neighbor to Neighbor in Greenwich? Visit www.ntngreenwich.org.

And for anyone interested in doing a food drive through #GiveHealthy, just go www.givehealthy.org. ■

"Seems it all began when just a handful of residents... wondered if there weren't something tangible they could do..."

2021 CAI-CT BOARD OF DIRECTORS



Reggie Babcock
President

Reggie Babcock, President

Reggie Babcock is Chief Operating Officer & General Counsel for Westford Real Estate Management, LLC. Reggie serves on the Publications Committee and is a regular contributor to Common Interest. He maintains a particular interest in the governance matters that concern boards of directors. He previously served for more than 20 years as vice president, general counsel and secretary of Connecticut Natural Gas Corporation, as chair of the Glastonbury Ethics Commission and as an aide in the U.S. House of Representatives. A member of the Connecticut bar, he received his BA degree and his JD degree both from American University.

Frank Pingelski, EBP, President-Elect

Frank Pingelski is the Vice President of Community Associations at Toohar-Ferraris Insurance Group. Frank has over seventeen years of experience in risk management implementation as a program manager and as an infantry officer in the US Army. He currently serves on the CAI-CT Annual Conference Committee and is a Director for the Connecticut Young Insurance Professionals.

Christine Carlisle, CPA, Treasurer

Christine Carlisle, CPA is an audit staff member at Carney, Roy and Gerrol, P.C. She has nineteen years experience in the condominium industry. She works for a firm which provides audits, reviews and tax services to many of our Connecticut associations. Christine is a member of the Connecticut Society of Certified Public Accountants and American Institute of Certified Public Accountants.

Charles ("Chas") Ryan, Esq., EBP - Secretary

Chas Ryan, Esq., EBP is a partner at Pilicy & Ryan, PC. The firm represents condominiums, planned communities and cooperatives throughout Connecticut. Attorney Ryan is on the CAI-CT Lawyers Council, Conference Committee and Education Program Committee. He also currently serves as Chair of our Legislative Advocacy Committee.

Board Members:

Jim Carroll is President and Owner of JP Carroll Construction, Inc. in West Hartford. For over thirty years, Jim has worked with many Community Associations, advising Boards and Property Managers regarding roof replacements and maintenance. He has enjoyed active participation with CAI-CT over the past eight years.

Wendy Colleary, EBP is a Vice President in Commercial Lending Business Development at Windsor Federal Savings. Wendy has spent her banking career in credit analysis and commercial lending and now specializes exclusively in lending to condominium associations throughout Connecticut, Massachusetts, and Rhode Island. She has been an active member of CAI-CT for many years and currently serves as chair of the Membership Committee.

Karl Kuegler, Jr., CMCA, AMS, PCAM - Karl has been a member of the community association management staff at Imagineers, LLC for over 25 years serving the last sixteen years as its Director of Community Association Management. Karl has served CAI-CT in several capacities including his current roles as chair of the Conference & Expo Committee, Vice Chair of the Legislative Action Committee and committee member for the Legal Symposium Committee. He was the recipient of the CAI-CT 2016 Community Association Executive Award.

Dan Levine, MBA, CPA is managing partner at Tomasetti, Kulas & Company. Having almost a decade of experience working with condominium associations both small and large, Dan has performed audit, review, and compilation engagements as well as tax preparation and consulting work for a variety of associations, closely held businesses, and individuals across Connecticut. Within CAI-CT, Dan is a frequent contributor of accounting themed articles, educator, and serves on the Next Generation and Legislative Advocacy Committees. Outside CAI-CT, Dan has served as president of the Hartford County Chapter of APICS promoting operations management education to Connecticut's manufacturing sector and is an active member of the Connecticut Society of CPA's, the American Institute of CPA's, and the Hartford Chapter of the Institute of Management Accountants.

Gregory W. McCracken, Esq., EBP is a partner at Jacobs, Walker, Rice & Barry, LLC. His practice emphasizes common interest community law and land use, planning, and zoning law. He represents community associations and developers, and he advises property owners and other lawyers. He was admitted to the California Bar in 1993 and the Connecticut Bar in 2001. He is a member of the Executive Committee of the Real Property Section of the Connecticut Bar Association (CBA), the Planning and Zoning Section of the CBA, and the Developers Forum of the Connecticut Home Builders and Remodelers Association (HBRA-CT). He represented the HBRA-CT when he served on the Connecticut Law Revision Commission Study Committee, which adapted the 2008 revisions of the Uniform Common Interest Ownership Act for adoption in Connecticut, and he is a co-author the Connecticut Common Interest Ownership Manual (2nd Ed.), published by the CBA. Greg is a frequent speaker for Connecticut Chapter of CAI, and he has given presentations on the Common Interest Ownership Act for CBA and HBRA-CT.

Carrie Mott, EBP, is a Senior Insurance Advisor with Bouvier Insurance with 25 years insurance experience insuring community associations. Carrie has extensive experience working with community associations and is an active member of CAI-CT. She is the current chair of the Golf Committee and serves on the Conference & Expo Committee, Education Program Committee and Fall Fun Committee. Carrie is also a frequent speaker at CAI-CT events and looks forward to serving on the CAI-CT board.

Greg Zajac, EBP is the managing partner of Building Renewal, LLC of Durham, CT. His firm repairs defects in condominiums due to water intrusion and poor construction and manufactures and installs stainless fireplace chase caps. He has built over 2000 new homes in the last forty-seven years, has been condominium resident for over thirty years, and a Board President for eleven years. He is a member of Home Builders of Central Connecticut and The Remodelers Council.



**Karl Kuegler, Jr., CMCA,
AMS, PCAM**



Dan Levine, MBA, CPA



**Gregory W. McCracken,
Esq., EBP**



Carrie Mott, EBP



Greg Zajac, EBP



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**Christine Carlisle, CPA
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Jim Carroll



Wendy Colleary, EBP



**Karl Kuegler, Jr.,
CMCA, AMS, PCAM**

Conference Committee Chair Message

By Karl Kuegler, Jr., CMCA, AMS, PCAM

The importance of training and keeping up to date with best practices in Common Interest Communities has never been more important than it has in last 10 months. I dare say that even the massive changes brought on by the revisions to the Common Interest Ownership Act (CIOA) from the 2009 legislative session pale in comparison to the impact COVID has had on the operation of our communities. The cancellation of the 2020 Conference & Expo was one of the first signs that life as we knew it was changing for the foreseeable future. As we head into this year’s conference, we have considered all that has transpired in crafting a program that continues to address the current needs of board members and those serving community associations.

Now don’t worry, we are not looking to spend the conference discussing pools or social distancing, not that they don’t remain important topics in our communities. What we do hope to do is offer a conference that can easily and safely be attended through a virtual setting. The Conference Committee has worked very hard over the last year retooling and looking at new and different ways to offer a conference experience full of education along with opportunities to rub elbows virtually with service providers and fellow board members.

The one thing that remains constant is that Communities need to continue functioning and carrying out the responsibilities of the association. Meetings need to be held, budgets ratified, insurance claims addressed as well as a host of other real-life tasks. How we conduct business may have changed, however, most of the laws and best practices have not. Our conference has a full compliment of top-

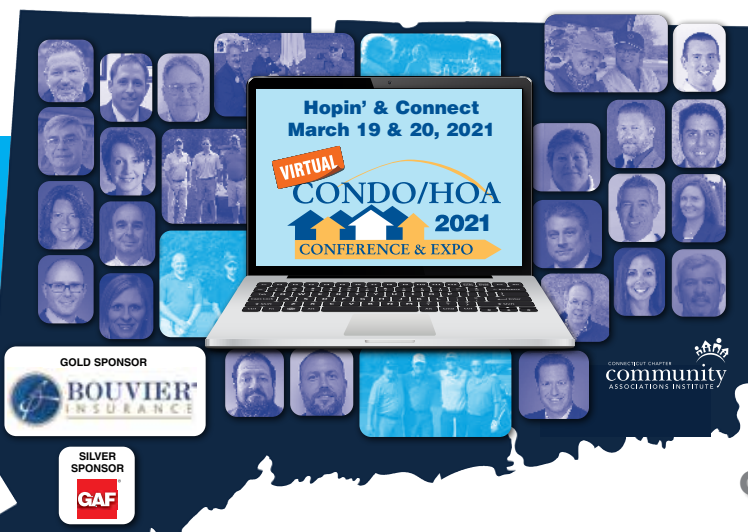
“Our conference has a full compliment of topics that will be a benefit regardless of the impacts COVID has on your community.”



ics that will be a benefit regardless of the impacts COVID has on your community.

We are also leveraging the virtual platform to create an opportunity to attend the conference over a two-day period. Although attendees are welcome to attend both days, we have organized the topics in a manner so that Friday is the day with topics more of interest to community managers and professionals, while Saturday will focus on topics more geared to the needs of Board members. Meeting virtually has afforded us the opportunity to offer keynote addresses each day and to draw on resources from around the country. Our ever-popular exhibit floor will be in full operation with vendors in attendance in virtual booths and opportunities to have private individual conversations.

Please be sure to join us on Friday, March 19th and Saturday, March 20th for this new and exciting Conference & Expo. I promise you that the session topics will truly benefit each and everyone of us whether we are new to common interest communities or a seasoned pro. Check out the session topics and schedule for yourself... I am sure you will agree. Please also join me in thanking the staff of CAI- CT and the committee for going above and beyond the call of duty on this rollercoaster ride over the last year. Kim and Ellen continue to rise above all the craziness to offer the support, guidance and efforts that are so critical to bring together the event. Thank you Kim & Ellen! ■



To register visit www.caict.org.

Legally Speaking...



Adam Cohen, Esq.

Requests for Records

By Adam J. Cohen, Esq.

CIOA specifies the kinds of records which the association is required to maintain. These include financial, tax, and accounting records; the association's governing documents, annual report, and current contracts; meeting minutes and board and committee decisions; ballots, proxies, and other voting records for a year; and the names and addresses of all unit owners, board members, and officers.

Owners are entitled to inspect and copy any of this information on request. Since the association's time limit for honoring these requests is very short and the penalties for noncompliance can be severe, knowing how to handle them is critical for all boards and managers. The easiest way to understand how to handle these requests is to break up the procedure into five parts: who, what, when, how, and why.

Who Has a Right to Records

Every unit owner and their authorized agent has the right to see the association's records. This means everyone listed on each unit's deed and any other person they choose on their behalf. Tenants, relatives, reporters, and strangers to the community generally do not have any right to the association's records unless a unit owner asks for them. Most communities' declarations also give the holders of mortgages on units the right to inspect records as well. Communities created before 1984 which have twelve or fewer units are exempt from CIOA's open-records requirements, but their governing documents often have their own provisions which give some right to review their records.

What Records Must be Provided

Connecticut law says that a "record" includes every piece of information that is inscribed on a tangible, electronic, or other medium and is retrievable in perceivable form. This means all papers, e-mails, audio recordings, photographs, and anything else you can read or listen to. Although CIOA contains a detailed list of the types of records an association must retain, unit owners are also entitled to see any additional records the association happens to retain. However, CIOA specifically says that "an association is not obligated to compile or synthesize information." This means only existing records need to be turned over; the board is not obligated to create anything just because an owner asked for it. For example, if an owner asked for a list of every balcony that had been painted over the last ten years, but the association never had such a list, the association can simply respond that no such record exists.

The only kinds of records which an association is legally prohibited from sharing with unit owners are "[p]ersonnel, salary, and medical records relating to specific individuals, unless waived by the persons to



"...a 'record' includes every piece of information that is inscribed on a tangible, electronic, or other medium and is retrievable in perceivable form."

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whom such records relate," and anything else which would be illegal to disclose. CIOA also says there are certain kinds of records which a board can choose whether or not to disclose. There are six kinds of records like this which are optional for the board to withhold (or information within a record, the rest of which must still be turned over):

- (1) Contracts, leases and other commercial transactions to purchase or provide goods or services which are still being negotiated (as opposed to signed and currently in effect);
- (2) Existing or potential litigation or mediation, arbitration or administrative proceedings;
- (3) Existing or potential matters involving federal, state or local administrative or other formal proceedings before a governmental tribunal for enforcement of the declaration, bylaws or rules;
- (4) Communications with the association's attorney which are otherwise protected by the attorney-client privilege or the attorney work-product doctrine;
- (5) Records of an executive session of the executive board; or
- (6) Individual unit files except when that owner is the one making the request.

When Records Must be Provided

The association must comply within five calendar days (not business days) after it receives a written request which reasonably identifies the specific records the unit owner wants. They must be made available during reasonable business hours or at a mutually convenient time and location. One important exception to this rule is that the board must immediately provide to unit owners attending any board meeting copies of any materials distributed to the board members before the

meeting (besides unapproved minutes or materials to be considered in executive session).

How Records Must be Provided


The unit owner is entitled to choose between looking at the records, receiving photocopies of them, receiving electronic versions if they are available, or all three. The association is entitled to charge a reasonable fee for duplicating the records and for supervising the inspection. This will ordinarily be limited to the association’s out-of-pocket cost, such as the actual photocopy charges and the manager’s normal hourly work fee. The members of a self-managed board typically cannot charge anything to watch a unit owner review the records.

Why Records Must be Provided

The unit owner does not need to say why he wants the records. He may be looking for structural plans that will help him remodel his kitchen, studying up to campaign for a board seat, or even fishing for discrepancies to file a lawsuit against the association. The only restriction is that the information cannot be “used for commercial purposes,” such as trying to sell something to his neighbors. Other than that, a record request can be based on nothing more than simple curiosity. ■

Adam J. Cohen is an attorney with the Law Firm of Pullman & Comley, LLC headquartered in Bridgeport, Connecticut. As the Chair of its Community Associations Section, he represents and gives seminars to condominiums, tax districts, and other communities in matters ranging from amendments of governing documents to revenue collection strategies and commercial disputes.

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CAI-CT Condo/HOA - March 19 & 20, 2021 CONFERENCE & EXPO TREND SETTERS!



Virtual Conference & Expo Schedule

FRIDAY, MARCH 19, 2021

Community Association Manager Day!



9:00 AM - Virtual Venue Opens - CHAT with colleagues & Video Network with fellow attendees, visit a Sponsor Lounge. This is your opportunity to become comfortable with the Hopin Platform.

9:30 AM - Welcome

Speaker: Tom Skiba, CEO – Community Associations Institute

9:45 AM - 10:45 AM - Exclusively for Managers Parliamentary Procedure Survival Skills for HOA/Condo Leaders

Speaker: Jim Slaughter, Esq., CCAL – *Law Firms Carolina*

Moderator: Greg Zajac, EBP – *Building Renewal, LLC*

Running community association meetings, whether board meetings or membership meetings, can be a challenge - or worse. Use parliamentary procedure and Robert's Rules of Order to make your meetings shorter, efficient, and legal. Learn what rules you should follow, the order of business, agendas, minutes, board vs. annual meeting procedures, motions, voting, closed sessions, and parliamentary resources. Join Jim Slaughter, who is an HOA/condo attorney and Certified Professional Parliamentarian.

Sponsored by: *Building Renewal, LLC*

10:45 AM Break - Visit an Ask the Expert Session

11:00 AM - 12:00 PM - BREAK OUT Sessions

What Keeps Your Association Attorney Up at Night

Speakers: Scott J. Sandler, Esq., CCAL – *Sandler & Hansen, LLC*
Kasey Burchman, Esq. – *Feldman, Perlstein & Greene, LLC*
Chas Ryan, Esq., EBP – *Pilicy & Ryan, P.C.*

Do you fear offering an opinion that may border on dispensing legal advice? Our panel of attorneys will share examples of the types of situations that have or could lead to trouble for you as a manager.

Writing Proper Policies

Speakers: Kristie Leff, Esq. – *Bender, Anderson & Barba, P.C.*
Karl Kuegler, Jr., CMCA, AMS, PCAM – *Imagineers, LLC*

Are your policies understandable and enforceable? Do you enforce some policies, but not others? Learn why consistency matters and the importance of using the proper procedures to formally adopt policies to avoid legal consequences.

Sponsored by: *Bouvier Insurance*

CIOA – The Most Important Letters for Your Association

Speakers: Greg McCracken, Esq., EBP – *Jacobs, Walker, Rice & Barry, LLC*
N. Lynne McCarron, CMCA – *Sentry Management, Inc.*

Why is the Common Interest Ownership Act (CIOA) the key governing guide for your association? Do your board members understand that they need to be familiar with this law? Our speakers will discuss the key components of CIOA and why association boards must be familiar with them.

Expo Hall - 12:00 PM - 2:00 PM

Lots of prizes! Lunch provided for Managers!

2:00 PM - 3:00 PM - BREAK OUT Sessions

To Borrow or Not to Borrow, that is the Question

Speakers: Wendy Colleary, EBP – *Windsor Federal Savings*
Robert Pacelli, Jr., Esq. – *Zeldes, Needle & Cooper*

Are your sills sagging? Your pavement puckering? Your roofs rotting? Is it time (or way past time) to undertake capital improvement projects? Are your reserves robust enough to support big projects or will you need to take a loan? Our speakers will discuss the lending process as well as some legal considerations to ensure your association is on the right track to get construction underway.

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Who's Watching Whom?

Speakers: Dave Pilon, CIRMS, EBP – *Bouvier Insurance*
Jonathan Chappell, Esq. – *Feldman, Perlstein & Greene, P.C.*

Ring doorbells are quite popular these days. Do associations need policies regarding such devices, including video cameras, to make sure unit owners' privacy is protected while also not exposing the association to additional liability?

Sponsored by: *Belfor Property Restoration*

What to do if asked to do something not in your management contract?

Speakers: Donna Rathbun, CMCA – *Imagineers, LLC*
Ronald Barba, Esq. – *Bender, Anderson & Barba, P.C.*

What happens when a board asks the manager to take on a task that is clearly not in the contract? How can you ensure you are protected from being asked to perform too many extra responsibilities? Or worse, what if the board wants you to take an action that you know is not in the best interest of the community, or may have legal and/or ethical ramifications? How can you just say no?

3:00 PM Raffle

Virtual Conference & Expo Schedule

SATURDAY, MARCH 20, 2021

Community Association Board Member Day!

9:00 AM - Virtual Venue Opens - CHAT with colleagues & Video Network with fellow attendees, visit a Sponsor Lounge. This is your opportunity to become comfortable with the Hopin Platform.

9:30 AM - Welcome

Speaker: Tom Skiba, CEO – Community Associations Institute

9:45 AM - Exclusively for Board Members Parliamentary Procedure Survival Skills for HOA/Condo Leaders

Speaker: Jim Slaughter, Esq., CCAL – Law Firms Carolina

Moderator: Tom Leveroni – Prime Touch Services

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Sponsored by: Prime Touch Services

10:45 AM Break - Visit an Ask the Expert Session

11:00 AM - 12:00 PM - BREAK OUT Sessions

Creating Enforceable Rules

Speakers: Bill Ward, Esq. – Ackerly & Ward
Chas Ryan, Esq., EBP – Pilicy & Ryan, P.C.

Why do we have rules if they are not enforced? This is a common question asked by unit owners in many associations. Rules exist so that there are clear guidelines for all who live in any given community. Pets pooping everywhere not okay, but does the board make certain that these and other issues are addressed properly so that everyone in the community is playing by the same rules? Our speakers will guide you through the important details of how to ensure your rules can be enforced reasonably and unilaterally.

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Got Insurance Questions?

Speakers: Frank Pingelski, EBP – Toohar Ferraris Insurance Group
Carrie Mott, EBP – Bouvier Insurance

Most of us are not well-versed in the unique language of insurance. Our speakers have the expertise to clearly answer your questions about the many nuances of common interest insurance.

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Speakers: Rick Filloramo – National Consulting Group, Inc.
Association Board Members or Presidents (TBD)

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Expo Hall - 12:00 PM - 2:00 PM

Lots of prizes! Lunch provided for Board Members!

2:00 PM - 3:00 PM - BREAK OUT Sessions

Legal Panel – Ask your questions!

Speakers: Chris Leonard, Esq. – Collins Hannafin, P.C.
Kristen Greene, Esq. – Feldman, Perlstein & Greene, LLC
Andrea Dunn, Esq. – Bender, Anderson & Barba, P.C.

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Rental Restrictions

Speakers: Michael Feldman, Esq. – Feldman, Perlstein & Greene, LLC
Lisa Allegro – Avidia Bank

While the pandemic may have tamped down the growth of short-term rentals, this will likely change again in the near future. Rentals may have a negative effect on property values and the association's ability to obtain a loan, and more! What is the correct balance? How can you create an enforceable rental restriction policy?

Board Boot Camp

Speakers: Ronald Barba, Esq. – Bender, Anderson & Barba, P.C.
Mark Sperry – Fernwood Estates
Lynn Jackson, CMCA, AMS – The Property Group of Connecticut

Did you know everything you needed to know before you became a condo/HOA board member? What important details may have been missed? What lessons can you share with others? Our speakers will help you fill in some of the gaps and mind the gaps that could hurt your association.

3:00 PM Raffle



Virtual Conference & Expo Exhibitors

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Financially Speaking...



Daniel Levine, CPA

Interfund Payable & Receivables

By Daniel Levine, MBA, CPA

A common issue with accounting for associations comes down to accounting for transactions between the operating and reserve funds. A component of this accounting is the interfund payable and receivable. This article will look at the interfund borrowings and how accounting for fund activity can impact this asset and liability.

Defining an Interfund Payable and Receivable

As many involved in association accounting know, financial activity is tracked through what is called fund accounting. What this means is that total activity of the association is broken into separate sections in what are known as funds. These funds have their own assets, liabilities, equity, revenue, and expense. When activity in the revenue and expense section does not match the cash activity for a specific fund, an interfund payable/receivable (also known as a due to/from) will be generated.

An interfund payable/receivable are items that are located on an association balance sheet. They overall reflect that one of the association's funds owes a different fund money, and the reason for this can be for a variety of things. But what causes this line item?

Most associations have two different funds: an operating fund for day-to-day activity, and a long-term capital replacement fund for larger repairs. The long-term reserve fund is usually built up over time through common fees collected annually. Most years, the activity in these funds can run like clockwork where there are no outstanding contributions, and all expenses are paid for by their respective funds.

However, as with most things in life, unexpected costs can occur at an association that are not planned for in the budget. This can cause a strain on the operating fund's liquidity and to meet these financial needs the association may use funds from their capital reserves with the intent to repay this draw down. This "borrowing" creates a payable on the operating financials and a receivable on the reserve financials.

There are also times where the reverse occurs. An item may be deemed a reserve project but due to extra liquidity in the operating fund, the expense paid by the operating fund. So, in this case the reserve fund owes the operating fund for payment of its allocated expenses.

Some interfund borrowings are necessary and legitimate, but the concern becomes when there are accidental borrowings between funds due to a mismatch of cash activity and these are harder to track and reconcile.



"Some interfund borrowings are necessary and legitimate, but the concern becomes when there are accidental borrowings between funds... and these are harder to track and reconcile."

How to Catch and Reconcile a Due to/from

When the unexpected does occur, or from the course of normal business, it is important to have due diligence during the year to prevent inadvertent interfund borrowings from occurring.

When drawing funds from reserves, there are times where the amount of the expense differs from what was withdrawn from reserves. The difference between what was withdrawn, and the actual expense becomes a reconciling question because the cash activity does not match the expense item in the profit and loss. Did the association mean to pay only part of the expense? Will the remaining be withdrawn? Is the amount withdrawn meant to be repaid? These are all questions that we look to resolve when handling year end work when we discover something of this nature.

Thankfully reconciling these items during the year can prevent these issues and can be a rather simple process of using the reserve bank account as a control.

By reviewing the detailed record of any reserve cash account and comparing that to the reserve profit and loss activity any discrepancy should become apparent. If an association budgeted to make \$24,000 in contributions and looking over the reserve accounts in December reveals only \$22,000 in deposits this reveals there is an outstanding

[Continues on page 22.]



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FINANCIALLY SPEAKING...from page 20.

\$2,000. Conversely if the association has paid for a roof project of \$50,000 and allocated it as a reserve expense, but there were only withdrawals of \$10,000 then the reserve fund would owe the operating \$40,000.

By doing this simple check it will allow for accurate reporting of reserve transactions and a better understanding of any fund activity occurring during the year. To supplement this process a board should also work to include, as part of the decision-making process, documentation of expenses and approval of the reserve transfers. This is a good internal control on the spending

“If there is a discrepancy with cash activity as compared to allocated expense or income, this can be corrected over time by an association or all at once.”

of reserve funds and making sure items are approved, but it can also provide guidance for reconciling allocated expenses and income to cash withdrawals and deposits.

If there is a discrepancy with cash activity as compared to allocated expense or income, this can be corrected over time by an association or all at once. That decision would be based on available liquidity to correct an issue and upcoming expenses or streams of revenue. The main concern should be identifying and determining if any due to/from is an accurate interfund borrowing.

Conclusion

An interfund payable/receivable is a common occurrence for common interest communities. Ensuring that the due to/from is accurate and correctly reflects the board’s intent for transactions is an important part of accurate financial reporting and budgeting. Making sure these interfund numbers are accurate will allow for the board to determine repayment plans and ensure that any borrowings are repaid to continue to have adequate liquidity in the reserve of operating fund. ■

Dan Levine, MBA, CPA is a Certified Public Accountant at Tomasetti, Kulas, And Company P.C. Dan has extensive experience with tax and attestation services to condominium associations from all around Connecticut. Dan is an active participant in CAI-CT related programs and can be found presenting accounting best practices at these events throughout the year. Dan is also a member of our At Large Legislative Advocacy Committee and serves on the CAI-CT Board of Directors.



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Jonathan Chappell, Esq.

Association Meetings and Decision-Making During the COVID Pandemic

By Jonathan Chappell, Esq.

Earlier this year, when COVID first came into our lives, association lawyers were already being asked: “How can we do anything if indoor gatherings (meetings) are essentially prohibited?”

At that time, my colleagues and I generally advised that the association’s documents and CIOA likely already permitted for boards and unit owners to conduct “business (somewhat) as usual.” In fact, some associations were already having virtual meetings or voting by ballot without an in-person meeting. Many associations appear to gradually be accepting these procedures to avoid in person meetings and the risk of exposure. Some associations may find the options summarized below as a more efficient way to do business and may continue to use them if/when COVID is no longer the issue it is today.

Board Actions.

Virtual Board Meetings. During the spring, summer, and the fall, many associations would meet outside to lessen the risk of exposure relative to an indoor meeting. It is difficult to predict when the weather may cooperate to allow for an outdoor meeting.

Many associations have held meetings through Zoom, Microsoft Teams, or like platform. While association “learning curves” differ, and there are certainly glitches with using these platforms (e.g. Wi-Fi failures), many associations continue to hold virtual meetings.

Subsection 47-250(b)(7) of CIOA makes clear: “Unless prohibited by the declaration or bylaws, the executive board may meet by telephonic, video or other conferencing process . . .” Most governing documents permit the use of technology or are silent on this. In either scenario, the board can hold a virtual meeting. On May 1, 2020, Governor Lamont issued Executive Order 7HH,¹ as discussed in more detail later in this article. This Executive Order permits virtual meetings during the pandemic, even if the community’s documents prohibit them.

Vote by Email. Subsection 47-250(b)(9) of CIOA permits a board to conduct a vote by email, without holding a board meeting. Most boards used this procedure before COVID (e.g. approval of meeting minutes) but are now expanding its use to issues that are not controversial (based on discussion at prior meetings).

The association documents must be double-checked. CIOA permits board approval by two thirds of the board members. However, many association documents require a unanimous vote, i.e. every board member needs to vote in favor of the proposal. If the board does not achieve the necessary votes, then that issue will have to go to a board meeting.



mensuris/Stock/Getty Images Plus

“CIOA permits board approval by two thirds of the board members. However, many association documents require a unanimous vote...”

Rulemaking. Generally, the executive board is the rulemaking body for the association. Subsections 47-261b(a) and (b) provide:

- (a) At least ten days before adopting, amending or repealing any rule, the executive board shall give all unit owners notice of: (1) The executive board’s intention to adopt, amend or repeal a rule and shall include with such notice the text of the proposed rule or amendment, or the text of the rule proposed to be repealed; and (2) the date on which the executive board will act on the proposed rule, amendment or repeal after considering comments from unit owners.
- (b) Following adoption, amendment or repeal of a rule, the association shall give all unit owners notice of its action and include with such notice a copy of any new or amended rule.

There can be no dispute that rulemaking requires notice of the board’s intention to act on a rule prior to doing so, and notice of the board’s action on the rule after its action, and that copies of the entire rule must be sent to the unit owners both before and after the board’s action. It is less clear whether the comments from unit

[Continues on page 26.]



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ASSOCIATION MEETINGS...from page 24.

owners must occur at a meeting or can instead just be submitted in writing. Notably, the statute quoted above does not include the word “meeting.” Compare, Md. Code Ann., Real Prop. § 11-111(a)(1)(ii) (requiring “an open meeting is held to allow each unit owner or tenant to comment on the proposed rule.”). Section 3-120 of The Uniform Common Interest Ownership Act, consistent with CIOA, does not explicitly require owners’ comments on a proposed rule be received at a meeting. See, § 3-120, Comment 2 (“Unit owners are also entitled to submit comments on the proposed rules, and to know of the date before which those comments may be submitted for consideration”). Before adopting, amending, or repealing a rule without comment at a meeting, I strongly suggest that you consult with the association’s counsel.

Unit Owner Actions.

Executive Order 7HH. As to whether an association’s owners, CIOA does not make it as simple for a unit owners’ meeting. Subsection 47-250(a)(5) provides that the “declaration or bylaws may allow for meetings of unit owners to be conducted by telephonic, video or other conferencing process . . .” Therefore, whether your association could have a “virtual unit owners’ meeting” would depend on the association’s documents. If your documents do not affirmatively allow virtual meetings, your association might be left to amend the declaration or bylaws or use another alternative.

Executive Order 7HH makes it clear that unit owners’ meetings may also be virtual. This Order specifically reversed any prohibition of virtual unit owners meeting.

Ballots/Proxies. Section 47-252(a) of CIOA says the association may use proxies or ballots “unless prohibited or limited by the declaration or bylaws.” Again, at least during the COVID pandemic, Executive Order 7HH permits the use of methods other than an in person meeting.

There is always some confusion between ballots and proxies. A proxy allows someone who is unable to attend the meeting to appoint someone else who will attend the meeting and either directs the proxy holder how to vote on a particular issue or just gives the proxy holder a “blank check” to vote how the holder sees fit. A ballot is an actual vote; once the ballot is returned, it cannot be taken back or changed.

One more familiar option is to give notice of a unit owners’ meeting, but then strongly encourage the execution and return of a proxy. At least one of our clients with over 250 units had such a meeting with only the president, the manager, and one other unit owner in attendance for about five minutes. The president cast all the votes for those who returned proxies.

Many associations are now utilizing written ballot voting, without any meeting. Several of our clients have held an “annual meeting” by ballot without any meeting. This usually included the election of board members and the unit owners’ ratification of the budget. There are several requirements that must be adhered to if your association chooses to vote by ballot. See, CIOA 47-252(d).

Agreement to Amend the Declaration.

Very briefly, Subsection 47-236(a)(1) allows unit owners to amend the declaration “[b]y vote or agreement.” Again, I recommend taking to the association’s counsel about whether this can be done by your association.

We are all gradually adjusting to life with this virus. Hopefully, we can get to the point where gatherings at an association can safely occur. Until then, association leadership has methods to continue its necessary operations. ■

END NOTES:

1 See, <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7HH.pdf?la=en>

Jonathan Chappell, Esq. is an attorney in the law firm of Feldman, Hickey & Greene, P.C. based in Farmington, CT. Jonathan serves on our At Large Legislative Advocacy Committee. And is a new member of our Publications Committee.



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Manager's Column...



Rich Wechter, CMCA

Being Practical, Part LXVIII Snow and Ice Events: A Call to Action

By Rich Wechter, CMCA

In this column, we tackle various topics of interest with the intent of imparting practical advice. This issue's column looks at a subject that for some is a thing of joy and for others is a continuing nightmare: snow and ice. For anyone that has no responsibilities other than to have fun while playing in the snow, this article is not for you. Instead, this article is directed to property managers, board members, vendors, and the rest of us in regions where snow is a common occurrence, and who need to get plowed out and go somewhere. For us, the mere mention of snow and ice strikes fear in our hearts. Many a day goes by when some of us wonder why we are not living in a more tropical region that rarely sees the temperature below 32 degrees. We hope to explore this topic in an effort to better prepare board members and property managers for the battles ahead with our dreaded annual enemy: snow and ice.

A. Setting the Table on this Topic

You can find so many clever lines about snow on the internet. Two that I recently found provided me with the motivation for this article. Fox 2 TV in Detroit had a cute picture of a lonely motorcyclist riding in a snow storm with the following caption: "Dear Winter: I'm breaking up with you. I think it's time I start seeing other seasons. PS: Summer is hotter than you." Another comment was particularly relevant for this article in light of our recent mid-December near blizzard: "Is it just me or does anyone else think we're stuck in a snow globe and some jerk keeps giving it a shake?"

On a more serious note, while we complain about snow and ice events and contemplate early retirement, we do need to have a plan for dealing with it.

It is within this context that we begin our discussion of this matter.

B. Establish Goals and Expectations for Treatment of Snow and Ice Storms

It would be overly simplistic to say at this time that the goal of all associations is to eliminate all traces of snow on their respective properties each and every time there is a snow/ice weather event. The key to establishing real goals, however, is to define what an association can realistically expect to achieve. That answer will be different for each association. Some associations may expect to remove every vestige of snow by a time certain after a storm. Other associations may expect to have a relatively dry blacktop on their roadways, walkways and unit entrances within 24-48 hours after the cessation of a snow/ice weather event. Thus, the first step for an association is to establish what they



almitang/E+/Getty Images

"The contract with the vendor who performs snow and ice removal/treatment must clearly delineate what the vendor is contractually responsible to do..."

are capable of doing based upon their snow contract, their physical layout, and the composition of their community. There is no one size fits all approach.

1. The Snow Contract

The contract with the vendor who performs snow and ice removal/treatment must clearly delineate what the vendor is contractually responsible to do (e.g., plow after two inches, complete plowing within x hours of the end of a storm, return to treat ice, etc.). Associations should utilize template contracts that are comprehensive enough to avoid having to recreate the wheel but allow for targeted association procedures that are relevant and purposeful for that association. Board members and property managers should work with their vendors to confirm that the contract fully covers the reasonable expectations of the association and that the vendor can reasonably meet those expectations. Walking the property with the vendor well before the snow flies is paramount to establish the goals and expectations of all concerned.

2. The Physical Layout of an Association

Board members and property managers must next understand the physical layout of their associations and what can and cannot be achieved and when snow and ice treatment activities will commence and in what order. Many associations have areas that cannot be com-

pletely cleared of snow because they must be utilized as collections areas for snow. We must remember that the standard snow removal activity is the pushing of snow and not the pick-up of snow. Moreover, snow generally is pushed downhill and not uphill. The further you try to push snow, the less effective those efforts become. If your goal is to pick-up snow, then additional equipment that may generate additional expenses under the typical snow removal contract will most likely be required. Associations and their vendors must be on the same page on this topic before the onslaught of storms begins. Residents need to know what will occur and what will not occur to avoid the countless e-mails and phone calls to the board members and management company day and night.

It is normal to proceed with the clearing and treatment of the internal roadways of an association, followed by the clearing and treatment of the walkways, steps and stoops (front entrances), followed by the clearing of parking areas. To achieve this, much is required from residents as will be noted below.

3. Treatment of the Ground

In addition to the work of the plows and shovelers (the perennial boots on the ground that are essential to a snow removal efforts), a successful response to a snow and ice event requires treatment of all areas of an association (roadways, walkways, steps, and stoops). This effort is primarily addressed with the use of either salt (sodium chloride) or calcium chloride. Applications should be made both prior to and subsequent to removal of snow and ice from the above-noted

areas. The dreaded freeze and thaw cycles will keep board members and property managers up all night until the fuel for this cycle has been depleted. This fuel is found along the sides of the roadways, walkways and steps as well as on roofs. The battle to keep paved surfaces safe does not end until the fuel has been eliminated.

3. Communicating the Goals and Expectations for the Treatment of Snow and Ice Storms and Obtaining the Cooperation of Association Residents

Once an association has established the goals and expectations of treating snow and ice events, the next step is to communicate said goals and expectations to all residents and obtain their cooperation in the implementation of the plans established.

The most effective manner to accomplish this is to draft and send out a winter bulletin on an annual basis each December at the latest, laying out what the snow and ice treatment protocols are for the association vendor and for all residents. The winter bulletin should lay out what the vendor will do during the winter season, and, most importantly, what residents are required to do. In most associations, residents are required to remove snow from their vehicles and move their vehicles out of their parking spaces so that the vendor can then clear the parking spaces. While it should never be expected that residents will go out in the middle of a snow and ice event to move their respective vehicles, it is expected that residents will come out after the storm has ended to do so. The most effective manner in which snow

[Continues on page 34.]

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Timothy Wentzell, P.E.

TECHNICAL EXPLANATIONS

This column appears in each edition and is intended to touch on technical topics of general interest to common interest associations. Topics will be of a general nature, but I will also accept and respond to questions from readers. On occasion, it will be guest authored when topics can best be addressed by experts in other fields.

Clerk Of What?

By Timothy Wentzell, P.E.

The job of the Clerk of the Works, often referred to as project inspections or project management, has evolved over time, but in essence the clerk's role in a construction project is to serve as the eyes and ears of the customer. In actuality, the title of Clerk of the Works is really the combination of the project inspector along with the task of project management. The following definition is from Wikipedia: *The job title Clerk of Works is believed to derive from the thirteenth century when Monks and Priests (i.e., "clerics" or "clerks") were accepted as being more literate than the builders of the age and took on the responsibility of supervising the works associated with the erection of churches and other religious property. As craftsmen and masons became more educated they in turn took on the role, but the title did not change. By the nineteenth century the role had expanded to cover the majority of building works, and the Clerk of Works was drawn from experienced tradesmen who had wide knowledge and understanding of the building process.*

It is interesting to note that Geoffrey Chaucer (1343-1400) served as Clerk of the King's Works as well as of course doubling as an author.

The Clerk of the Works is a valuable member of the construction team on large projects especially in the current construction climate where numerous subcontractors are often used for large projects and quality control can be problematic. While the prime contractor has an interest in maintaining quality on the project, the time that they spend ensuring that all subcontractors meet the same standards is often minimal. This is why the customer needs someone whose interest is

aligned with theirs to ensure that the project is done in accordance with the project specifications, contracts, applicable codes and quality construction practices. The customer interestingly enough often views this role as simply adding to the overall cost of the project, which of course it does, but hopefully it also tends to provide a comfort level to the customer that the project is progressing as planned.



It needs to be understood that especially when the Clerk of the Works has a relatively limited role in the project perhaps checking on the project's progress as infrequently as once per week, many things can happen that may not be noted by either the customer or the clerk. It is also important to understand that the ability of a Clerk of the Works to ensure a quality project is realized is frequently limited by the quality of the project specifications, as the most important task that the clerk needs to undertake is to have a clear understanding of the requirements of the specifications along with their intent in order to ensure that these standards are met. The building codes can also provide a basis for ensuring a successful project but typically the project specifications would have numerous requirements that are over and above the minimal code requirements.

"The Clerk of the Works is a valuable member of the construction team on large projects..."

When a customer is retaining a clerk, it is important in the early part of the process to have a clear understanding of how involved they will be with the project, how frequently they will be performing inspections, whether they are approving payment requests and other details of the task such that there is no confusion with regard to the level of their involvement and the expectation of the customer. ■

Please address any questions or areas of interest that you would like answered in future columns to Timothy Wentzell, P.E., e-mail: ConnPropEng@cox.net.



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Condo Advisory Review Board Sought

A.E. from Hartford County, Connecticut writes:

Dear Mister Condo,

My board is trying to assess me a major maintenance expense in the common area which I have been told by a previous president and the Town Clerk’s office is ridiculous. This board cannot stand to be questioned and many previous long-standing owners have left over their harassment. The question I’m asking is I’ve been told there exists an independent advisory review board that reviews a board’s policies and practices. If so, can you tell me where I can access their information?

Mister Condo replies:

A.E., I am afraid that I am not aware of any such review board. Condominium associations and HOAs are governed by volunteer leaders from within their communities. Not all are adequately prepared or trained for the job and there are times when complaints of harassment and unreasonableness will undoubtedly arise. The best solution is to vote them out of office and replace them with new volunteer leaders who better represent the wants and desires of the community. However, if there are no other leaders interested in volunteering, you are stuck with the leaders you have. That being said, if the law is on your side, and it sounds like it might be from what you have told me here, you always have the ability to sue the Board if they violate any of your rights. Common Area maintenance is the responsibility of the association, managed by the Board. They cannot arbitrarily assign an expense to an owner unless there is some kind of dispute over damage or ownership of the common area (limited common areas can create a grey area in some associations). My advice is for you to speak to an attorney if you feel you need to and to rally other unit owners around voting this Board out. There is no reason any association should be run by bullies. All the best!

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[Continues on page 34.]

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Hodge Insurance 27
The Milford Bank 2
New Look Painting & Construction..... 21
Reardon Agency 11
Sandler & Hansen, LLC..... 21
Savol Pools..... 35
V. Nanfito Roofing & Siding..... 26
Windsor Federal Savings..... 11
Zeldes, Needle & Cooper, P.C..... 23

MANAGER'S COLUMN...from page 29.

and ice is cleared from parking spaces requires the vendor to clear the roadway, followed by the walkways, steps and stoops, and the parking spaces after residents have moved their vehicles. There is nothing prettier than seeing a conga line of vehicles on the roadway while the plows are clearing the parking spaces. A map to accompany this bulletin is always suggested.

Conclusion

Associations that establish reasonable goals and expectations, work with their vendors to treat and remove snow and ice where necessary, communicate these goals and expectations with all residents and obtain maximum cooperation from the residents are the ones that will have a successful winter season. I leave you with one final comment. The men and women who are driving the snow plows and hitting the ground with shovels are performing a job most us have not ever done (driving snow plows) or for a long time (shoveling snow). It is imperative that owners not interfere with them or attempt to direct them in the discharge of their duties. Any concerns should be directed to the management company. But it is perfectly acceptable to offer them coffee, hot chocolate and water (dehydration can occur with a vengeance in the winter) and a round of applause for what they do for all us. ■

Rich Wechter, CMCA is Senior Vice President at Westford Real Estate Management, LLC. Rich serves as a delegate and Treasurer of our Legislative Advocacy Committee.



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Pandemic Proof Your Pool Season 2.0 “an ounce of prevention is worth a pound of cure”

We are now approaching the beginning of our second pool season in the midst of an unprecedented pandemic. As pool professionals we are always looking to seek the latest information from various state and federal agencies so we can continue to serve and educate the swimming pool community. What we do know is the science to protect your pool and the know how to keep your pools safe and problem free. We are strongly recommending that the pools be opened on schedule one of two ways.

Option one would be to fully start and balance the pool and have it ready to go as things continue to change. This would also provide the aesthetic value and the state of mind of residents to see some peaceful blue normalcy.

Option two would be to start the pool so the circulation system can run and recover the pool. This will allow the pool to stay healthy and keep the fence jumpers out... I'm sure many of you have some stories about that. When the ok is given to allow bathers in to the pool area the cover can be quickly removed and will be ready to go.

The other option you have is to leave the pool closed entirely for the season. This is definitely the worst option to maintain the condition of the pool. I know I have personally worked with many of you and we all know the expensive renovations, repairs, and work that have gone into these pools. We need to protect these pools and ultimately the investments made by our communities.

DO NOT DRAIN YOUR POOL!!! Pools should never be drained without contacting a licensed pool professional first.

Water Balance:

Without proper chemical balance the water can either become acidic, corrosive, basic, and aggressive also the pH and calcium levels will not be controlled. This can rapidly deteriorate the pool, anything from damaged and stained plaster, scale formation, paint failure, and damage to the tile and structure. The chlorine should also be maintained to keep the water clean and in balance. Also, without any sanitizer you are very likely to experience major algae, biofilm, insects such as mosquitoes, and bacteria.

What we are recommending is going to save these pools from costly repairs down the road. Let's not forget to protect our community's investments, and remain problem free for years to come.

Keith Anderson, CPO, CSP, CBP, SPB, SP-1
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