

# Common Interest

The Official Publication of CAI-Connecticut

Vol. XIX: Issue 1 • 2024

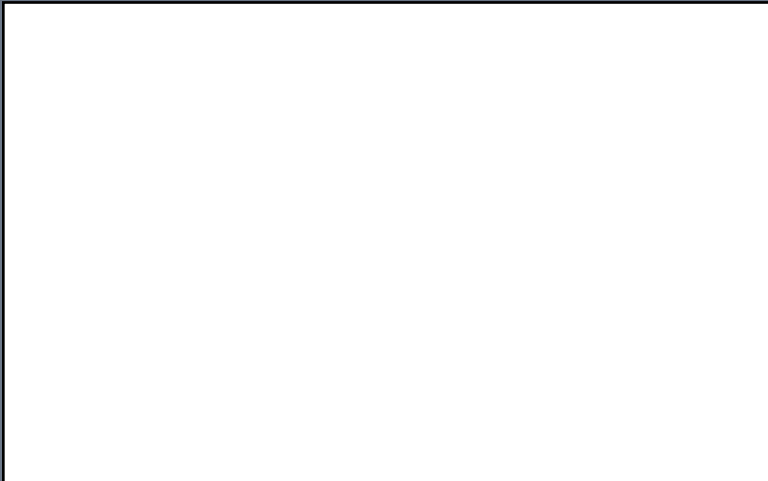
*Inside:*

**2024 CAI-CT  
CONFERENCE & EXPO**  
Registration and Information



**What a Drag:**  
Towing Improperly Parked Vehicles

*...and more!*



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 ..... *Branford, CT*
- Ben Whittemore, CMCA.. *Pro-Klean Cleaning & Restoration, Inc.,*  
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- |   |   |   |
|---|---|---|
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| <b>Conference &amp; Expo</b><br>Karl Kuegler, Jr., CMCA, AMS, PCAM                  | <b>Golf Tournament</b><br>Carrie Mott, EBP                | <b>Spring Fling</b><br>Jillian Judge, Esq.  |
| <b>Education Program</b><br>Donna Rathbun, CMCA                                     | <b>Lawyers' Council</b><br>Ronald Barba, Esq.             | <b>Summer Sizzler</b><br>Chris Hansen, Esq. |
| <b>Fairfield County Knowledge &amp; Networking</b><br>Lynn Jackson, CMCA, AMS, PCAM | <b>Legal Symposium</b><br>Scott J. Sandler, Esq., CCAL    |   |
|   | <b>Legislative Action</b><br>Scott J. Sandler, Esq., CCAL |   |

**Staff**

- |  |   |
|--|---|
| <b>Kim McClain</b><br><i>Chapter Executive Director</i><br>kim@caict.org | <b>Ellen Felix</b><br><i>Director Program Operations</i><br>ellen@caict.org |
|--|---|

**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.



The materials contained in this publication are designed to provide accurate, timely and authoritative information with regard to the subject matter covered. The opinions reflected herein are the opinion of the author and not necessarily that of CAI. Acceptance of an advertisement in *Common Interest* does not constitute approval or endorsement of the product or service by CAI. CAI-Connecticut reserves the right to reject or edit any advertisements, articles, or items appearing in this publication.



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**

*“In 2024 CAI-CT will continue its tradition of providing excellent educational and networking sessions to our members.”*

**H**appy New Year and welcome 2024! I am both excited and honored to begin my term as President of CAI-CT.

CAI-CT’s mission is to “inspire professionalism, effective leadership and responsible citizenship, and ideas reflected in community associations that are preferred places to call home.”

In 2024 CAI-CT will continue its tradition of providing excellent educational and networking sessions to our members. All of our committees work hard to keep our members informed, engaged, and connected. I encourage everyone’s participation at our events throughout the year.

While on the topic of events, I am excited to announce that our annual conference will take place on March 16, 2024, a date that holds a special place in my heart as it is also my mother’s birthday. The upcoming conference promises to be exciting and informative, with sessions addressing many of the hot topics affecting community associations today – from maintenance issues and reserve funding to cybercrime and insurance premiums.

As the 2024 legislative session approaches, our Legislative Action Committee will continue to advocate and make advancements related to reserve studies, reserve funding, and capital improvement projects, all with the aim of enhancing our community associations.

Lastly, I would be remiss not to express my profound gratitude to Kim, Ellen, and all of our volunteers. Your dedication and hard work are the backbone of CAI-CT, and it is through your efforts that we continue to thrive.

Thank you for your continued support and here’s to a productive and successful year ahead! ■

**Five SMART reasons to renew your CAI Membership:**

- SAVVY** community association managers hold CAI credentials.
- MOTIVATED** business partners connect with their clients.
- AMBITIOUS** homeowner leaders gain best practices for community success.
- ROBUST** education to reach your professional goals.
- TRUSTED** by more than 40,000 community association industry leaders like you!

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## From the Chapter Executive Director

**“Every man is surrounded by a neighborhood of voluntary spies.”**

— Jane Austen



Kim McClain

Courtesy CAI-CT

Community associations are typically comprised of an interesting mix of residents; some prefer to pay their fees and close their doors and not be engaged in community living; while others cannot help but notice and/or react to everything they see or hear. And, in the same vein, there are those who understand the community rules and willingly abide by them. However, there are residents who feel those same rules do not apply to them and carelessly violate the rules intended to keep the community safe and well maintained. What happens in terms of the board's response is where it can get complicated.

The cover of this issue displays the image of our Annual Conference & Expo theme: Community Chaos — Cracking the Case. If you take a good look at the image you will notice many of the rules we expect to see in most communities being violated. Does your community enforce the rules for everyone? Are all owners given an orientation when they first move in — including the importance of serving on a committee or the board? Is information shared often, e.g. a newsletter or eblast to all owners? Are owners aware of the current challenges about insurance increases, the financial and supply issues regarding capital improvement projects, etc.?

The education sessions at our Annual Conference & Expo will cover many of these issues and will include discussions about strategies for improving maintenance and risk management, new laws that will impact your community such as the Corporate Transparency Act and much, much more! Our event is designed to give insights into managing — and hopefully eliminating — chaos.

This is a must attend event! Even if everything in your association is running with absolute perfection, we really want you there to share your “how tos.” The exchange of ideas and information at our events is what keeps us ticking!

We are looking forward to seeing you soon! ■



## Thank You Retiring CAI-CT Board Members!

Frank Pingelski, *Past President*  
*Toober-Ferraris Insurance Group*

Jim Carroll  
*JP Carroll Construction, Inc.*

*We are grateful for all of your time and dedication to our thriving Chapter!*



Frank Pingelski, EBP



Jim Carroll

## 26th Annual Conference & Expo

Saturday, March 16 • 8:30 am - 2:30 pm  
Aqua Turf, Plantsville, CT



CAI-CT has been providing learning, laughter and business connections at our Annual Conference & Expo for a quarter of a century! Wow! Plan to join us for what is sure to be a great day!

Board Members & Managers: \$35 - CAI Members / \$55 - Non-Members

Service Providers: \$100 - CAI Members / \$150 - Non-Members

Lunch with an Expert: Additional fee of \$32

## CEO CAM Council – Hosted on Zoom

Tuesday, April 16 from 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.

## Spring Fling Education & Networking Party — 7 Things You MUST Know!

Wednesday, April 24 • Education 3:00 - 5:00 pm/  
Networking 5:00 - 7:00 pm



Quirk Works Brewing & Blendery, Danbury, CT

We've gathered industry professionals together to share with you the 7 things you must know!

1. Filings & State/Federal Regulations
2. Follow the documents
3. Timing pitfalls
4. Minutes – exposure to litigation
5. Distinguish between speaking as unit owner or board member, speaking outside board meeting
6. Reserves & why they are restricted
7. D&O coverage

Board Members & Managers: \$30 - CAI Members / \$55 - Non-Members

Service Providers: \$100 - CAI Members / \$125 - Non-Members

*Sponsorships Available. Please visit [www.caict.org](http://www.caict.org) for more information.*

## Fairfield County Knowledge & Networking

Wednesday, May 22 • Education 3:00 pm - 5:00 pm/  
Networking 5:00 pm - 7:00 pm



Zody's 19 Hole, Stamford

Topic to be determined

Board Members & Managers: \$30 CAI Members / \$55 Non-Members

Service Providers: \$100 CAI Members / \$125 Non-Members

*Sponsorships Available. Please visit [www.caict.org](http://www.caict.org) for more information.*

## Annual Golf Tournament

Tuesday, June 18, 2024 • Registration at 11:00 am, Lunch 11:30 am,  
Shotgun 1:00 pm, Banquet 6:00 pm

The Farms Country Club, Wallingford

This event brings the membership together and provides a networking opportunity for managers and business partners. This is a must attend experience with exciting sponsorships, awards, gifts and games!

Visit [www.caict.org](http://www.caict.org) for information on golf and sponsorships.



## Statutory Snippet

**What should I know about condos?  
What are some examples of rights that may be limited or enhanced?**

When you own your own home, you are responsible for upkeep of the house and the property on which it sits. When you own a condo, you pay the condo association for upkeep of common areas and you retain responsibility for upkeep of your condo itself. Do you own or plan to own a pet? Some condos allow pets, others do not, some do not but look the other way. As a condo owner, you're subject to the rules listed in the bylaws and you are legally bound to abide by them as is everyone else in the community.

In well-managed condo complexes, unit owners receive the repair and upkeep services they require, paid from proceeds of their association dues and fees. In a home, the homeowner bears the cost and must budget and prepare for the unexpected.

*Source: CT Department of Consumer Protection Condominium FAQs.*

## Legislative Update

The 2024 Legislative Session opens on February 5. This is a "short" session year that will conclude on May 8, 2024. The shorter time span typically limits the number and the scope of bills that are raised.

This year, our Legislative Advocacy Committee will likely focus on: creating greater flexibility for insurance in terms of liability, etc., requirements for HO6 policies, reserves/reserve studies in the aftermath of Surfside, FL and a meeting with the DCP Commissioner regarding manager licensing.

Many of you have become aware of the onerous requirements of the Corporate Transparency Act, which will require greater reporting requirements of common interest board member information and could be subject for a \$10,000 fine if not in compliance. CAI National have been actively lobbying Congress to exempt our board members from this new regulation. We need your voice! Be sure to sign up for Advocacy Alerts. *It's easy and you can make a difference!*

### Here is the link:

<https://www.caionline.org/Advocacy/TakeAction/Pages/VoterVoice.aspx>

If state or federal legislation is introduced that could impact your community, you will receive an advocacy alert email that includes easy ways for you to take action. The more people that take action, the better we can protect the **74.2 million people living and working in community associations!**

In 2022, more than 20,000 CAI advocates emailed or called their legislators using our advocacy platform, impacting more than **23 pieces of legislation** to make sure they supported community associations. ■

# 2024 CAI-CT BOARD OF DIRECTORS



**Charles (Chas) Ryan, Esq., EBP**  
**President**

## **Charles (“Chas”) Ryan, Esq., EBP — President**

Chas Ryan, Esq., EBP is a partner at Pility Ryan & Ward, 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.

## **Carrie Mott, EBP — President-Elect**

Carrie Mott, EBP, is a Senior Insurance Advisor with Bouvier Insurance with over 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 and Education Program Committee. Carrie is also a frequent speaker at CAI-CT events.



**Carrie Mott, EBP**  
**President-Elect**

## **Gregory W. McCracken, Esq., EBP — Secretary**

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 of 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.



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

## **Christine Carlisle, CPA — Treasurer**

Christine Carlisle, CPA is an audit staff member at Carney, Roy and Gerrol, P.C. She has over twenty 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.



**Christine Carlisle, CPA**  
**Treasurer**

## **Board Members:**

**Kasey Burchman, Esq.** is an attorney with the law firm of Feldman, Perlstein & Greene, LLC. Kasey focuses her practice on civil litigation representing both plaintiffs and defendants at both the trial and appellate court levels. She has extensive experience in representing condominium associations in litigation relating to contract disputes, unit owner disputes and construction defects. Kasey serves on CAI-CT's Program Committee and is a frequent speaker at our education programs. Kasey is a Connecticut native, born and raised in Norwich, Connecticut. She currently resides in Wethersfield, Connecticut with her family.



**Kasey Burchman, Esq.**

**Lynn Jackson, CMCA, AMS, PCAM** has been an active condo association Board Member and Property Manager for more than 20 years. She has been a member of the Fairfield Knowledge & Networking Committee since 2017, and became Committee Chair in 2021. Lynn has been a speaker at the many CAI-CT events, and won the CAI-CT Rising Star Award in 2017.

**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 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 Legislative Advocacy Committee. 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.

**Nally Sahin** is the Board President of Jefferson Woods Community, Inc., a 285 unit property in Branford, CT. She began serving the Association in 2004 on various committees and is now serving as President for the second time. Nally has been a member of CAI-CT since 2017 and has attended a number of CAI-CT events over the years. In her professional career, she also serves as a Health and Physical Education Teacher K-12 in New Haven, CT. She has coached a variety of high school varsity sports for the past 25 years. Nally is no stranger to serving on Boards and committees. She is a current Member-at-Large for the Society of Health and Physical Education America (SHAPE America), Vice-President Elect of Health Education of the Eastern Seaboard of National Academy of Health and Physical Literacy (NAHPL). Nally also serves with the Connecticut Health Cadre. Nally is currently seeking her fourth degree in Educational Leadership from Southern Connecticut State University in the pursuit of becoming a future Administrator in Health or Athletics.

**Ben Whittemore, CMCA** is a business development representative at Pro-Klean Cleaning & Restoration Services, Inc. Prior to Pro-Klean, he managed a portfolio of properties with a Connecticut property management company. He provides a unique approach and understanding to the restoration industry by utilizing his past experiences to bridge the gap between unit owners, the association, and management. He currently serves on the CAI-CT Conference Committee, Golf Committee, and Fall Fun Committee.



**Lynn Jackson,**  
**CMCA, AMS, PCAM**



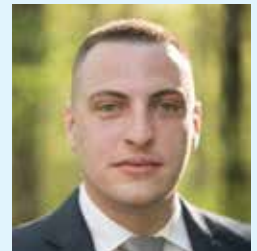
**Karl Kuegler, Jr.,**  
**CMCA, AMS, PCAM**



**Dan Levine, MBA, CPA**



**Nally Sahin**



**Ben Whittemore, CMCA**



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

## Conference Committee Chair Message

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



**Saturday, March 16, 2024**  
Aqua Turf, Plantsville, CT • 8:30 am - 2:00 pm

*Details and registration information on  
pages 10-14 of this issue!*

As we watch the nightly news or catch up on the latest on social media, we quickly get the impression that we are surrounded by chaos. We may see hints of chaos when we look out our window, across our common interest community or as we view material prepared for the next board meeting. When did our common interest life become so hectic? How do we move our community from chaos to a sense of calm and control?

Merriam-Webster defines chaos as “a state of utter confusion”. The theme of our Annual Conference & Expo is fittingly titled: Community Chaos – Cracking the Case. On Saturday, March 16th from 8:30 AM to 2:00 PM, we will come together at the Aqua Turf to look into the factors creating chaos and hear from industry experts on best practices that can help calm and eliminate chaos in our common interest community.

Our committee and staff have lined up some awesome education sessions. Our board presidents will dive into the topic of difficult owners at the President’s Breakfast – just in case your community has one or two. Disgruntled homeowners can cause havoc in a community as they bring grievances and create hostility which can divide a community. This type of chaos can potentially result in lawsuits, discrimination complaints and calls to the Department of Consumer Protection. Our community association managers breakfast session will look at the little problems that can quickly become big problems and big expenses if not addressed timely. Our industry experts will help managers recognize the ticking time bombs before they become a problem and offer practical solutions and remedies.

Many of the challenges we face today serving communities come down to maintenance and capital replacements. Our presenters will crack the case of deferred maintenance by showing how best to identify and properly care for the capital components of our aging infrastructure. The tragic Surfside, Florida building collapse continues to send ripples across the country that land soundly in Connecticut, creating real challenges for lending and leading to new legislation. Help your community stay on track in the care of the homes of your members.

Other topics for the conference include several sessions addressing insurance and managing risk. Communities across Connecticut and the country are seeing major increases in insurance premiums. Understanding the reasons can help take away the surprises, help homeowners come to terms with the harsh reality and help in understanding what steps your association can take to help minimize the impact. Risk management is an integral part of keeping associations insured, premiums in check and protecting association assets. We will cover how cybercrime is a real, constantly evolving threat that can result in real losses for your association.

Sometimes our chaos can be self-inflicted as our association finds itself spending more and not getting what it thought it was when contracting services for the association. Our industry experts will put a magnifying glass on creating a request for proposal (RFP) and a service contract that truly is in the association’s best interests. The focus will be on creating a clearly defined set of expectations and protections for the association. The day would not be complete without the ever-popular legal panel prepared to answer your legal questions that will help your community stay on the straight and narrow, thereby reducing the potential for unnecessary chaos.

Looking for an opportunity to enjoy lunch while focusing in on a specific relevant topic? Consider registering for one of several Lunch with an Expert sessions that are led by industry experts on a wide variety of timely and valuable topics. Advance registration is required and an additional fee applies.

Our Expo floor, with about 100 booths, will showcase a wide range of talented industry service providers from across the state. Stop by booths to gain useful information for your community while helping to increase the pool of potential service providers for your association. The trip around the Expo floor is a terrific opportunity to catch up with current providers while helping to foster quality relationships that benefit both your association and the exhibitors.

The day will wrap up with a raffle. Special thanks to our industry sponsors that generously donate amazing prizes. It’s a great opportunity to close the event and enjoy the excitement of hearing if your name or ticket number is called.

The one guarantee we can offer is that the word chaos is in our theme but not a part of our event. A ton of credit goes to our incredible staff and committee. The group works tirelessly for more than a year on organizing and brainstorming how to make each year’s conference better than the year before. This year will surely not disappoint. Please join me in thanking Kim, Ellen and the committee by taking a moment during the conference, or an email in the days after, to offer a simple thank you. We are truly blessed to have such dedicated and talented staff and collection of chapter volunteers.

I look forward to seeing you at the Aqua Turf on March 16th! ■

## People in the News...

### Karl Kugler, CMCA, AMS, PCAM

Karl Kuegler, CMCA, AMS, PCAM with Imagineers, LLC, recently attended the CAI Advocacy Summit in Washinton, D.C. Karl represented Connecticut as a member of our Legislative Advocacy Committee and met with several staff members of our congressional delegation.

### Association Reserves Expands to Tri-State Area

Association Reserves announces the opening of its new office in Morristown, NJ, serving the Reserve Study needs of planned communities in Connecticut, New Jersey, New York, and eastern Pennsylvania. At the forefront of this venture is President, Brian Weaver, PCAM. The opening of the Tri-State office marks a new territory for Association Reserves, with Weaver leading the charge in this under-served market. The company looks forward to continuing its legacy of Reserve Study excellence throughout the Tri-State area, under his capable leadership.



### Share Your News With Us!

Email your industry-related news to [kim@caict.org](mailto:kim@caict.org).



## THANK YOU NEW & RENEWING MEMBERS

### Welcome New Members

#### Associations

South Brook HOA  
Southington Meadows  
Southwick of Cheshire Condominium Association, Inc  
Wynfield Homeowners Association

#### Individual Managers

Mark Avery, CMCA  
Ivanka A Bryan-Bybel, CMCA  
Alfonso Carbone  
Briana Cremers  
Theresa Fumo, CMCA  
Kaileigh Katherine Ravis

#### Management Companies

WFL Real Estate Services

### Thank You Renewing Members

#### Associations

71 Fountain Terrace Condominium Association  
Applegate Homeowners Association  
Balbrae Condominium Association, Inc.  
Canaan Close Association  
Center Village Homeowners Association  
Glenwood Green Homeowners  
Glenwood Place Condominium Association  
Greenwich Towers  
Hatheway Farms Condominium  
Jefferson Woods Community Inc.  
Mattabasset Owners Association, Inc.  
Oceanview of Lordship  
Oyster River Landing Association, Inc.

Pine Lake Commons Condominium Assn., Inc.  
Roton Point Association, Inc.  
Southport Woods Condominium Association  
Southridge Condominium Association, Inc.  
St. John's Common  
West Lyon Farm Condominium Association  
Windermere West Owners' Association  
Windham Oaks Homeowners Association  
Woodfield Village

#### Individual Managers

Russell Antonacci, CMCA, AMS  
Jill Brennan  
Carina Bridgemohan  
Kenneth Burkamp  
Kevin Cragin, CMCA  
Barry Cyr, CMCA  
Robert Delavega, CMCA  
Peter Dunnack, CMCA  
Janice Fiaschetti, CMCA  
Adam Fournier  
Tina Gomes  
Dennis Heske, CMCA  
Richard W. Johnson, CMCA  
Christopher Kohnle, CMCA  
Marsha Anne Lowe  
William Mckenna  
Cathleen Miller, CMCA  
Doug Newman, CMCA  
Carol Parker Presutti  
Bill Russo  
Joseph Samolis  
Tracy-ann Samuel

John Sullivan, III, CMCA, AMS  
Jo Titsworth, CMCA  
Michael Vagos, CMCA, AMS  
Tyler Witkowski, CMCA

#### Management Companies

County Management Services, LLC  
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Felner Corporation  
Jeff Louis Associates, LLC  
Merit Properties, Inc.  
The Property Group of CT, Inc.  
U.S. Properties Real Estate Services, LLC

#### Business Partners

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Building Renewal, LLC  
Comcast  
Community Financials  
Crystal Restoration Services  
Dime Bank  
DoodyCalls  
First Citizens Bank  
Ian H. Graham Insurance  
John M. Glover Agency  
M & S Paving and Sealing, Inc.  
SERVPRO of Stamford  
Southern New England Home Works, LLC  
Zeldes, Needle & Cooper, P.C.

## Legally Speaking...



Adam Cohen, Esq.

### Who Can Serve: Bylaws Determine Eligibility to Be a Director or Officer

By Adam J. Cohen, Esq.

Associations occasionally find themselves confused about whether a particular person interested in a leadership position for their community is eligible to hold it. State law does not lay out a uniform set of qualifications, but instead says that each association's bylaws must say what those qualifications are.

For nearly all associations in Connecticut, the bylaws allow any unit owner to be elected or appointed as a board member or officer. This generally means the person listed on the deed as the unit's owner, or as one of two or more co-owners. But being named in the deed is not always necessary in order to be a legal owner. For example, if an owner dies, title transfers to that person's heirs automatically, even before a probate court can officially recognize the inheritance for the land records. Those heirs would then be the unit's owners and eligible to serve on the board or as an officer. If a unit is owned by a corporation or limited liability company, it can generally designate any person it wishes to run for office on its behalf. If a unit is owned in the name of a trust, state law says the trustee is the legal owner, and he or she (rather than the trust's beneficiaries) would therefore be entitled to serve.

The association's bylaws could impose restrictions which limit eligibility in each of these situations, or in others. For example, some communities make only resident unit owners, or only certain high-level members of a corporate owner, eligible to hold office. Others may require board members to be elected from certain geographical portions or buildings within the community, with the intention of giving proportionate representation to each. Term limits, which cap the number of consecutive terms a person can serve, are another form of eligibility restriction. Despite bylaw language in many older associations, since 2010 state law has forbidden "in good standing" requirements – in other words, a unit owner cannot be excluded from holding office just because he or she is delinquent in common charges. Although rarely done, nothing in state law would prevent a bylaw from being adopted which disqualifies a person for violating behavioral rules or ethics prohibitions. Some communities have detailed nomination requirements, or even vetting and interview procedures, but most still also allow nominations at-large from the floor during the election meeting itself.

Rather than restrict eligibility, bylaws can also expand it. A typical example is allowing any unit owner's spouse to hold office as well, which is frequently limited to spouses which actually reside on-site. Some bylaws allow any resident to serve. Although titled officers like



FangXiaNuo / iStock / Getty Images Plus

*“Without an explicit restriction in the bylaws, any human being on Earth could be selected for either the board or an officer position.”*

the president and vice president are usually chosen from among the board members, nothing actually requires them to be, unless a bylaw says so. Without an explicit restriction in the bylaws, any human being on Earth could be selected for either the board or an officer position. Membership on committees and subcommittees, as well as junior officer roles (like “Assistant Treasurer” or “Tennis Director”), can likewise be assumed by any person unless the bylaws say otherwise.

Importantly, state law says an association's executive board cannot itself change the eligibility requirements for serving as a board member (but not as an officer or committee member). In other words, changing who can run for or serve as a board member is only possible if a bylaw amendment saying so is approved by a vote of the unit owners, even if the bylaws say they can be amended by the board alone. Adopting clear and common-sense eligibility requirements, and understanding them, is a good way to ensure fair representation and competent leadership for every community. ■

*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.*

# Community Chaos CRACKING THE CASE

26<sup>th</sup> CAI-CT Conference & Expo  
Saturday, March 16, 2024



Good for  
4 CEUs



- General Admission Includes:**
- Provocative education programs — 5 in total!
  - Plenty of great prizes!
  - Phenomenal exhibitors — lots of products and services to explore!
  - Premium networking opportunities!

- Additional Options Requiring Pre-Registration Include:**
- Presidents' Breakfast
  - Managers' Breakfast
  - Optional Lunch With an Expert — \$32

8:30 am - 2:00 pm  
The Aqua Turf Club,  
Plantsville

**D**id you happen to notice all of the things that seem “wrong” in the image for our 26th Annual Conference & Expo? Community Association Board Members and Property Managers have many things on their radar – constantly. Yet, is it possible to minimize the amount of chaos that occurs? Our wide variety of education sessions and speakers will help provide guidance in reducing – and maybe even eliminating – some of the challenges facing your association.

We encourage you to seek out the many exhibitors who can assist in solving some of the mysteries – not the least of which are handling insurance and legal issues, let alone those major capital improvement projects that may have been delayed for an assortment of reasons. Now is the time to encourage your fellow board members to gather as many clues as possible for solving your community conundrums. Don't delay in registering!

**This is THE Condo/HOA event of the Year. Don't Miss Out! R.S.V.P. today!**

Let's see if we can make this our best attendance ever! To make your case for the importance of being there, we have a board resolution in this issue (p. 14) for association support to attend the conference.

**Are you the president of your association?** Be sure to register for the exclusive presidents' breakfast where we will delve into the *Caper of the Difficult Unit Owners(s)*. *You must select this option at registration to attend.*

**Are you a property manager?** The exclusive managers' breakfast is especially designed to look at how you can manage with fewer headaches. The topic will be: *Watch Out! Little Problems can Lead to BIG Expenses*. *You must select this option at registration to attend.*

Join us for Lunch with an Expert! If you wish to attend this session, you **MUST** select this option at registration and include the additional \$32 fee.

Save money and register early for the low-cost admission of only \$35/ members, \$55/non-members. You must R.S.V.P. by March 6th to avoid the late registration fee of \$20. *There will be LOTS of FREE parking!*

**Register Early and Bring Your Entire Board!**

**PRE-REGISTRATION BY MARCH 6, 2024:**  
\* Add \$20 after March 6th

	CAI MEMBERS	NON MEMBERS
<b>GENERAL ADMISSION:</b>		
Association Managers, Presidents, Board Members and Unit Owners	\$35	\$50
All Service Providers	\$100	\$150
Lunch additional	\$32	

**Register at [www.caict.org](http://www.caict.org) or use mail-in form on page 14.**

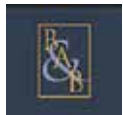
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- Pacific Premier Bank
- Pacific Western Bank
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- Prime Touch Services
- Pro-Klean Cleaning & Restoration Services
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- Savol Pools
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- SOMAK Property Management
- TAMKO Building Products, Inc.
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- The Milford Bank
- The Reardon Agency, Inc.
- Rosenberg & Rosenberg, P.C.
- The Window People, a TWP Home LLC Company
- Tomasetti, Kulas, and Company, P.C.
- Tooher - Ferraris Insurance Group
- Turner Home Improvement Contractors, LLC
- United Property Restoration Services
- V. Nanfita Roofing & Siding, Inc.
- Westford Real Estate Management, LLC
- White & Katzman Management, Inc.
- Windsor Federal Bank
- Xfinity
- Zeldes, Needle & Cooper, P.C.



**Education Sessions  
on the next page...**



# Community Chaos CRACKING THE CASE



## 8:30 - 10:15 am EXHIBIT HALL OPENS • GENERAL ADMISSION AND CONTINENTAL BREAKFAST (COFFEE & DANISH)

8:30 - 9:45 am

(GLASS ROOM)

### PRESIDENTS' BREAKFAST:

#### THE CAPER OF THE DIFFICULT UNIT OWNER(S)

*This event is exclusively for presidents. You MUST select this registration option if you wish to attend. Act fast and register today! Seating is limited!*

**Speakers:** Kristie Leff, Esq. – *Bender, Anderson & Barba, P.C.*  
Kristen Greene, Esq. – *Feldman, Perlstein & Greene, LLC*

**Moderator:** Jamie Kay Redden, CMCA, AMS – *Alliance Association Bank*

**Sponsored by: Alliance Association Bank**

Disgruntled unit owners can create a maelstrom of havoc in a community. How can you manage the owners' grievances and do your job as a president? Our speakers will offer strategies for handling hostilities and constant complaints as well as apathy. Dealing with complaints filed with CHRO and DCP as well as avoiding petitions for board removals will also be covered. This session also offers a great opportunity to connect with your fellow board presidents from throughout the state!

8:30 - 9:45 am

(WAGON ROOM)

### MANAGERS' BREAKFAST:

#### WATCH OUT! LITTLE PROBLEMS CAN LEAD TO BIG EXPENSES

*This event is exclusively for state registered Community Association Managers (CAMs). Pre-registration for this session is required.*

**Speakers:** Benjamin Whittemore – *Pro-Klean Cleaning & Restoration Services*  
Adam Quenneville – *Adam Quenneville Roofing, Siding & Windows*  
Victoria McCarthy – *SavATree*

**Moderator:** Jon Boryssiewicz – *SavATree*

**Sponsored by: SavATree**

How can seemingly minor problems turn into major disasters? Mold and asbestos can cause a nightmare of cleanup costs, time and health and well-being of the residents. Tree rot and damaged branches are often one bad storm away from creating a major disaster. Poor flashing and old and/or rotting decks create another whole panoply of problems. Taking action before chaos happens is key. Our speakers will provide insights about how to convince your boards to be more proactive to save money and headaches in the long run.

## 10:15 - 11:00 am • General Session I

### A: MAINTENANCE TODAY = SAVINGS TOMORROW (GLASS ROOM)

**Speaker:** Richard Filloramo – *National Consulting Group, Inc.*

**Moderator:** Karl Kuegler, Jr., CMCA, AMS, PCAM – *Imagineers, LLC*

**Sponsored by: Imagineers, LLC**

Crumbling concrete, cracks in the pavement, leaky roofs and languishing landscaping not only looks bad, it can also lead to significant increases in insurance costs among other consequences. Deferred maintenance is a common concern in many common interest communities. Yet, those ignored repair issues often turn into enormous construction problems requiring special assessments or loans when the association does not have adequate reserve funds. Discover ways to create a strategy to get repairs done and ultimately enhance property values. After the collapse in Surfside, FL, reserve studies and funding are more essential than ever. CAI's new Reserve Study Standards will be discussed.

### B: DO YOU SEE WHAT THEY SEE?

#### CYBER CRIME – ASSOCIATIONS AND COMPANIES ARE MORE VULNERABLE THAN YOU THINK (WAGON ROOM)

**Speakers:** Jamie Kay Redden, CMCA, AMS – *Alliance Association Bank*  
Matt Hogan - Detective – *Connecticut State Police*  
Dave Pilon, CIRMS – *Bowvier Insurance*

**Moderator:** Kristie Leff, Esq. – *Bender, Anderson & Barba, P.C.*

**Sponsored by: Prime Touch Services**

Reports of hacking of major businesses and institutions seem to happen on a daily basis. How secure is your association/company when it comes to cyber crimes? Do you know how to protect your association/company assets from bank or wire fraud scams? Does your association/company have the proper insurance to protect from such crimes? Hint: If it's not a separate insurance policy, you don't!

## 11:00 - 11:45 AM • EXHIBIT HALL

## 11:45 - 12:30 pm • General Session II

### A: THE DEVIL IS IN THE DETAILS – RFPS (GLASS ROOM)

**Speakers:** Scott J. Sandler, Esq., CCAL – *Sandler & Hansen, LLC*  
Steve Lang, R.A., AIA, NCARB – *The Falcon Group*

**Moderator:** Michael Famiglietti, CMCA, AMS – *CM Property Management*

**Sponsored by: CM Property Management**

Ensuring your Request for Proposal (RFP) includes a complete and accurate scope of work is critical to the success of a future project. Discover ways to develop RFPs that clearly reflect the expectations and needs of your community. Learn the importance of using your experts to develop RFPs and before executing your contracts.

### B: I SPY - INSURANCE INCREASES (WAGON ROOM)

**Speakers:** Carrie Mott – *Bowvier Insurance*  
Frank Pingelski – *Toober Ferraris Insurance Group*  
Kevin S. Reardon – *The Reardon Agency, Inc.*

**Moderator:** Robert A. Pacelli, Esq. – *Zeldes, Needle & Cooper, P.C.*

**Sponsored by: United Property Restoration Services**

Our insurance professionals will share details about the many dynamics causing the rapid rise in insurance costs. How can your association work to keep those costs down? How can you prevent being dropped by your carrier? Is an HO6 requirement necessary? Share your strategies for getting owners involved in risk management.

Please note: Handouts for the sessions will be posted when available. Please keep in mind that not all speakers provide handouts.

12:30 - 1:00 PM • EXHIBIT HALL

1:00 - 2:00 pm • Session III

**A: LURKING LEGAL ISSUES – LEGAL PANEL (GLASS ROOM)**

**Speakers:** Chas Ryan, Esq. – *Pilicy Ryan & Ward, P.C.*  
Gregory McCracken, Esq. – *Jacobs, Walker, Rice & Barry, LLC*  
Kasey Burchman Esq. – *Feldman, Perlstein & Greene, LLC*  
Ronald J. Barba Esq. – *Bender, Anderson and Barba, P.C.*

**Moderator:** Karl Kuegler, Jr., CMCA, AMS, PCAM – *Imagineers, LLC*

**Sponsored by: Bellwether Property Group**

Are there legal curiosities confronting your community? Do you have concerns about managing your association's liability? Our panel of legal professionals will answer your questions. Be prepared for a lively discussion!

**B: LUNCH WITH AN EXPERT OF YOUR CHOICE (WAGON ROOM)**

*Pre-registration for this session is required. Additional \$32 fee required. Seating limited to 8 per expert.*

**Moderator:** Michael Famiglietti, CMCA, AMS – *CM Property Management*

Have lunch with ONE expert of your choice from a list of the best and brightest in our industry. This is a great opportunity to explore your concerns on a specific topic with a small group of your peers in a more comfortable setting.

**Your Choice includes:**

- **Legal: General (for Homeowners)**  
Robert A. Pacelli, Esq. – *Zeldes, Needle & Cooper, P.C.*
- **Legal: General (for Managers)**  
Christopher K. Leonard, Esq. – *Collins Hannafin, P.C.*
- **Legal: Executive Session**  
Franklin Pilicy, Esq. – *Pilicy Ryan & Ward, P.C.*
- **Legal: Governing document interpretation and amendments**  
Christopher Hansen, Esq. – *Sandler & Hansen, LLC*
- **Insurance: General**  
Frank Pingelski – *Toober Ferraris Insurance Group*
- **Insurance: Maintenance Standards (for Homeowners)**  
Dave Pilon, CIRMS – *Bowvier Insurance*
- **Reserve Studies: Who, What, Where, When and Why**  
Melissa Yocum – *Reserve Advisors*
- **Reserve Studies: How reserve funding methodologies are calculated and the different funding methods.**  
Dave Chesky – *The Falcon Group*
- **Restoration: What you need to know**  
Licia Ciotti – *United Property Restoration Services*
- **Mold & Asbestos Mitigation Requirements**  
Benjamin Whittemore – *Pro-Klean Cleaning & Restoration Services*



2:00 PM • DOOR PRIZE DRAWING (WAGON ROOM)

**YOUR NAMETAG IS YOUR PRIZE DRAWING CARD**

**Deposit your Nametag at the entrance to the Wagon Room at 2:00 pm.**



**REGISTRATION INFO ON THE NEXT PAGE...**



# MAIL REGISTRATION INFORMATION FOR MARCH 16, 2024 at the Aqua Turf in Plantsville, CT • 8:30am - 2:00pm

**March 16, 2024**  
**Conference & Expo Registration**  
**Through U.S. Mail –**  
*(Clip & Mail, Copy as Necessary)*

**\*Pre-registration by March 6, 2024.**

Company/Association: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Member # \_\_\_\_\_

Please select best description for you:

- President     Board Member     Manager     Other

Please Select Registration Fee Based on Member Status:

- CAI Member Manager, Board Member or Unit Owner (\$35)\*  
 CAI Non-Member Manager, Board Member or Unit Owner (\$55)\*  
 CAI-Member Service Provider (\$100)\*  
 CAI Non-Member Service Provider (\$150)\*

If you are a President, do you plan to attend the Presidents' Breakfast?

- No     Yes

If you are a state registered manager, do you plan to attend the Managers' Breakfast?:

- No     Yes

Would you like to attend the Lunch with the Experts for an additional \$32?\*:  
*(Please note: seats are limited and are assigned on a first come first serve basis. You will be contacted if your selection is not available.)*

- No     Yes, please also select one expert below:

- Legal: General (for Homeowners)  
Robert A. Pacelli, Esq. — *Zeldes, Needle & Cooper, P.C.*
- Legal: General (for Managers)  
Christopher K. Leonard, Esq. — *Collins Hannafin, P.C.*
- Legal: Executive Session  
Franklin Pilicy, Esq. — *Pilicy Ryan & Ward, P.C.*
- Legal: Governing document interpretation and amendments  
Christopher Hansen, Esq. — *Sandler & Hansen, LLC*
- Insurance: General  
Frank Pingelski — *Tooher Ferraris Insurance Group*
- Insurance: Maintenance Standards (for Homeowners)  
Dave Pilon, CIRMS — *Bowvier Insurance*
- Reserve Studies: Who, What, Where, When and Why  
Melissa Yocum — *Reserve Advisors*
- Reserve Studies: How reserve funding methodologies are calculated and the different funding methods.  
Dave Chesky — *The Falcon Group*
- Restoration: What you need to know  
Licia Ciotti — *United Property Restoration Services*
- Mold & Asbestos Mitigation Requirements  
Benjamin Whittemore — *Pro-Klean Cleaning & Restoration Services*

Total Enclosed : \$ \_\_\_\_\_

**MUST BE POSTMARKED BY MARCH 1, 2024.**

Mail to: CAI-CT  
1489 Main Street  
Glastonbury, CT 06033

**Board Members — Present this resolution at your next meeting to include the cost of your attendance in your association's budget.**

**Community Association Board Resolution**  
**for Attendance at the CAI-CT 2024**  
**Conference & Expo**

Whereas, The \_\_\_\_\_ Association (hereafter referred as the "Association") board serves in the best interests of all owners in the community;

Whereas, The Association directors have the responsibility to manage the assets of the Association according to established business practices and principles, and pursuant to competent, ethical and positive community governance; and

Whereas, The Association directors need to stay abreast of trends and best practices in community association governance, management and operations; and

Whereas, Community Associations Institute (CAI) is dedicated to providing information, education and best practices to help association leaders build and sustain strong and viable communities; and

Whereas, CAI is the leading advocate for common-interest communities before state and federal legislative and regulatory bodies; and

Whereas, Current and future Association residents will benefit from the training and education provided to their directors by CAI-CT; and

Whereas, attendance at the 2024 CAI-CT Conference & Expo will give Association directors access to valuable ideas, information and insights through educational sessions and awareness of products and services;

Resolved, That the Association invest in a funding the attendance of \_\_\_\_\_ board member(s) to attend the 2024 CAI-CT Conference & Expo; and

Resolved, That the Association's annual budget shall include funding for attendance at the CAI-CT Conference & Expo. Attendance at CAI education events may be paid by the Association, at the discretion of the board, requiring an affirmative vote by a majority of the directors and recorded in the open meeting minutes; and

Resolved, That the Association strongly encourages its manager and other professional service providers to attend the CAI-CT Conference & Expo to gain the knowledge, information and insights that enable them to better serve the association.

SO RESOLVED BY THE BOARD OF DIRECTORS on this, the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_.

\_\_\_\_\_  
Secretary of the Board



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## Financially Speaking...



Daniel Levine, CPA

# Information Reporting Compliance

By Daniel Levine, MBA, CPA

A few years ago, we took a look at various other accounting compliance requirements. With the start of the new year and given how far back the previous article was, it makes sense to have another look at these other requirements that an association would be subject to outside income taxes. This article will look at the reporting requirements for vendor payments namely Form 1099-NEC & Form 1099-Misc.

### What are these forms?

To ensure proper reporting of all income, the Internal Revenue Service (IRS) has put an obligation on companies to report certain vendor payments to the taxing authorities. This reporting is issued by the association to the vendor they paid, the Internal Revenue Service, and the State of Connecticut. This reporting enables the taxing authority's automatic matching systems to compare what is reported to them by third parties to what the vendor reports in income on their return to see if there is a material discrepancy. Essentially if a vendor you use reports less in income than what was reported to the IRS on the information reporting they receive, the IRS may decide to investigate why less has been reported.

This was originally all done on one form, but the IRS in the last few years has decided to break the information out into two separate forms depending on the type of vendor service provided. These would be Form 1099 MISC and Form 1099 NEC. Most reporting to third party vendors that an association will do is done through the Form 1099 NEC (NEC meaning non-employee compensation) vs. a 1099 Misc, but both forms are similar in that they are used for the same purpose of reporting payments.

### Who receives the form?

Like with most compliance mandates, it's never exactly simple and with 1099s not every vendor an association paid for may qualify to receive one.

### The general questions for 1099 reporting are as follows:

- 1) Is the vendor that was paid a corporation?
- 2) Was the vendor paid more than \$600?
- 3) Was the vendor paid for services or goods?
- 4) Is there any specific carve out that makes reporting mandatory?



*“To know if a firm is a corporation you would need to request the vendor to complete a Form W9.”*

### Taking the above questions into account, the general rule for 1099s would be:

- 1) That vendor is not a corporation.
- 2) The association paid more than \$600 to the vendor.
- 3) Those payments were for services.

If any of the above qualifiers aren't met then a 1099 may not be required unless an exemption carve out is present. The most common exception to this rule is lawyers. Regardless of if they are a corporation, if they are paid more than \$600 you would issue the attorney/firm a 1099.

To know if a firm is a corporation you would need to request the vendor to complete a Form W9. On this form the vendor will provide to the association their legal name, the type of company they are, and their tax identification number. If they are listed as a corporation on this form and aren't a law firm, then no 1099 would be needed.

Once you have narrowed the list down to vendors paid more than \$600 and that they are not incorporated, the last step is to then filter

*[Continues on page 18.]*



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**FINANCIALLY SPEAKING...from page 16.**

out the vendors paid for something other than a reportable income type. An example here are purchases of goods (materials from a local hardware store), would not require reporting of Form 1099.

That would leave a list of vendors qualifying for 1099s and then the forms can be prepared.

**How do I fill out Form 1099?**

To fill out a 1099 accurately you will need the following information:

- The association’s general information
- Business Name
- Address
- Tax Identification Number
- 3rd Party Information
- Business Name
- Address
- Tax Identification Number
- Total amount of payments paid to the qualifying 3rd party
- These amounts should not include any state levied taxes imposed on the association by the seller of the services.

*Sales tax should not be included as part of the reported income to a 3rd party.*

- For example, the most typical tax that is included on services is sales tax. Sales tax should not be included as part of the reported income to a 3rd party.
- The total amount of payments would be inserted into the appropriate box on the form depending on the type of payment reported (rent, nonemployee compensation).

Once completed, a cover transmittal Form 1096 is prepared to summarize the information, signed off on and mailed to the IRS alongside their copies of the 1099s. Individual 1099s are then sent to the vendors themselves, and lastly a copy of the 1099s are also sent to the state of CT.

**When is this reporting done?**

To facilitate the timely completion of an individual’s tax return, the IRS has a deadline for completion of these forms being that they are postmarked no later than the January 31st subsequent to the year reported. This allows a recipient of these forms to be able to still file their return by the April 15th deadline as they can review and compare the 1099 reported to their own records. So, for calendar year 2023, 1099s would need to be issued by January 31, 2024.

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**Conclusion**

While it may seem like a simple process when originally laid, 1099's reporting can be quite involved and not without pitfalls. For associations that are professionally managed, a mid-year management switch can provide complication in reporting as not all vendor payments may be listed in the system if aggregate financial information is entered from the previous management company. Some vendors don't necessarily provide their W9 timely which can delay the process. Additionally, if professionally managed, your association may not be the only one that has a 1099 filing requirement, so the volume of work processed at this time can also be much more than understood. However, by receiving W9's timely and reviewing information prior to the end of the year, an association can make sure they have a smooth filing of its information reporting obligations and remain compliant. ■

*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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Scott J. Sandler, Esq.,  
CCAL

## What A Drag: Towing Improperly Parked Vehicles

By Scott J. Sandler, Esq., CCAL

*“...towing a vehicle  
could have dire  
consequences for the  
vehicle’s owner...”*



Nadezhda Kurbatova / iStock / Getty Images Plus

**W**e are often asked whether the association may have an improperly parked vehicle towed away from the community. The answer is: Yes, but proceed with caution.

There are several situations which may warrant having a vehicle towed from the property:

- The vehicle may be unregistered or inoperable.
- The vehicle may be parked in a fire lane.
- The vehicle may be parked in a space reserved for someone other than the vehicle’s owner.
- The vehicle owner failed to move the vehicle as needed to clear snow and ice from the parking lot.

However, towing a vehicle could have dire consequences for the vehicle’s owner:

- The owner may have to pay the towing company to release the vehicle.
- The owner may miss time at work or school.
- The owner may need to travel someplace to address an emergency and no longer has an available vehicle.

Under the Common Interest Ownership Act (CIOA), the association cannot so much as assess a fine against a unit owner for violating the governing documents without giving that owner notice and an opportunity to be heard. The purpose of this requirement is to pro-

tect the due process rights of the unit owners. Given the potential repercussions for the owner of a towed vehicle, we suggest that the association proceed in a manner that similarly affords the owner some protections. For example:

- Clearly mark all fire lanes and no parking areas.
- Post conspicuous signage stating that improperly parked vehicles will be towed.
- If a vehicle is improperly parked, but there is no impending emergency, follow the notice and hearing procedures prior to towing the vehicle.
- If there is a good reason for why the association cannot take time to conduct a hearing, at least attempt to contact the vehicle owner prior to towing the vehicle.
- If a storm is approaching and vehicles must be moved to clear snow and ice, remind all residents in advance of the storm, and more than once if possible, to move their vehicles. ■

*Scott J. Sandler, Esq., CCAL is the Managing Partner of Sandler & Hansen, LLC. He currently serves as Chair of the CT Legislative Advocacy Committee and Chair of the Legal Symposium Task Force. He has also been President of CAI-CT and Chair of the Conference Committee.*

*This article originally appeared in the Winter 2023 Issue of the firm’s newsletter, Common Sense. Reprint permission granted.*



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## Manager's Column...



Rich Wechter, CMCA

### Being Practical, Part XCI

## Higher Insurance Premiums: *What to Expect/How to Respond*

By Rich Wechter, CMCA

In this column, I tackle various topics of interest with the intent of imparting practical advice. In this issue's column, I discuss what is one of the most, if not the most, important expenses a community association incurs: insurance. The decision a community association makes or does not make regarding insurance can have dire consequences for the health of that community association. The clear trend for much higher premiums for the association master insurance policy warrants an examination of the world of community association insurance and how our little corner of the world can respond to this trend.

### A. Setting the Table on this Topic

The history of property insurance appears to commence at the time of the Code of Hammurabi around 1750 B.C. when cargo on ships was protected from loss. Insurance continued thru the Middle Ages and became more common in the late 1600s with the concept of underwriting developed in coffeehouses, one of them owned by Edward Lloyd, later of Lloyd's of London. Some commentators have referred to insurance as legal protection, no different from the protection offered by organized crime. I recently laughed at two greeting cards with the following comments "May you not need to call 911 and your insurance agent when you deep fry that turkey"; and my favorite, "Spending my day looking for insurance is a great use of my time! Said no one, ever." However, regardless of your perspective about insurance, community associations need to have insurance to protect from both property losses (first-party incidents) and liability occurrences (third-party incidents). Accordingly, we need to review what we should expect in 2024 and beyond by way of insurance premiums and coverage and how community associations can respond to the current and potential future trends for insurance.

### B. What to Expect with Insurance Premiums

In his excellent presentation at the October 26, 2023 CT Legal Symposium, Dave Pilon, CIRMS of Bouvier Insurance, warned of minimum mid-teen increases in insurance premiums for the new year, driven by reinsurance companies' guidelines, increased property values and increased costs of construction. I could not agree more with his opinion. This is a troubling and most difficult time not just in CT, but nationally and globally. The world is unsettled, and climate change is not imaginary, but is real, with immediate and expensive consequences for community associations. No community association is immune from seeing large increases in their insurance premiums.



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Community associations with loss histories, proximity to the shore, high rental rates, commercial units, and older buildings are at real risk to see extremely large premium increases that will produce a massive strain on their operating budgets. It has been reported that these large increases in the master insurance policy premiums will continue through the new year before any relief occurs. It is important to accept the fact that like with inflation and its impact on consumer goods over the last few years, insurance premiums will not go down, but, rather, just increase at a rate experienced before this recent burst of massive increases in insurance premiums. It should also be noted that events out of our control (oil shortages/disruptions and significant climatic events such as hurricanes, tornados, floods, earthquakes, etc.) could result in prolonging the duration of much higher insurance premiums for the world at large, and community associations specifically. This is not a pretty picture but a picture that we all need to see, understand, and deal with in 2024 and beyond.

### C. How to Respond to Higher Insurance Premiums

There can be no doubt that we are in the midst of a time of much higher insurance premiums for the master community association policies. The next question is how community associations can respond to this reality. From the perspective of a community association manager, I offer the following suggestions:

1. Review the current master insurance policy for all coverages, premiums and deductibles.

*[Continues on page 24.]*

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MANAGERS COLUMN...from page 22.

2. Reach out to the Association's insurance agent immediately, regardless of when the master insurance policy is up for renewal and have a serious conversation regarding this matter and its impact on your respective association.
3. Walk the property with your association insurance agent. They will better understand your property and be able to provide helpful tips on protecting the association and keeping the premium increases down to some extent.
4. Bring the entire Board up to speed on this matter.
5. Bring the entire community up to speed on this matter. It impacts everyone.
6. Have the Board and the entire association take a risk management approach to everything that takes place at the association.
7. Review the claim history of your association to better understand the types of prior losses and what can be done to prevent/minimize the extent of future losses.
8. Maintain and if possible, expand safety programs. Do not be discouraged that your association is the recipient of large insurance premium increases even with the existence of safety programs.
9. Increase the association deductible. For losses that can be charged back to units, this will reduce submitted claims. While it does follow that the association will be self-insuring to a higher extent with a higher association deductible, it should, in the long run help to stem the tide of higher insurance premiums.
10. Consider no-fault chargebacks to units in cases when the loss clearly was not the fault of the association. Consult your association counsel for help in achieving this.
11. Keep up with operating maintenance work and, most importantly, keep up with capital expenses, especially roof replacements. Insurance companies are looking to avoid covering old roofs at replacement cost value. Your capital improvement plan needs to account for the fact that your master insurance carrier is not a vessel for funding capital expenses, especially roof replacements.
12. Adjust your budget to reflect the increase in insurance premiums and consider a deductible expense line item in your annual budget if you do not already have this budgeted expense.
13. Avoid, at all costs, entry into the excess/surplus line market. Do whatever it takes to stay in the regular insurance market.
14. Follow the loss control directions of the master insurance company timely and fully.
15. Create maintenance standards if your association has none and review and update maintenance standards if your association has them in place.

[Continues on page 31.]

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**EDITOR'S NOTE:** Encourage all board members to attend our Annual Conference & Expo on March 16, 2024 where there will be multiple opportunities to attend education sessions about insurance and also speak with our many insurance professionals at their booths.

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Melissa Yocum

## TECHNICAL EXPLANATIONS: FAQ: Useful Lives and Cost Estimates – *The Bottom Line*

By Melissa Yocum

Reserve studies comprise two parts – a physical inspection of your association’s common property, and a financial analysis including a deep dive into your current reserve fund status and a long-term capital plan. During the physical inspection, a reserve consultant determines the useful life of each reserve component and a cost estimate for its replacement. Here are some commonly asked questions about how we determine cost estimates and useful lives.

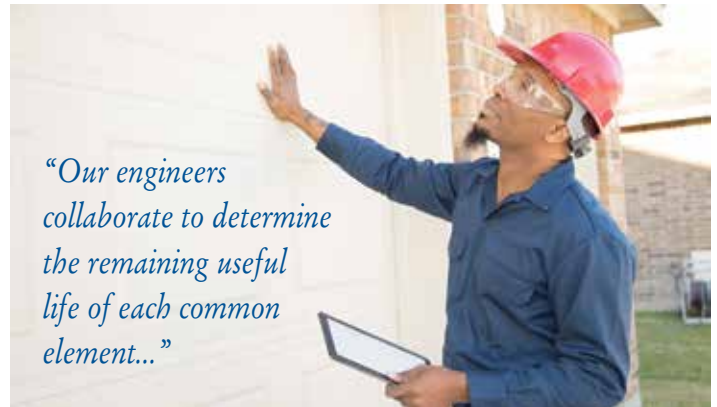
### Where do you get your useful life data?

Our engineers collaborate to determine the remaining useful life of each common element and have extensive experience in cost engineering. We meet with management and/or board members to gather important information related to repair history and maintenance activities. Afterwards, our engineer conducts a comprehensive condition assessment of each component; documenting the condition of each and evaluating the rate of deterioration. From there, current maintenance practices are taken into account and the remaining useful life of the component can be deduced.

### Do you base your useful life on the manufacturer’s warranty?

The remaining useful lives are our independent opinion of when a project should be on the association’s radar and are reasonable for calculating an appropriate annual reserve contribution. Our opinions and recommendations are based on actual experiences gained by our engineering leadership team and full-time engineering staff having conducted over 29,000 studies. The replacement timing will depend on the component’s actual condition at the time of our on-site condition assessment.

Warranties are an indication of product quality and are not a product guarantee. For example, asphalt shingle product warranties vary from 20- to 50-years and beyond. However, the scope is usually limited to only the material cost of the shingles as caused by manufacturing defects. In short, yes we consider the manufacturer warranty if provided and if it applies. However, we prefer to base our useful lives on our experience of actually observing a component in the field (i.e. our extensive inspection experience). We also do not utilize national standard useful lives as we prefer to cater the useful life to what we are seeing occur in a city.



*“Our engineers collaborate to determine the remaining useful life of each common element...”*

istop123/E+/Getty Images Plus

### How do you come up with your cost estimates?

We base our estimates of replacement costs on privately sourced data, our proprietary database of client project costs, the unique conditions of your property, and our cost-engineering experience. Our privately sourced data reflects only your prevailing local labor and material costs. Additionally, we consider costs related to demolition, mobilization, and your unique existing conditions. We also apply information from our proprietary database of thousands of replacement projects sourced from client projects, many of which are specific to your area. Our goal is to include reasonable cost estimates for calculating sufficient reserve contributions.

### Do you factor geography/weather into the lifespan?

Yes. Climates that experience frequent freeze/thaw cycles may result in shorter useful lives for masonry, concrete, pavement, etc. due to water expanding into ice and contracting during melt repeatedly, which accelerates cracking and subsequent deterioration. On the other hand, coastal climates with higher salt content in the atmosphere can result in accelerated steel corrosion at exposed piping, railings or door handles to name a few. Our recommendations account for the specific nuances of the climate in your area. ■

*Melissa Yocum is a Senior Account Manager with Reserve Advisors. This article is reprinted with permission from the Reserve Advisors Blog.*

## ENVIRONMENTAL TIP — Greenwashing

Beware of false claims from companies stating that they are environmentally responsible but are actually not. Research demonstrates that 95% of products are indeed greenwashed. In order to avoid this marketing tactic, investigate companies you buy from and seek out third party certified products that includes clearly labeled seals.



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#### Saturdays, January 27, February 3, February 10 - Condo Inc. – Zoom 3 Session Series (9:00 – 11:00 am) 2 CEUs

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#### Weds., April 24 - Spring Fling – Quirk Works Brewery, Danbury (Education 3–5 pm/Networking 5–7 pm) 2 CEUs

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#### Weds., May 22 – Fairfield County Knowledge & Networking – Zody's 19th Hole, Stamford (Education 3–5 pm/Networking 5–7 pm) 2 CEUs

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#### Thurs., August 1 – Sizzler – Amarantes Sea Cliff (Education 3–5 pm/Networking 5–7 pm) 2 CEUs

- \$750 – Event Sponsor – Logo Acknowledgement on Magazine Cover Issue 5, Emails & Registration, 2 minute infomercial, 3 company representatives + company banner
- \$500 – Ice Breaker Sponsor – 3 company representatives + company banner, sponsor provided prize
- \$350 – Banner Sponsor – 3 company representatives + company banner

#### Weds., September 25 - Fall Fun – Hops on the Hill, S. Glastonbury (Education 3–5 pm/Networking 5–7 pm) 2 CEUs

- \$750 – Event Sponsor – Logo Acknowledgement on Magazine Cover Issue 7, Emails & Registration, 2 minute infomercial, 3 company representatives + company banner
- \$500 – Brewery Exhibitor – 2 company representatives + company banner + table for display
- \$350 – Axe Sponsor - 2 company representatives + company banner
- \$250 – Refreshment Sponsor – 1 company representative + company banner

#### Sat., October 5 - Condo Inc. – Location to be determined (8:30 am – 2:30 pm)

- \$500 Event Sponsor - Logo Acknowledgement Emails & Registration, 2 minute Infomercial, 3 company representatives (May be taken in consideration for providing location, food & beverage with approval).

#### Thurs., October 24 - Legal Symposium – Zoom Events (12:30 – 5:15 pm) 4 CEUs

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## Corporate Transparency Act – Action Needed!

CAI is calling on members and advocates to learn more information about a federal law that has a sweeping impact on most community associations incorporated in the U.S. We need your help to educate Congress about the unintended consequences of this law and urge them to delay implementation and exempt community associations from the requirements.

The law is the Corporate Transparency Act that passed Congress in 2021. The intent of the legislation was to help detect and report suspicious activity related to money laundering and terrorist finance, to facilitate tracking money that has been sourced through criminal or terrorist activity to safeguard the national security and the financial system of the U.S. This law is being enforced under the Financial Crimes Enforcement Network (FinCEN). This law applies to corporations that have less than \$5 million in gross receipts or sales, fewer than 20 employees, and don't otherwise meet broad exemptions like banks, credit unions, investment companies, venture capital, securities exchange or clearing agency, insurance companies, public utilities, accounting firms, tax-exempt organizations as qualified and determined with status by the IRS, i.e. 501c4 organizations, large operating companies, and inactive entities.

The consensus by community association lawyers is community associations incorporated at the state level will be impacted by this new law and will have a responsibility to file information with FinCEN through the Beneficial Ownership Information (BOI)

reporting requirements. The Beneficial Ownership Information (BOI) reporting program is slated to be implemented with filings beginning January 1, 2024. The current filing deadline for existing corporations is January 1, 2025. The filing is not yet open.

At a minimum, here is what is going to need to be reported by the community association to the FinCEN federal agency on an annual basis.

- Business name.
- Legal name of board members, birthdate, home address, an identifying number from a driver's license, state ID, or passport.
- Individual with substantial control. The same information (name, birthdate, home address, identifying number) of person (s) who exercise substantial control over financial reporting for the community association corporation. It is unclear whether a community manager and/or management company qualify as an individual with substantial control. This is yet to be confirmed. CAI will continue to evaluate this and provide guidance accordingly.
- Changes, corrections, and additions to the filing must occur within 30 days of when you become aware of the change (i.e., board member moves, is replaced, etc.).

Of great concern, is noncompliance of filing could result in civil penalties of \$500 per day and criminal penalties of up to \$10,000 and up to 24 months in prison.

*[Continues on page 31.]*

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[Continues on page 30.]

CLASSIFIED SERVICES...from page 29.

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Contact: Richard Bouvier, CIC  
www.Binsurance.com  
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### C.V. Mason & Company Insurance

Contact: Bud O'Neil  
860-583-4127 • Fax 860-314-2720  
boneil@cvmco.com

### Fairfield County Bank Insurance Services

Contact: Jean Craemer  
401 Main Street  
Ridgefield, CT 06877  
203-894-3118  
Jean.Craemer@FCBIns.com  
www.FCBIns.com  
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### The Reardon Agency, Inc.

Mallory Reardon Porter  
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(860) 442-1396 • Fax: (860) 444-2822  
mreardon@reardonagency.com  
www.reardonagency.com  
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### Toofer Ferraris Insurance Group

Contact: Sam Chambers  
43 Danbury Rd., Wilton, CT 06897  
Tel: 203-665-6631  
E-Mail: schambers@toofer.com  
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## MANAGEMENT COMPANIES

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### County Management Services, LLC

6527 Main Street  
Trumbull, CT 06611  
203-261-0334 • Fax: 203-261-0220  
Contact: Gary M. Knauf  
garyknauf@gmail.com  
www.countymgmt.com  
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## IMAGINEERS, LLC

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635 Farmington Avenue  
Hartford, CT 06105  
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249 West Street  
Seymour, CT 06483  
Phone 203-463-3219 • Fax 203-463-3299

Contact: Karl Kuegler  
E-mail: [kkuegler@imagineersllc.com](mailto:kkuegler@imagineersllc.com)

Licensed: CT Registration # CAM.0001  
[www.imagineersllc.com](http://www.imagineersllc.com)

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### Magee Property Management

7 Cody Street  
West Hartford, CT 06110  
860-953-2200 • Fax 860-953-2203  
Contact: Amber Chamberland  
Email: [manager@mageecompanies.com](mailto:manager@mageecompanies.com)  
[www.MageeCompanies.com](http://www.MageeCompanies.com)  
Licensed: CT Registration #  
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### SOMAK Property Management

413 East Street, Suite 2  
Plainville, CT 06062  
860-259-1046  
[info@somakmanagement.com](mailto:info@somakmanagement.com)  
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South Hadley, MA 01075  
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[production.aqrs@gmail.com](mailto:production.aqrs@gmail.com)  
[www.1800newroof.net](http://www.1800newroof.net)  
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### JP Carroll Construction Inc.

Contact: Jim Carroll  
135 W. Dudley Town Rd.  
Bloomfield, CT 06002  
860-586-8857  
[office@jpcarrollroofing.com](mailto:office@jpcarrollroofing.com)  
[www.jpcarrollroofing.com](http://www.jpcarrollroofing.com)  
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### Leading Edge Exteriors, LLC

Contact: Michael Muraca  
730 East Street, Middletown, CT 06457  
860-632-0050 • Fax 860-632-7762  
[Michael@leadingedgeexteriorsllc.com](mailto:Michael@leadingedgeexteriorsllc.com)  
[www.leadingedgeexteriorsllc.com](http://www.leadingedgeexteriorsllc.com)  
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 Contact: Alex Gritzuk  
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 3 Duke Place, South Norwalk, CT 06854  
 203-853-4179 • 203-853-6524 Fax  
 E-mail: jwalker@crystal1.com  
 www.crystalrestorationservices.com  
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**United Property Restoration Services**  
 Licia Ciotti  
 800-835-0740 Phone  
 203-464-4171 Cell  
 860-349-2580 Fax  
 www.unitedprs.com  
 lciotti@unitedprs.com  
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*MANAGERS COLUMN...from page 24.*

**C. Conclusion**

I have never been one to panic in the face of bad news or events. I have never seen the benefit of doing so. However, after listening to my friend Dave Pilon last October give what I can safely say was the most persuasive and informative presentation on insurance bar none (as a former NY first-party insurance defense litigator, I have a fair amount of insight into this field), it is time for all of us in the community association world to understand and address the current situation regarding insurance premiums. I hope this article has awoken a sleeping bear on this topic. ■

*Rich Wechter, CMCA is Senior Vice President at Westford Real Estate Management, LLC. Rich is a member of the Legislative Action Committee, Golf Committee and Publication Committee and is also a member of the Legal Symposium Task Force.*

*CORPORATE TRANSPARENCY ACT..from page 28.*

CAI has taken the position that we do not believe the Anti-Money Laundering Act and Corporate Transparency Act are intended to apply to community associations. Accordingly, we are taking the following measures:

1. Request community associations be exempt from the Act and the subsequent Beneficial Ownership Information (BOI) reporting requirements.
2. Request delay of the implementation of the Beneficial Ownership Information (BOI) reporting requirements by supporting HR4035/S2623.
3. Urge confidentiality of the individual corporate filings of the Beneficial Ownership Information (BOI) reporting through rulemaking process.

We need your help to urge Members of Congress to support exempting community associations, delaying implementation, and limiting access to the corporate filings.

**For details about contacting your Congressional Representatives go to:**

<https://www.caionline.org/Advocacy/TakeAction/Pages/VoterVoice.aspx> ■

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