

Common Interest

The Official Publication of CAI-Connecticut

Vol. XIX: Issue 5 • 2024

Inside:

**Elderly, Mentally Ill,
and Other Vulnerable
Residents**

**Continuing Education and
Accounting**

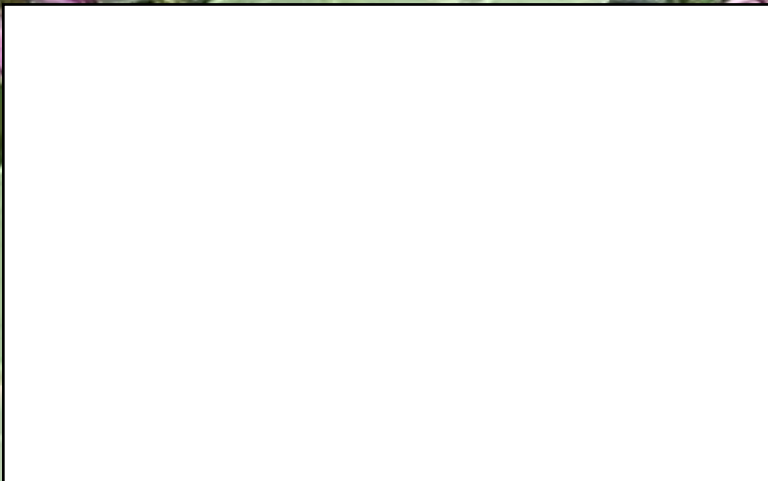
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Who Is CAI?

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 over 240 property managers, over 150 businesses, and over 800 community association volunteers representing over 80,000 homeowners.



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To submit an article for publication in *Common Interest* contact Kim McClain at (860) 633-5692 or e-mail: kim@caict.org.

President's Message



Charles Ryan, Esq., EBP

“The 73-year-old Unit Owner became very aggressive and ended up shooting the Board President...”

I hope everyone is safe, healthy and enjoying their summer. Unfortunately, this message is quite different than previous ones. It is with a heavy heart that I write about a tragic incident that occurred early in the morning on Saturday, July, 27th in Waterbury. My office received a call from a Board President. He was performing a site inspection outside of a Unit as a result of recent flood damage. The owner of the Unit was known to the President and to this office as we had had many dealings with him. During this inspection the Unit Owner came outside and confronted the Board President. The 73-year-old Unit Owner became very aggressive and ended up shooting the Board President before taking his own life. Luckily the President survived and was released from the hospital the same day.

This event serves as a sobering reminder of the unpredictable and often hidden struggles that individuals in our communities may be facing. We never truly know the depths of what someone might be dealing with on a personal level. It is crucial to approach each other with patience, empathy, and understanding.

As members of CAI-CT, we play a pivotal role in fostering a supportive and cohesive community. I urge you all to be mindful and compassionate in your interactions with one another and in handling the affairs of your respective communities. If you ever feel threatened or that safety is an issue, please do not hesitate to contact the police. ■

SAVE THE DATE!

**Saturday,
March 15, 2025**

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From the Chapter Executive Director

"The only things worth learning are the things you learn after you know it all."

~ Harry S. Truman



Kim McClain

Courtesy CAI-CT.

Much of the copy in this issue is about the importance and value of being an educated board member. Education is one of the main missions of CAI-CT. We are steadfastly devoted to offering the kinds of programs that give our members the tools to handle the seemingly endless challenges in the operations of common interest communities. For those of you who have had an opportunity to read the most recent issue of *Common Ground*, CAI National's award-winning magazine, you will note that they too focused on the vital role education plays in the effective management of associations.

Way too often we hear the refrain, 'my board members think they don't need to attend any education programs. They already know everything or they have served on a board elsewhere.' This is a very interesting statement to make, as laws are frequently changing and techniques for managing maintenance and other issues are always evolving. So how can they really know everything?

Our Condo Inc. program is right around the corner. If your association is following best practices in budgeting, there should be a line item for education. We encourage you to take advantage of all the information and strategies you will learn from this extremely valuable program. It's being offered as a live webinar so you will be able to ask our experienced speakers the burning questions facing your association. Registration is open at: www.caict.org

Be sure to mark your calendar for our Annual Fall Fun event in Glastonbury on September 25 in South Glastonbury and our Annual Legal Symposium, virtual event, on October 24. ■

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Register now for upcoming events at www.caict.org.

People in the News...

Congratulations to Stephen DeBaise on being recognized as Rotarian of the year as well as being honored with a Paul Harris Fellow Award for his service above self, commitment and dedication to the Wallingford Rotary Club!



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Email your industry-related news to kim@caict.org.

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UPCOMING CAI-CT EVENTS

FALL FUN & Vendor Fair

Wednesday, September 25 • Education 3:00 pm - 5:00 pm /
Networking 5:00 pm - 7:00 pm
Hops on the Hill, South Glastonbury



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\$55 - Non-Members

Service Providers:

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CONDO INC. — WEBINAR SERIES (Hosted on Zoom)

Saturday, October 5, 12, 19 • 9:00 - 11:00 am

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, Condo Inc. is the course for you! Scheduling conflict? Register anyway, and we'll email you the recording afterward!

\$30 - CAI Members / \$45 - Non-Members

CEO CAM Council (Hosted on Zoom)

Tuesday, October 15 • 1:00 - 2:00 pm

Qualifications to attend: you must be an individual member or the designated chief executive officer or equivalent of a management company holding a CAI membership. No more than two individuals employed by the same company may participate on the Community Association Managers Council at the same time. Pre-registration is required.

12th Annual Legal Symposium (Hosted on Zoom)

Thursday, October 24 • 1:00 - 6:00 pm



Legal experts will present on a variety of current hot topics important to Connecticut Community Associations. Topics & Speakers to be announced September 1st.

(All proceeds to benefit legislative advocacy for Connecticut Community Associations.) Scheduling conflict? — Register anyway, and we'll email you the recordings afterward! These webinars will be available on-demand following the live broadcast to those who register prior to November 1st!

Board Members, Managers & Unit Owners:

\$55 - CAI Members (when you sign into your profile before registering)

\$80 - Non-Members

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Jump Start January (Hosted on Zoom)

Wednesday, January 15 • 12:30 pm - 2:30 pm



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\$30 - CAI Members / \$55 - Non-Members

27th Annual Conference & Expo

Saturday, March 15th • 8:30 am - 2:00 pm



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Statutory Snippet

What happens if I have a noisy neighbor? What if the board doesn't enforce the association's own rules?

State law gives a condo board broad discretion in enforcing the rules. In fact, boards can decline to take action against violators whenever they determine that doing so would not justify expending the association's resources or would otherwise not serve the association's best interests. When they decline to act, state law specifically says that they have not rescinded or waived their ability to enforce the same rule later, so long as the boards are not acting in an arbitrary or capricious manner (such as flipping a coin, favoring their friends, etc.).

You should send your community's board or manager a written complaint that concisely identifies specific examples and individuals. If the board chooses not to act, your remedy is to vote to elect new board members who share your concerns at the next annual meeting. Remember the importance of organizing and exercising your vote. ■

Source: CT Department of Consumer Protection: Condominium FAQs



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October 24th
1:00 - 6:00 pm**

**Good for
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Legal experts will present on a variety of current hot topics important to Connecticut Community Associations. Topics & Speakers to be announced September 1st.

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Legally Speaking...



Adam Cohen, Esq.

Elderly, Mentally Ill, and Other Vulnerable Residents

By Adam J. Cohen, Esq.

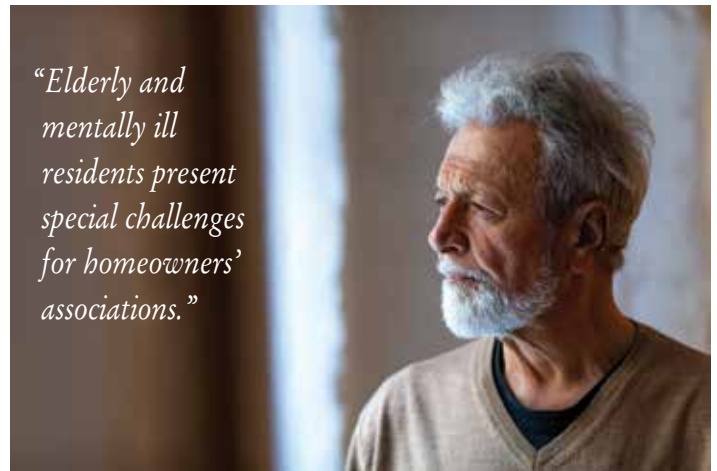
I am currently representing a condominium association against a mentally ill resident who attacked and injured the board president. His off-site family and the police had essentially ignored warnings of his bizarre and threatening behavior for years. Neighbors had long dreaded his presence in the common areas, and fines and reprimands for his rule violations obviously meant nothing to him. This shocking incident of violence did, finally, lead to an arrest as well as his family's apparent realization that he will need to relocate for more of the care and supervision he needed.

Elderly and mentally ill residents present special challenges for homeowners' associations. The residents, their families, and their neighbors often either expect more from board members than they are able to provide, or instead just refuse to acknowledge their diminishing ability to live alone. The results can be resentment, confrontation, or even a dangerous living situation.

Some associations have developed programs to encourage neighbors to look in on one another. Welfare committees, buddy systems, and voluntary registration for check-ins and emergency contact information have helped protect elderly and infirm community members. Others offer free "classes" on how to make the best and safest use of the association's amenities and online meetings and announcements. Naturally, volunteers who lead programs like these should not accept responsibilities beyond their qualifications and comfort level, but even the simplest acts of assistance can prevent larger problems before they happen or at least allow for some degree of preparedness.

Residents who present safety concerns for themselves and others are a complicated issue. Although the physically and mentally disabled have legal protections against discrimination, other residents are not required to intervene or tolerate behavioral problems. Some have lost the ability to adequately care for themselves, or fail to keep their homes up to aesthetic or sanitary standards. Hoarding, which has become increasingly common, can dramatically increase the risks of fire, vermin, and even structural problems in the person's own and adjacent units. Anti-discrimination laws generally do not preclude boards from assessing maintenance expenses and fines when warranted as they normally would.

Some residents developing dementia or mental illness can even become belligerent or abusive to those around them, leave their gas



"Elderly and mentally ill residents present special challenges for homeowners' associations."

lubaaphoto/E+Getty Images Plus

ovens on, or drive their vehicles unsafely on the community's roads. The laws governing homeowners associations simply are not designed to address these kinds of serious situations. Monetary fines and litigation are no deterrent to the mentally ill. Instead, contacting the resident's family is usually the first step to getting the necessary assistance, medication, or accommodations for the vulnerable resident. Local health, social, and protective service departments may be able to provide additional monitoring or resources where appropriate. And of course, anyone who feels their safety is threatened should not hesitate to call the police. If a problematic resident is a tenant rather than an owner, the association will even have the legal right to go to housing court to evict the person for serious violations of the association's rules when necessary.

Vulnerable residents often need extra attention to keep them safe and stable. Although homeowners' associations certainly do not have the ability to solve all of their problems or respond to every situation, reasonable intervention and neighborly behavior can help keep these residents and those around them as safe and stable as possible. ■

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 internal and commercial disputes.



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Daniel Levine, CPA

Continuing Education and Accounting

By Daniel Levine, MBA, CPA

An important part of life is continual education. While formal exams and full-time classes may not be something on the agenda for many individuals that serve their common interest community, continual education is still critical. This includes education of the accounting function. While accounting isn't everyone's favorite subject, it is a critical function for any association and financial literacy can help a board plan for success or adapt to changes as necessary. This article will show the scope of accounting changes that have come about in the recent years to highlight why continual education in this area remains important and touch on how board members can address the need to remain informed on these changes.

Accounting Changes

In the last few years, the Financial Accounting Standards Board (FASB) has had required implementation of many new accounting standards. Accounting Standards Codification (ASC) sections 606, 320, 321, 326, and 842 have been required to be implemented over the past few years and these sections have changed accounting for a variety of areas that are common transactions for associations. Changes for revenue recognition, investments in bonds, investments in equities, accounting for credit losses, and accounting for leases have all occurred, and the FASB's pronouncement have made some areas of accounting far more complicated while reducing complexity in others. If an association engages with transactions in these areas, being current with these changes will allow the association to comply with accounting rules and have their statements present fairly as described by the standards. Specifically, the standard changes for revenue recognition and credit losses would impact a majority of associations and the changes within ASC 606 have had a large impact on the presentation of common charges for associations under generally accepted accounting principles.

In addition to FASB accounting rule changes, an Association may have to contend with changes to federal taxation laws. These laws are passed by Congress and are a separate set of rules from the FASB's ASCs. The Internal Revenue Code focuses on income taxation and deductions versus fair presentation of economic transactions and therefore how a transaction is treated by the FASB may be completely inapplicable under the Internal Revenue Code.

The most recent overhaul of the taxation rules was in 2017, and these changes had an impact on some associations that were subject to IRC 277 income tax rules. Having a pulse on these changes can reduce any surprises for an association, and in the era of higher interest rates and larger interest earnings understanding association taxation can



“There are a few resources a board will have access to when it comes to continual accounting education.”

allow for appropriate expectations and budgeting for the potential taxes incurred.

Aside from delving into the details of recent rule pronouncements or tax law changes, there may also be a need for a simple overview or update in understanding of how the accounting function operates. Understanding of basic accounting principles such as accrual basis versus cash basis, what fund accounting means, or how a set of accounting books function can give a board the tools to better understand their statements and therefore make decisions based on those statements.

How to Engage in Continuing Education

There are a few resources a board will have access to when it comes to continual accounting education. The first is by engaging with a professional. Accountants that have a familiarity with the industry and rules can be a quick way for a board to obtain an understanding of a particular transaction which allows the board to address a specific issue or question. This can allow for correct recording of transactions the first time and make for a smoother financial statement audit, or a clearer set of monthly financials to present to the community. This can be a precision approach to deal with larger technical issues while the general operations are still handled internally under current procedures.

Another avenue for accounting education would be CAI-CT itself. The organization's Condo Inc. courses have a segment on general accounting principles and provide education that either experienced or inexperienced board members can use in their understanding of accounting fundamentals. CAI-CT also has contributors for this very magazine which touches on general accounting issues that impact associations and

can serve as a library of knowledge if and when these issues are encountered.

The last approach would be the association's community itself. By having a board member with a financial background, there exists an opportunity that they can explain the financial statements or keep up with different changes. Larger communities can also look to create a finance committee to advise of matters and ensure the association remains up to date on any potential changes. Under both these approaches an association can have subject matter experts to turn to for their day-to-day operations to help with any accounting challenges.

Conclusion

Despite the typical assertion that accountants don't like change, we frequently encounter change within the profession itself. Changes to accounting rule sets or taxation rules often mean change with our clients. And while professional, those in public accounting engage with continuing education to make sure we understand the rules, association members will also have a need to seek this continuing education for an efficient and effective handling of association finances. ■

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 serves as the Chair of our Publications Committee and is an active participant in CAI-CT related programs and can be found presenting frequently.

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Sizzling on the Sound

It was undeniably hot and sticky weatherwise, but the event was cool! We had an amazing line up of insurance professionals whose expertise is in underwriting. Their insights and experience made for a very powerful presentation. Our excellent speakers were: Community Association Underwriters (CAU) Vice President Marketing, Douglas “Doug” Henken, Greater New York Insurance Vice President Underwriting, Branch Manager, Sean Brondi and Philadelphia Insurance Senior Vice President, Robert “Bob” Morgan. Carrie Mott, EBP of Bouvier Insurance and CAI-CT’s President-Elect was instrumental in organizing this great roster of presenters. Thank you to all!

Question: How many wildfires are blazing in North America now? Answer: 107. Question: How many tornados have caused serious damage since the beginning of 2024? 1,259, causing multi-billions of dollars in damage. In fact, one big microburst hit Simsbury at the beginning of August! There were many more examples of the extraordinary types of calamities impacting our communities. Unfortunately, the extraordinary is becoming the ordinary and insurance premiums and coverage are being impacted significantly.

One thing was crystal clear: insurance companies know data – very well – and the numbers for the future are not looking good.

Our Summer Sizzler Committee developed some great activities and around the Olympics and Paris theme. It was a terrific event!

Thanks to our Committee:

Chair - Christopher Hansen, Esq., - *Sandler & Hansen, LLC*
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Board Education. It's the Law! Connecticut Public Act 06-23.

Sec. 47-261a. Basic education program for association members and management. The executive board of each association of a common interest community, or an officer designated by the executive board, shall encourage each member of such association, including the officers and members of the executive board, and any managing agent of such association or person providing association management services to such association, to attend, when available, a basic education program concerning the purpose and operation of common interest communities and associations, and the rights and responsibilities of unit owners, associations and executive board officers and members. The executive board, or any such designated officer, may arrange to have any such program conducted by a private entity at a time and place convenient to a majority of the members of such association. All or part of any fees for such program may be designated as a common expense of the association and paid from association funds in such manner as may be determined by the executive board and approved by the association, consistent with the bylaws of the association and this chapter.

The intent of this law is to ensure that common interest association board members have a keen grasp of the major laws governing community associations as well as the most essential applications regarding insurance, financials and maintenance. Our popular program, Condo Inc., fulfills the requirements of Public Act 06-23. Furthermore, board members who have attended the program - including those with years of experience - have found the program to be extremely informative, as laws and procedures for handling a host of issues change and it is vital to say current.

We asked our experienced speakers to share some of their insights regarding the value of this program.

Dan Levine, MBA, CPA — Tomasetti, Kulas & Co.



Condo Inc. and why unit owners, board members, and managers should become involved in the program:

I have been involved as a presenter for this program over many years and I have always found that the accounting education here is critical to the fiscal health of a the community.

Everyone is a lifelong student and education within the common interest community is no different.

Whether someone is a veteran member of the board or this is their very first term, having a way to ask questions and hear about upcoming changes from professionals specializing in the industry is a great way to make sure someone's association is current.

When you stop learning you start losing and in today's fast paced changing world this can have real ramifications. Whether it's implementation of a new accounting standard, learning about the Corporate Transparency Act, of other compliance items there is always something someone can take away from continuing education.

For a small investment of a few hours the return for someone's association can be great.

Dave Pilon, CIRMS — Bouvier Insurance



Know what property is covered by the master policy and what is not covered.

- Understand the level of protection afforded by your Directors and Officers policy, not all policies are built the same.
- Know when you can charge back deductibles to unit owners and when you can't as well as options the Board may have to facilitate deductible chargebacks.

Kasey Burchman, Esq. — Feldman, Perlstein & Greene, LLC.



As a member of the association's executive board, board members have a duty to act in good faith, as a reasonable person and in the best interest of the association. Attending Condo, Inc., sets a great foundation for carrying out these duties! Condo, Inc., provides a wealth of valuable information to help you understand how to manage your community. It helps you understand that there are rules your association is required to follow not only because it is in your association's best interest, but because it is Connecticut law. The information gives you a starting point on where to look for answers (i.e. your governing documents and state statutes), helps you decide when you need outside help, and who to ask for help. Attending Condo, Inc., will make you a better board member, it will give you a good foundation to make informed decisions, and create a more positive environment for you entire community.

Greg McCracken, Esq. — Jacobs, Walker, Rice & Barry, LLC



When preparing for a Condo Inc. session I am very focused on the preparation. It is important to do so intensively, even if it seems disproportionate to the time the session will require. I am always seeking to provide as much structure as possible in the presentation to allow the attendees to make sense of unfamiliar ideas that they can build on in the future.

We are extremely grateful to all of our speakers for their passion and commitment to educating association board members so they are better prepared to manage the myriad of challenges that the responsibility of running an association effectively bring. ■

**Registration for our upcoming
Condo Inc. program is available at:
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(See ad on top of facing page.)



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Avoiding Bee Stings

For most people, a bee sting is an uncomfortable experience, but not a life-threatening event. For approximately 3 percent of adults and 0.5 percent of children, however, a sting by a bee, wasp, hornet or yellow jacket can result in a whole-body allergic reaction (anaphylaxis)—a true medical emergency.



“The best way to prevent an allergic reaction is to avoid being stung.”

The best way to prevent an allergic reaction is to avoid being stung. Generally, insects such as bees and wasps aren't aggressive and only sting in self-defense. If a few bees are flying around you, calmly and slowly walk away from the area—swatting at an insect may cause it to sting. When a bee stings, it releases a chemical that attracts other bees, so if a bee or wasp stings you, or if many insects start to fly around you, cover your mouth and nose and quickly leave the area. Try to get into a building or closed vehicle.

The following are some additional measures you can take to stay sting-free:

- Have hives and nests near your home removed by a professional.
- Use caution when working around bushes, shrubs, trees and trash cans.
- Always wear shoes when walking outside, particularly on grass.
- Wear pants, long-sleeved shirts, gloves, close-toed shoes and socks when working outdoors.
- Avoid very loose-fitting clothing that can trap insects.
- Don't wear brightly colored clothing or flowery prints because it could attract insects. Avoid using perfumes or other scented products for this reason as well.
- Always check food and drinks (especially open cans of soda or drinks with straws) before consuming, especially at pools and picnics.
- Serve beverages in wide, open cups, since they easily allow you to see what's inside.
- Avoid eating sweet foods outside.
- Cover food containers and trash cans tightly.
- Clear away garbage, fallen fruit and animal feces (flies can attract wasps).
- Keep the windows rolled up when driving or riding in a car. ■

ENVIRONMENTAL TIP



COMPOSTING —

Does your town and/or community association offer opportunities to compost? For those who garden, or who have friends/relatives that do, compost is a rich source of nutrients for the soil.

The most recent study of the components of Connecticut trash shows 41 percent of residential waste is organic, food scraps and yard waste, which can be converted to energy through anaerobic digestion or processed into animal feed. Food scraps alone represent 22 percent of residential trash and are among the heavier materials regularly thrown away. Removing them from the waste stream reduces the costs of disposal as municipalities and many condo associations pay by weight. Food scrap diversion is becoming more important after the recent closure of the trash-to-energy plant in Hartford.

Here are some resources regarding food scrap diversion in Connecticut:

Businesses that Collect/Haul Food Scraps for Composting or Anaerobic Digestion

- Action Waste Solutions – services residents in Black Rock, Fairfield, Norwalk, Weston, Westport
- All American Waste – services commercial businesses
- Blue Earth Compost – services residents, municipalities and businesses
- Casella – services commercial businesses
- Curbside Compost – services residential and commercial locations
- Divert, Inc. – services business, institutions and municipal transfer stations
- Peels and Wheels – services residents in New Haven, collecting food scraps processed by Peels and Wheels
- USA Hauling & Recycling – services commercial businesses and municipal transfer stations

Food Scraps Collection at Transfer Stations

- Darien
- Glastonbury
- Housatonic Resources Recovery Authority (New Fairfield, Newtown, Redding, Ridgefield)
- Mansfield
- Organics Recycling: Municipal Programs (*webinar, July 2018*)



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Jonathan Chappell, Esq.

Got a Minute(s)?

By Jonathan Chappell, Esq.

Whether a first-time board member or a veteran, one thing that all board members need to know about is the “minutes.” The minutes are possibly the only document that in the future will tell someone what action was taken by your board or the owners in the past. The minutes are not just random notes, but a document with legal significance. As always, this article is intended to provide you with somewhat basic guidance; all specific questions that you may have should be directed to your association’s attorney.

Do We Need Minutes?

Yes. Stated simply, the minutes are intended to document decisions. The minutes are the record of what the body, in your community likely the board or the owners, did.

A couple of common examples:

First, someone sues the association and claims there was a defect in a board’s process in approving a contract. A court will want to use the minutes to determine what exactly the board did, how, and when. Without clarity in the minutes, it will be difficult, or even impossible to prove the board used the correct process.

Also, consider the advantage of the guidance provided by clear, written minutes memorializing a decision at a prior meeting. Instead of relying on the memories of those who attended the prior meeting, the minutes can tell everyone what was decided and how to implement the decision.

It is imperative that your minutes are kept and that they are a concise statement of what occurred.

They are Minutes, Not Hours

It has been said by many that “a meeting is an event at which the minutes are kept, and the hours are lost.” While this is obviously somewhat “tongue in cheek,” there is a point that is relevant. There is no requirement to create a transcript or a word-by-word verbatim reproduction of a meeting in the minutes. Certain communities do try to use their minutes as a communication to the owners who are not present during a meeting. Those communities have their hearts in the right place, as they are providing lengthy minutes so those who are not at a meeting can read them at their convenience and be informed.

However, this level of detail is not required. Remember that the purpose of the minutes is to document what is actually decided, not every viewpoint received or expressed. The secretary of the Association is not paid by the word or hour (and likely not at all!). If the board would like to communicate certain information beyond what is required in the minutes, it may do so, but it does not have to be in the minutes



Mohamad Faizal Bin Ramli / iStock / Getty Images Plus

“...the purpose of the minutes is to document what is actually decided, not every viewpoint received or expressed.”

What Must Appear in the Minutes

There are several sources that apply to your minutes. This includes CIOA (Common Interest Ownership Act), the Nonstock Corporation Act, and (likely) *Robert’s Rules of Order*.¹ Your governing documents may also have provisions governing minutes.

The following should appear in the minutes:

- Whose meeting it is and the type of meeting (e.g. special board meeting, annual owners’ meeting);
- Date, time, and place of the meeting;
- Attendees;²
- Who chaired the meeting and was acting as secretary/who kept the minutes;
- The time the meeting was opened/called to order;
- Votes to approve the minutes of prior meetings;
- Reports of officers, the manager, and committees;
- The motions/resolutions considered/voted on. Consider whether a resolution could be or should be in writing and kept with the minutes (e.g. loan approval vote);
- The name of the director making the motion;
- A statement of whether the motion was seconded. Though a common practice, minutes do not need to state who seconded it;
- A statement whether/how each director voted;
- The time at which the meeting was adjourned.

[Continues on page 20.]

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Communication is Key

Your volunteer board members work hard to make sure residents feel at home and their community thrives. To be more effective, it's important to seek out other perspectives to learn about the board's perceived strengths and weaknesses. So, to help you better serve the association, the board should periodically ask how they're doing.



These are just some of the important questions the board should be eager to have answered. Do you feel that the board is successfully handling issues pertaining to the community, or are there some important matters being neglected? Has the board been transparent with residents about the actions that are taken, and have residents been given a fair opportunity to weigh in on these decisions? Does the board listen to what you have to say when you disagree with the association or when you have suggestions to better the community?

Opinions can help shape the community, honest feedback should be welcomed. Good communication is key in helping to make your association a place everyone is proud to call home. ■

“Do you feel that the board is successfully handling issues pertaining to the community,..?”

MINUTES...from page 18.

Sometimes the Minutes May Need Something More CIOA may demand more. A couple examples:

Owner Comment Period: CIOA requires that every association meeting allow for an owner comment period “to comment regarding any matter affecting the common interest community and the association.”³

Hearings: CIOA requires a “notice and hearing” procedure before imposing a fine or suing an owner. This includes holding a hearing before the board; holding the hearing during a board meeting should be reflected in the minutes.

Loans/Special Assessments: Best practice is that consideration and voting be done with written resolutions to be kept with the minutes.

Each board member should be aware of what minutes are and what is required. The association should take seriously what is included in the minutes and whether they effectively demonstrate exactly what action was taken. ■

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

End Notes:

- 1 See CIOA 47-250(c).
- 2 Board meetings should indicate all directors present. Owners' meetings should assure a quorum is present and possibly put the sign in sheet on file with the minutes. Also, a vendor of the association (e.g. manager, lawyer) and anyone addressing the board (e.g. contractor).
- 3 CIOA.

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Melissa Yocum

TECHNICAL EXPLANATIONS:

What to Know as a First-Time Board Member

By Melissa Yocum

Becoming a board member of an HOA or community association is an exciting move. But with a newfound position comes potentially unfamiliar responsibilities. Let's explore the essential things you need to know to be a successful first-time board member!

Your primary role as a board member is to preserve, protect, and enhance the community's value. Generally speaking, you're tasked with maintaining the investment of each owner. Why would people want to belong to a community where the property is not in good shape and capital repairs aren't regularly made to maintain and increase home values?

Coordinating board training with your management team will help to establish goals and expectations for conducting community business, as well as create a mutually beneficial relationship between board members and management. If there is not one in place, develop a strategic plan for the board to follow.

Being a community leader means listening to those you serve. By supporting residents and hearing their concerns, you can create purposeful relationships that should always remain transparent in nature. Because most violations that arise will stem from a lack of knowledge or understanding, there should be a solid balance in governance that stands firm, yet encourages community input.

Because you have no authority separate from that of the board, you must become acquainted with the parliamentary procedures specific to your association. Keeping clear lines of communication with other board members is crucial, but it remains important not to govern in secrecy. You must become acquainted with the Board's insurance agent, as knowing you are covered is not enough – you must know the ins and outs of directors' and officers' insurance. Similarly, you must familiarize yourself with the bylaws, code of conduct, management agreement, and capital plans which may include a reserve study.

If the board does not have a capital plan or reserve study, it is imperative that you obtain one. Reserve studies act as a proactive capital planning tool for boards, providing an equitable and reliable financial plan for the future.



“Becoming a first-time board member is a big step to take...”

The reserve study is a non-invasive inspection of all association-maintained assets. The reserve study report will take into consideration the current amount in reserves, and outlines a 30-year financial plan that supports paying for capital projects when the time comes.

This information is paramount in fulfilling your duty of care and acting in good faith. After all, a board cannot say they fulfilled their obligations if they were aware of issues and did not take action. An inspection and capital planning tool, reserve studies generally make the life of a board member easier and help to fulfill their obligations to the community.

As a first-time or tenured board member, it's extremely important to make informed decisions, avoid conflicts of interest, and act within the breadth of your jurisdiction. If you're unsure about any rules, regulations, vendors, or documents, become informed prior to acting. Become and remain loyal to the community you serve, as you have an obligation to do so.

Becoming a first-time board member is a big step to take but can be an extremely rewarding experience. By following the rules of conduct, maintaining all legal and association documents, fulfilling your responsibilities, and caring for your community, your hard work is bound to pay off. ■

Melissa Yocum is a Senior Account Manager with Reserve Advisors

CAI National offers a vast number of resources. *The Board Member Toolkit* is a very useful guide for the many aspects of being on a common interest ownership community board.



This can be found on their website at: www.caionline.org

CONDO STATS

From CAI National.

338,000

U.S. community associations

2,350,000

Community association board and committee members

80,000,000

Hours of service performed annually by association board and committee members

\$1.76 billion

Estimated value of time provided by homeowner board and committee members based on the Bureau of Labor Statistics estimate of \$22.55 per hour for volunteer time

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Lakes and ponds captivate us due to our innate attraction to water, making them popular focal points in HOAs and residential communities. Unfortunately, weeds, algae, muck, and erosion can make your waterbody noticeable for the wrong reasons, potentially leading to complaints, safety hazards, infrastructure damage, and a bruised reputation. Healthy waterbodies contribute to happy communities and managing them should never be a headache.

For most communities, the ideal waterbody is balanced, functional, and beautiful—and achieving this trifecta can be challenging. However, proactive, environmentally-responsible management solutions can help stakeholders amplify its benefits and maximize the value that it adds to their property.

Promoting Ecological Balance

Nuisance weed and algae growth, bottom muck, and foul odors may signify nutrient imbalances in the water. Excess nutrients can enter the water through runoff from construction sites, fertilized lawns and gardens, agricultural land, dog parks, or polluted areas. Water quality imbalances jeopardize the health of aquatic ecosystems and can create prime conditions for cyanobacteria (blue-green algae), which produce toxins that are harmful to humans and potentially deadly to wildlife, livestock, and dogs.



If water quality testing reveals significant imbalances, several eco-friendly solutions are available to help counteract and prevent them.

Nutrient remediation

Nutrient remediation can help communities achieve cleaner water that's less hospitable to weeds and algae. Several eco-friendly products are available to remove excess nutrients from both the water column and sediments, leading to long-lasting improvements in water quality. To recommend the right solution, experts assess waterbody size, function, and degree of water movement.

Biologicals

Biological bacteria help make the decomposition of nutrient-rich bottom muck more efficient, which can help alleviate foul odors, improve water clarity, and prevent imbalances. More importantly, depth and volume may be restored as muck decomposes, reducing flood risks and allowing stakeholders to prolong the need for physical removal via dredging, which most communities need at least a decade to budget for.

Dissolved oxygen

Dissolved oxygen (DO) aids bacteria in the breakdown of muck and is crucial to support aquatic life. DO-rich waterbodies often pro-

vide fantastic fishing and beautiful views. However, DO can become depleted due to high temperatures, abundant sunlight, or stagnation. Submersed aerators are one of the more common solutions to promote DO, but other new technologies are showing promise by producing higher DO concentrations with longer-lasting results.

Promoting Functionality

One of the most important functions of waterbodies is the collection of water during rainstorms. Failure to do so can result in dangerous consequences like flooding in the community. It's important to conduct regular inspections to help stakeholders identify potential impediments and develop a plan to repair or restore them.

Shoreline restoration

Erosion is natural, but it can be accelerated by human activities. Beyond being an eyesore, eroded shorelines can collapse and injure residents, guests, or landscapers, leading to potential lawsuits. Professionals utilize bioengineering techniques to rebuild eroded shorelines by filling geotextile mesh with sediment, shaping it to natural contours, and anchoring it securely. Native vegetation or sod is then planted over the material, creating a living shoreline that restores waterfront land, helps improve water quality and enhances property values.

Muck removal

Eroded sediment progresses into muck that may clog stormwater equipment, reduce depth, and impede drainage. During storms, floodwater can damage building foundations, roads, and other infrastructure.



Muck and debris removal are key to preventing this. A hydro-rake, similar to a floating backhoe, can restore depth to areas with high sediment accumulation. This may help prolong or prevent the need for more costly dredging, allowing communities to divert funds to more urgent projects.



Promoting Beauty

While naturally breathtaking, lakes and ponds can be enhanced through color, movement, and lighting to fulfill different aesthetic needs. Goals can vary significantly among stakeholders, and a wide range of options are available to customize waterbodies of all shapes and sizes.

[Continues on page 27.]

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Contact: Jean Craemer
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 203-853-4179 • 203-853-6524 Fax
 E-mail: jwalker@crystal1.com
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United Property Restoration Services
 Licia Ciotti
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 lciotti@unitedprs.com
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LAKE...from page 24.

Fountains

Often placed in high visibility areas like community entrances, fountains provide eye-catching beauty and intrigue that may make a community more desirable to new residents and help increase property values. With intricate water patterns, graceful silhouettes, and night-time lighting elements, they can be highly customized. Fountains also provide added benefits of circulation and adding oxygen near the surface of the water.

Vegetative buffers

Though native vegetation is primarily recommended to help stabilize shorelines and prevent erosion, they can also serve as a beautiful accent by framing a waterbody with colorful plants and flowers. Moreover, buffer vegetation helps filter stormwater runoff, reducing the influx of excess nutrients and promoting clean water that is less prone to weeds and algae.

Pond dye

Few things are as beautiful as the reflection of a sunset on glistening water. For communities that wish to maintain a vibrant look throughout the day, eco-friendly pond dyes are a great option. Customizable shades of blue can create a welcoming, pristine appearance while still looking natural. Pond dyes may also help limit the penetration of sunlight, slowing the process of photosynthesis and the subsequent weed and algae growth and DO depletion.

Overseeing a waterbody may seem like a blessing and a curse at times. As aquatic experts, we view it as an amazing opportunity to not only improve the appearance and value of a property, but most importantly, enhance lives. By focusing on proactive, sustainable management strategies, you can better sidestep the headaches and instead help your community enjoy the long-term financial, physical, and spiritual rewards. ■

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