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The Official Publication of CAI-Connecticut

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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 900 members including nearly 150 businesses, and over 450 community associations representing 50,000 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



Pam Bowman, CMCA, EBP

"...sometimes it takes more than one meeting and consistent progress meetings to get to the desired outcome and understanding."

Managing expectations is part of what our industry is all about. Communicating the facts and giving information that can help Associations, Business Partners and Managers make decisions are part of the daily grind of this industry.

We all have tools we use to forecast budgets: Reserve Studies, past history of expenses and plans for the future which may be uncharted territories.

In any case, communication is the key. Face-to-face communication to understand the expectations of a project, a perceived outcome, and project planning are the best way to communicate in these cases. And, sometimes it takes more than one meeting and consistent progress meetings to get to the desired outcome and understanding.

We all live busy lives, but our lives are more stressed when the communication is unclear because we spend more time clearing up the misunderstandings than actually getting the necessary work done.

Planning systematically takes time. I believe in investing time in before things go into motion, as we will typically save time later. There will always be hiccups, it is how we act and not react which makes the difference.

On September 27th we have Fall Fun and The CAMMies at the Aqua Turf. And on October 25th we have the annual Legal Symposium. I look forward to seeing you there. ■

Come one, come all.

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We now make it easier for your **entire board** to join CAI at the **lowest cost**.

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From the Chapter Executive Director

"Striving for success without hard work is like trying to harvest where you haven't planted."

— David Bly



Kim McClain

Courtesy CAI-CT.

Although the longer, hazy days of summer are behind us, this is still enough good weather to be able to celebrate the bountiful harvest at various farm-to-table events or even your own community picnic. It is always so rewarding to go out to your garden to discover all of the wonderful things ready for harvesting. All that planting and weeding eventually leads to a positive reward.

It's not too far of a stretch to look at the work of condo boards in a similar light. For many hours, board members toil away at planting the seeds of ideas and then working on weeding out the many obstacles that inevitably appear. Ultimately, when a major construction project is completed or a redo of the landscaping makes everything look neater and brighter, the board gets to step back for a minute and say "this looks great, it was worth the work!"

Our CAI-CT Board and Committees have been working to plant all kinds of new programs and resources for our members. Throughout the year there are many opportunities to connect to all that CAI-CT has to offer. In the Fall, we have our Annual Fall Fun event and Legal Symposium. We hope you will plan to join us at one or both and also take a peek at our 2019 calendar. You never know what you may find!

In case you are fortunate and get to be at one of those harvest sharing events – Cheers! ■

SAVE THE DATE...



SATURDAY,
March 16, 2019

Aqua Turf, Plantsville, CT

Fall Fun Party & the CAMMIES

Thursday September 27, 2018, 5:30 pm – 8:30 pm

Aqua Turf, Plantsville

Sponsorships are available for this event.

Legal Symposium

Thursday, October 25, 2018, 1:00 pm – 5:30 pm

NEW LOCATION!!! Oronoque Village Clubhouse - SOUTH
10 Midwood Trail, Stratford, CT

Followed by a Wine & Cheese Reception

Our panel of legal experts will cover topics important to your community.
(All proceeds to benefit legislative advocacy for Connecticut Community Associations.) Bring your questions!

\$50 – CAI Members, \$75 – Non-Members

APPROVED FOR 4.0 CONTINUING ED CREDITS

Sponsorships are available for this event.

Jumpstart January — Customer Service

Thursday, January 10, 2019, 11:30 am – 1:30 pm

Oronoque Village, Stratford

\$25 - CAI Members, \$50 - Non-Members

APPROVED FOR 2.0 CONTINUING ED CREDITS

Condo Inc.

The Business of Running Your Community

Saturday, February 2, 2019, 8:30 am – 2:00 pm

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

\$50 – CAI Members, \$100 - Non-Members

Sponsorships are available for this event.



SAVE THE DATE!

CAI-CT Annual Conference & Expo

Saturday, March 16, 2019

Aqua Turf, Plantsville



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

People in the News...

CT Community Association Management Company Earns Top Industry Professional Designation

Westford Real Estate Management, LLC recently joined the elite group of community association management companies across the country which have earned the Accredited Association Management Company (AAMC) designation from Community Associations Institute (CAI). Westford is one of only 150 management companies nationwide which has earned the highest level of professional recognition in the community association field.

To earn the AAMC distinction, management companies need three years of experience in community association management and at least 50 percent of their managers must have earned professional designations.

Sabrina Wentworth Earns PCAM

Sabrina Wentworth, Senior Vice President of Community Management & Financial Controller, proudly obtained her PCAM designation. Employed with Westford for the past 21 years, Sabrina serves as an invaluable resource to all members of the staff. When Sabrina is not working, she enjoys spending time with her family, camping, doing DIY projects and reading.



Courtesy CAI-CT.

Sabrina Wentworth, PCAM

Attention CAI-CT Business Partners:

Is your company seeking to offer education programs for our Community Association Managers?

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Thank You Renewing Members

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Longmeadow Association, Inc.
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Shirley Park Condominium Association
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Margolis Management & Realty, LLC
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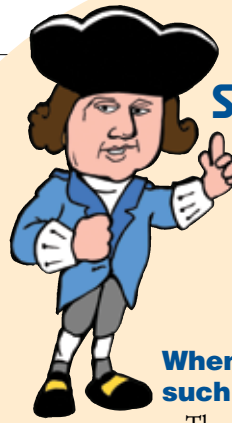
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**For Membership Information —
Visit www.caionline.org.**



Statutory Snippet...

Are Minutes of Board Meetings required?

Yes. (Common Interest Ownership Act, Subsection 47-260(a)(2))

When can Members see the minutes of such meetings?

The members can see the minutes once the minutes have been approved by the board. (Common Interest Ownership Act, Subsection 47-250(b)(6)) ■

Source: State of Connecticut: Frequently Asked Questions by: Matthew N. Perlstein, Esq. – Feldman, Perlstein & Greene, LLC. Reprint permission granted. You can find the entire document on our website: www.caict.org.



Website Insights – CAI-CT Member Pricing

Did you know CAI-CT Members get discounted pricing on most CAI-Connecticut Chapter events?

It's true. Save up to 50% off non-member pricing!

Be sure to log into your profile before you register for an event so we recognize you. If you don't know your log in, please contact ellen@caict.org to have your password reset.

Not a CAI Member yet? We can fix that. Contact info@caict.org for more information on how to join!

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**The official website of the
Connecticut Chapter of CAI.**

Legally Speaking...



Adam Cohen, Esq.

Getting Political

By Adam J. Cohen, Esq.

The nation's highly divisive political climate has definitely made its way into Connecticut's homeowners' associations. People who may not have considered themselves politically active in the past have found themselves putting up signs, debating with their neighbors, circulating petitions, attending rallies and protests, and even running for office.

Increased signage is the most visible change. State law says that an association "may not prohibit display, on a unit or on a limited common element adjoining a unit, of the flag of this state, or signs regarding candidates for public or association office or ballot questions, but the association may adopt rules governing the time, place, size, number and manner of those displays." This law was modeled after the legal test used by courts to evaluate the constitutionality of regulations which impact freedom of speech. A board could choose, for example, to prohibit political signs which block visibility on roadways or billboards as big as the home itself. A board could not, however, prohibit signs based on which candidate they support, or ban all signs entirely on a home or perhaps in its yard, depending on the declaration's definitions of "unit" and "limited common element."

State law similarly says that "[u]nit owners may peacefully assemble on the common elements to consider matters related to the common interest community, but the association may adopt rules governing the time, place and manner of those assemblies." This means that a board could not stop a group of owners from reserving a room in the clubhouse for the purpose of discussing how to recall the board or hosting a get-out-the-vote drive (assuming rooms are ordinarily available to be reserved for other purposes). But the board could prevent such a gathering at a time when the clubhouse is normally closed, or limit the number of attendees to the fire code maximum.

Even when rules are followed, signs and rhetoric can sometimes become heated. The association's powers in those situations are less clear. The board could presumably take action against a yard sign which is offensive to the point of obscenity or a unit owner whose comments during a meeting are disruptive and threatening. But a sign or statement which is simply angry, controversial, or provocative is likely protected depending on the circumstances. Unit owners compromise their First Amendment rights to some extent by living in a common interest community, just as they give up some privacy rights and control over their property and money – but not completely.



"This means that a board could not stop a group of owners from reserving a room in the clubhouse for the purpose of discussing how to recall the board or hosting a get-out-the-vote drive..."

Boards and managers may also receive requests for lists of the association's officers, board members, and unit owners to enable residents to organize or engage them on community or political issues. State law requires associations to maintain records of these names and addresses and to provide copies to unit owners on request. The owner does not need to give a reason for the request and the board cannot refuse it based on the intended use, although state law does say the owner cannot use these lists for commercial purposes.

When a community is also a taxing district, its board members are themselves government officials. Many district officers are surprised to learn that districts with annual revenues exceeding \$250,000 are required by state law to have minority political party representation on their boards. Although this law is rarely enforced today, certain residents may be technically disqualified from office depending on the political affiliations of the other board members. In the 1970s, a Connecticut court held that a Republican receiving fewer votes

[Continues on page 8.]

POLITICAL...from page 7.

than a Democrat had to be declared the winner of an election to the board of a tax district which already had the maximum proportion of Democrats.

Understanding the laws which regulate the association's responsibilities in the current political atmosphere is important, but the effects are even more comprehensive. Anecdotal evidence suggests that increasingly heated rhetoric and anger with government are impacting how executive boards are able to conduct association business generally. "In a March 2018 survey by CAI's *Common Ground* magazine,

55% of respondents said they noticed an increasing number of homeowners resistant to being governed by their community association in the polarizing times we live in now." (See the May/June 2018 issue of *Common Ground* at page 7.) Some owners feel less afraid to speak up, challenge decisions, demand transparency, and run for the board. Recall petitions appear to have become more frequent and caustic.

"Anecdotal evidence suggests that increasingly heated rhetoric and anger with government are impacting how executive boards are able to conduct association business generally."

Boards should respond by taking extra care to thoroughly explain their decisions and to invite as many residents as possible to participate in every aspect of governance. They should always attempt to understand and tolerate unit owners who voice their opinions, as long as they do so in an orderly and reasonable way. Unit owners, of course, must follow the rules as long as those rules are themselves legal and reasonable. Since the political climate is unlikely to become less divisive any time soon, managers and members of community associations need to be prepared to deal with strong opinions and intense debates not just on national issues but on neighborhood issues as well. ■

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

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2018 CAI-CT Annual LEGAL SYMPOSIUM

Thursday, October 25, 2018

1:00-5:30pm

Followed by a Wine & Cheese Reception

NEW LOCATION!!!

Oronoque Village Clubhouse - SOUTH,
10 Midwood Trail, Stratford, CT

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WWW.CAICT.ORG**

\$50 - CAI Members

\$75 - Non-Members

PROGRAM

1:15 PM - 2:10 PM

ROOM - A

Common Misunderstandings in Governance

Speakers: Kristie Leff, Esq. & Edward Hill, Esq. —
Bender, Anderson and Barba, P.C.

That Sinking Feeling — What You Don't Know CAN Hurt You! This session will review common misunderstandings which lead to condominium governance issues that typically, and often embarrassingly, arise at a time when they cannot easily be fixed. You will gain a deeper understanding of the nature and structure of governing documents; the details and importance of the adoption of budgets and special assessments; the details and importance of proper documentation of board decisions; and the need for consideration of other laws in the operation of your condominium. It is important have a more complete understanding of governance issues in order to proactively avoid problems before they arise.

ROOM - B

Association Loans: The Devil is in the Details

Speakers: Robert A. Pacelli, Jr., Esq. & Joe Cessario, Esq. —
Zeldes, Needle & Cooper, P.C.

This session will cover the following:

- Review of Lender Commitment Letter
 - Commitment Letter v. Term Sheet
 - Pros and Cons of Line of Credit During Construction Period v. Drawing All Funds at Closing

- Term of Loan – Positives and Negatives of Longer Term Loan v. Shorter Term
- Paying off an Existing Loan with New Loan Proceeds
- Permitted Uses of Excess Funds
- Proper Board Meeting Timing, Notice and Vote
- Proper Unit Owner Meeting Timing, Notice and Vote
- Proper Unit Owner Meeting Voting Procedures and Counting of Ballots
- Proxy Voting
- Loan Closing
- Post-Closing Concerns
 - Prepayment
 - Use of Funds
 - Accessing Funds/Signing Authority

ROOM - C

Everything you Wanted to Know about Mold (claims) and Were Afraid to Ask

Speakers: Jonathan R. Chappell, Esq. and Kelly A. Freitas, Esq. —
Feldman, Perlstein & Greene, LLC

Mold is everywhere. Unfortunately, so are mold claims. This presentation will focus on various aspects of this hot-topic issue including:

- 1) Best practices to handle mold or suspected mold claims
- 2) Insurance issues involving mold
- 3) Mold testing – when do you need it, what do you do with it, what does it mean?

- 4) What can you expect when a mold claim turns into a lawsuit?
 - a. Property damage lawsuits
 - b. Personal injury lawsuits
- 5) How should the Association communicate with unit owners about mold?
- 6) What can you do to minimize the impact of mold claims on your Association?

2:20 PM - 3:15 PM

ROOM - A

Insurance and the Master Policy — Who Covers What?

Speakers: Scott J. Sandler, Esq., CCAL – *Sandler, Hansen & Alexander, LLC* & Rich Bouvier – *Bouvier Insurance*

This presentation will cover insurance issues, including a discussion of what is and is not covered by the association's master insurance policy and how the master policy and individual homeowner policies work together to cover a claim.

ROOM - B

CHRO Complaints: How to Avoid them and How to Deal with Them

Speaker: Kristen Schultze Greene, Esq. — *Feldman, Perlstein & Greene, LLC*

When it comes to fair housing, fair does not mean equal. For a condominium association board, treating everyone the same under a written set of rules may seem like the best way to avoid claims of discrimination. In reality, treating everyone the same without exception can be discrimination. If a person is disabled and requires a reasonable accommodation to use and enjoy their home, the board must consider and grant such requests so long as they are reasonable. Disabilities may or may not be obvious. It is important for all boards to recognize a request for reasonable accommodation and have a set procedure in place to consider and respond promptly to such requests. This presentation will include: (1) Overview of fair housing law, and in particular, Connecticut Human Rights and Opportunities ("CHRO") complaints and proceedings; (2) Reasonable Accommodations Requests – recognizing them; what to consider; and how to respond; (3) Hot Button Topics (a) Service animals/emotional support animals (b) Parking (c) Modification of owner/resident's property or common elements/area for disability.

ROOM - C

Board Discretion — Is that Reasonable?

Speaker: Jared Alfin, Esq. — *Hassett & George, P.C.*

Discussion and analysis of the Appellate Court's decision in *Duane Grovenburg, et al. v. Rustle Meadow Homeowner's Association, Inc., et al.* Mr. Alfin was the Plaintiffs' attorney. The topic will address the court's decision and implication to Board Member's discretion on matters relating to decision making, rule making, as well as the effects of suing an Association, including financial consequences. There will be a discussion about good practices for a Board in connection with its decision making, and the overall effect of the court's decision on Associations.

The court's decision expanding on the Supreme Court's decision in *Weldy* was essentially a treatise of the law and outlined how courts will review decisions made by a Board, and the Board's broad authority and effect on unit owners that seek to challenge Board authority.

3:25 PM – 4:20 PM

ROOM - A

Executive Sessions — Do's & Don'ts

Speaker: Bill Ward, Esq. — *Ackerly & Ward*

Learn what is appropriate for Executive Sessions, how to schedule and hold Executive Sessions during Board meetings, and exploring the use of minutes for Executive Sessions. Learn how to use committees to discuss controversial issues rather than improperly using Executive Sessions.

Boards often misuse Executive Sessions. They seek to avoid discussing controversial issues in front of owners rather than limiting Executive Sessions to the statutory categories. Educate board members and property managers to vote in open session and how to protect the confidentiality and privacy of owners when necessary.

ROOM - B

Reviewing and Enforcing Association Documents

Speaker: Chas Ryan, Esq. — *Pilicy & Ryan, P.C.*

So you sent a rule infraction letter...now what? This program will explore how to enforce association declarations, bylaws, rules and regulations. It will go beyond drafting rules but instead provide the participants with the hands on knowledge to review their governing documents, revise their governing documents, and when necessary - enforce their documents.

All too often we know something isn't right, but we forget to find a prohibition on the action. For example, a Unit Owner is screaming at the top of their lungs at 3am. We know it is wrong, but do we have a rule? Furthermore, we all know (hopefully) that hearings are necessary before enforcement action can be taken. But what information must be in the notice of hearing, the minutes of the hearing, and the notice of results of hearing? Finally, what can happen when we don't guide our clients accordingly.

ROOM - C

A Review of Legal Issues Relevant to Homeowners' Associations: Radon and Surface Water

Speaker: Steve Berg, Esq. — *Frankel & Berg*

A. Who is responsible if a unit has high levels of radon?

1. Who pays for the radon remediation equipment? *Jamalipour v. Fairway's Edge Association*, 2016 WL 10182711 (2016)
2. What are the duties of the Association with respect to remediation?

B. Legal Issues arising from surface water runoff and damage

1. Is the association responsible for damage to units caused by surface water runoff from the common elements?
2. Is the association obligated to correct improper grading of the site which was created by the declarant?
3. Does the association's master liability policy cover damage caused by surface water runoff?

LEGAL SYMPOSIUM SPEAKERS



JARED ALFIN, Esq. Jared Alfin's broad-based business litigation practice includes counseling clients on a range of issues involving commercial contract disputes, collections, real estate litigation (including evictions), white-collar fraud, unfair trade practices, construction litigation, civil rights violations, condominium law, partnership disputes, and litigation involving shareholders and members. Mr. Alfin graduated Roger Williams University School of Law, Bristol, Rhode Island, J.D. – 2004 and Quinnipiac University, Hamden, Connecticut B.S. – 2001



STEVEN G. BERG, Esq. earned his B.A., cum laude, from New College of Hofstra University in 1974 and graduated from Syracuse University College of Law in 1977. He is a member of the Connecticut and Greater Bridgeport Bar Associations and the Community Associations Institute. Mr. Berg served on the Milford Conservation Commission (1983-85) and was subsequently elected to the city's Board of Alderman (1985-87). He served on the Zoning Board of Appeals of the town of Newtown from 1989 to 2007. Steven Berg has spoken on condominium law issues at seminars sponsored by the Connecticut Chapter of the Community Associations Institute, the Connecticut Bar Association and other organizations.



RICH BOUVIER is a partner with Bouvier Insurance and has dedicated his insurance career to specializing in condominium master insurance needs in addition to personal lines and commercial insurance. Rich served as the President of the Connecticut Chapter of Community Associations Institute, sits on the Legislative Action Committee and serves on the Membership committee. His involvement with CAI-CT and the condominium industry dates back the beginning of his career in 2000 with multiple articles published in *Common Interest* magazine.



JOSEPH J. CESSARIO, Esq. is a real estate/construction attorney with Zeldes, Needle & Cooper, P.C. with prior professional experience as an architectural designer and development consultant. Joseph is a member of the firm's Condominium and Community Association practice group and represents condominium and cooperative associations throughout Connecticut by handling such matter as: collection of unpaid common charges and assessments, interpretation and amendment of governing documents (Declaration, Bylaws and Rules), interpretation of Connecticut Condominium Act and Common Interest Ownership Act (CIOA), rule enforcement, unit owner rights and contract drafting, negotiation and review (management, maintenance, etc ...). Mr. Cessario graduated from Tulane University (Masters of Architecture (2002)) and Pace University School of Law (J.D. (2006)).



JON R. CHAPPELL, Esq. received his undergraduate degree from Quinnipiac University (B.S., Physical Therapy, 1999), and graduated from the Quinnipiac University School of Law, magna cum laude (2005). While attending law school, he worked full-time, including as a law clerk for a well-known litigation firm in Hartford. Prior to his arrival at Feldman, Perlstein & Greene, LLC, his practice areas have included litigation in several substantive areas of law, and he has devoted a significant portion of his time to the practice of municipal law, including drafting of legal opinions, contract negotiation and review, land use, ordinance drafting, tax collection, and enforcement proceedings. Jonathan was named to the Connecticut Super Lawyers Rising Star in the area of civil litigation (2015).



KELLY FREITAS, Esq., joined the law firm of Feldman, Perlstein & Greene, LLC in 2009 and practices in the area of civil litigation. She has handled many condominium and construction related matters such as construction defects, contractor disputes, unit owner claims, mold claims, property damage, insurance and personal injury. Along with Attorney Michael Feldman, she recently obtained a \$4.2 million judgment on behalf of a community association against the developer and its principals for construction defects and breach of fiduciary duty.



KRISTEN SCHULTZE GREENE joined Feldman, Perlstein & Greene, LLC in 1998. Ms. Greene has been practicing in the area of civil litigation since joining the firm. Ms. Greene has also successfully handled appeals to the Connecticut Appellate Court and Connecticut Supreme Court. Ms. Greene graduated from University of New Hampshire B.A. 1993, cum laude in Psychology and Western New England College School of Law, J.D. 1996, cum laude.



EDWARD HILL, Esq. is Of Counsel at the law firm of Bender, Anderson & Barba, P.C. He provides legal counsel on the design, documentation, and operation of condominiums, cooperatives and planned communities. He frequently assists associations with document revisions and updates, mergers, financing transactions and other significant common interest community matters. To those matters, he brings his experience in a wide range of real estate matters, including real estate development, leasing, purchases and sales, zoning and land use regulation, and real estate related financing, to provide practical and creative problem-solving advice for his clients. He is co-lead author of the Connecticut Common Interest Ownership Manual, Second Edition, a manual of model condominium forms and commentary. Mr. Hill is a frequent presenter at educational programs for condominium leaders and owners. He is a graduate of Trinity College, Hartford, Connecticut and an honors graduate of the University of Connecticut School of Law.



KRISTIE LEFF, Esq. is a partner at the law firm of Bender, Anderson and Barba, P.C. Kristie's practice focuses on advising and representing common interest communities on a broad range of issues including rules enforcement, insurance disputes, governance matters, and collection and foreclosure cases. She also heads up the firm's litigation practice, handling lawsuits for associations dealing with, among others matters, construction defects, injunctions, land use issues, and contract disputes. Kristie earned her bachelor's degree from the University of Connecticut, and her law degree from Suffolk University Law School.



ROBERT A. PACELLI, Jr., Esq., is chair of the Condominium and Community Association practice group at Zeldes, Needle & Cooper, P.C. He is well known for his responsiveness as well as his cost effective and creative approach to obtaining results for his clients. In representing his association clients, Mr. Pacelli focuses on addressing issues such as rules enforcement matters, document amendments and updates, collection of common charges, developer turnover issues, contract negotiations, loan closings, FHA approval and recertification applications, defending discrimination claims and many other matters unique to associations. Mr. Pacelli is a graduate of Brandeis University (1994) and Boston University School of Law (1997).



CHAS A. RYAN, Esq. is a partner in the law firm of Pilicy & Ryan, P.C. He represents Common Interest Communities throughout Connecticut. He is an active member of the Connecticut Chapter of CAI and presently serves on the Board of Directors, Education Program Committee, the Conference Committee, and the Legislative Action Committee. Attorney Ryan often educates Managers, Board Members and Unit Owners regarding the CIOA and other areas of law affecting Common Interest Communities.



SCOTT J. SANDLER, Esq., CCAL is the managing partner of Sandler, Hansen & Alexander, LLC, located in Middletown, Connecticut. His firm provides high quality legal services to condominium and homeowner associations throughout Connecticut. Mr. Sandler is a fellow of the Community Associations Institute's College of Community Association Lawyers. Since 2010, he has served as the chairman of the Legislative Action Committee of the Connecticut Chapter of the Community Associations Institute. He is also a member of the Institute's Government & Public Affairs Committee. Mr. Sandler served the Institute as president of its Connecticut Chapter from 2008 through 2009. Mr. Sandler also represented the Chapter when he served on the Connecticut Law Revision Commission Study Committee, which adapted the 2008 revisions of the Uniform Common Interest Ownership Act for use in Connecticut.



WILLIAM W. WARD, Esq. is a graduate of Fairfield University (B.A. 1978 – cum laude) and the Columbus School of Law at The Catholic University (J.D. 1981), where he was a member of the Law Review. He clerked for the Honorable C. Murray Bernhardt in the United States Court of Claims (1981 – 1983). He serves as a Special Master for the Connecticut Superior Court. He is a member of the CAI-CT Board of Directors and the Legislative Action Committee. Bill was a member of the Connecticut Bar Association's committee, which drafted the Connecticut Common Interest Ownership Manual – Second Edition. Mr. Ward is a principal in Ackerly & Ward in Stamford, CT. and has provided legal services to community associations for over 30 years. His practice concentrates on common interest communities, common interest community developments, real estate, probate, and civil litigation.

Financially Speaking...



Daniel Levine, CPA

Internal Control Frameworks

By Daniel Levine, MBA, CPA

A major component to successfully operating a business stems from the controls involved with financial transactions and reporting. Controls are important as they help prevent or detect fraud, reduce the chance there are material misstatements in an association's financial statements, and provide a framework for efficient and effective operations.

While the above statement is easy to understand conceptually, execution is a whole different matter. What are the components of a successful control environment? How should these be applied your association? This article will seek to answer these questions and provide guidance for volunteer board members to better understand their controls and how their association is impacted by them.

Internal Control

To begin, we should formally define what is meant by internal control.

Internal control is a process, put in place by management and those charged with governance, designed to provide reasonable assurance about the achievement of the entity's objectives regarding the reliability of financial reporting, effectiveness of operations, and compliance with laws and regulations.

To put it another way, your association has various objectives. These objectives can be things like accurate financial reporting or making sure your association's documents are current. Internal controls are the systems in place to obtain results in line with those objectives.

Professional standards break internal control down into the following 5 components:

- 1) **Control environment** which is the tone of an organization and influences the overall culture and behavior of people involved with organizations. It will be the base for all the remaining components of internal control.
- 2) **Risk assessment** which is the entity's identification and analysis of relevant risks to its objectives. This analysis creates a base to determine how risks should be managed.
- 3) **Information and communication systems** which are items that support the identification, capture, and exchange of information in a form and time frame that enable people to carry out their responsibilities.



"These areas can be dealt with in a variety of ways and no two associations will tackle them the same way."

4) **Control activities** which are the procedures that enable management directives to be carried out.

5) **Monitoring** which is the process that focuses on the quality of internal control performance over time.

These areas can be dealt with in a variety of ways and no two associations will tackle them the same way. Self-managed vs. professionally managed associations have different needs and risks. The same is true for larger associations with complicated financial transactions vs. smaller associations.

So How Does This Relate to Your Association?

Now that we know what internal control is and its components, how can you tackle internal control as it relates to your association? The following are a few questions to think about in each area:

[Continues on page 16.]



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INTERNAL CONTROL...from page 14.

1) Control environment:

- a. Internally, a board should look at its tone at the top. What are the board's attitudes towards its financial reporting? What policies does the association have in place to manage board conduct, training/education of new volunteers? What is the level of engagement of the board?
- b. Externally for those that are professionally managed, what is your management company's policies and procedures? Do they work with similar type entities and what experience does their staff have? What is the company's philosophy, operating style, and organizational structure?

2) Risk assessment:

Does the board have a good understanding of the accounting rules for its association? What types of assets does an association own that it may need to safeguard and what procedures are already in place? Are there new board members in key positions? Has there been a switch in management companies recently? Are there new employees at a management company working directly with the association?

3) Information and communication systems

What accounting software does the association or management company use? What does the software capture in and present in its financial statements? What doesn't it capture? What are the controls for accessing the software?

4) Control activities

Does the association utilize segregation of duties? Does the management company have adequate segregation of duties? What physical controls are in place at an association? Are materials and equipment kept secured? Does the association use a lockbox for cash receipts? Are there two check signers for checks of a certain amount?

5) Monitoring

What does the board review each month to verify controls are being followed? Does the board receive statements as expected? Are bank reconciliations done timely? Does the board do a walkthrough for fixed assets being reflected in the financials?

Conclusion

The above questions are not a complete list, but a guide to highlight the types of questions being asked by each component for internal control. By first setting a firm tone, then understanding what potential risks face an association, the policies in place to handle, and monitoring that these policies are followed, a board can help ensure a stronger control over its financial assets and reporting. ■

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



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Congratulations New Educated Business Partners!



CAI-CT held its third live Educated Business Partner Program on August 2, 2018. Pam Bowman, CMCA, EBP – Prime Touch Services, facilitated the session with assistance from Frank Pingelski, EBP – Tooher-Ferraris Insurance Group. We are pleased to recognize all of our new EBPs and thank them for making it a priority to obtain this designation. They join over 50 EBPs in our chapter.

Jared Alfin, Esq., *Hassett and George, P.C.*

Mea Anderson, *Crystal Restoration Services of Connecticut*

Mike Conroy, Esq., *Hassett and George, P.C.*

Louis George, Esq., *Hassett and George, P.C.*

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Communication Corner...

COMMUNITY



Bob Gourley

The Reserve Fund Story

By Bob Gourley

Should the full and proper funding of a condominium association Reserve Fund be required by law? You'd be surprised how many condo unit owners have no idea what a Reserve Fund is, what it is used for, and why not having one inevitably creates a financial hardship for themselves and their fellow unit owners. When they do find out, it is rarely a story with a happy ending.

According to CAI, the only states that legally require every association conduct and adhere to a Reserve Study are California, Delaware, Hawaii, Nevada, Oregon, Utah, and Virginia. The State of Washington statutorily encourages associations to have a reserve study performed every three years unless doing so would impose an unreasonable hardship.

What about Connecticut?

'Condominium associations shall provide in the proposed budget for the condominium adequate reserves for capital expenditures. Connecticut General Statutes Section 47-88e. Common interest community executive boards, at least annually, shall adopt a proposed budget for the common interest community for consideration by the unit owners. Not later than thirty days after the adoption of a proposed budget, the executive board shall provide to all unit owners a summary of the budget, including a statement of the amount of any reserves, and a statement of the basis on which such reserves are calculated and funded. CGS Section 47-261e. Resale disclosure statement must include the total amount of money held by the association as reserves. CGS Section 47-264(5). There is no statutory requirement to conduct a reserve study.'

Since there is no statutory requirement for an association to conduct a Reserve Study, most do not. The reason is simple, Reserve Studies cost money and associations that aren't putting enough (or any!) money into their Reserve Fund are not going to spend money preparing a Reserve Study. Many smaller associations in our state (25 units or less) would find the cost of a Reserve Study prepared by a professional Reserve Analyst too expensive for their liking. It is not that the Reserve Study is too expensive. It is that the cash-strapped association isn't going to pay for a tool they simply aren't going to use.

What is the Alternative?

Associations that don't use and adhere to Reserve Studies are practicing shoddy financial stewardship. You can easily spot these asso-



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"You will also see angry unit owners who don't understand why this money hasn't been collected for all the years that these common elements were in use and wearing down."

ciations by the poorly maintained common elements that have been deferred for repair because of a lack of funds. You'll see the worn-out parking lots, aged buildings, and other tell-tale signs of neglect created by a lack of proper Reserve Funds. You will also see angry unit owners who don't understand why this money hasn't been collected for all the years that these common elements were in use and wearing down. It culminates in the inevitable Special Assessment or the expensive HOA loan taken by the association that causes an increase to common fees to take on the debt service and interest required to service the loan. The sins of the father are passed to the children. In most cases, the unit owners who benefitted from the common elements in their prime are long gone. They have escaped paying the piper for use of these common elements. It is the responsibility of the next generation of owners to pay for these items and start preparing for the future replacement

[Continues on page 20.]

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COMMUNICATION CORNER...from page 18.

of the elements they were just assessed for. If that sounds unfair, it is because it is completely unfair. But, it's perfectly legal, at least, in our state.

Will Connecticut join the other states that have already passed laws that require associations to properly use Reserve Studies and save money in their Reserve Funds, collected in the form of common fees from the unit owners that are actually using the common elements? I think it is highly unlikely, but that doesn't mean I don't think it shouldn't be required. Take a look at the Delaware statute on Reserves:

"Condominiums must contain within their declaration provisions that mandate that the association create and maintain, in addition

to any reserve for contingencies, a fully funded repair and replacement reserve based upon a current reserve study. Section 81-205(14). Condominium disclosure statement must include the current balance in reserves and the most recent reserve study. Section 84-409."

I like the wording of this statute as it doesn't leave anything to the imagination and less room for Boards to wiggle out of their responsibility as the Connecticut statute does. I would encourage all unit owners to get behind a similar law for our state. Unfortunately, our history shows us to be focused on today's expenses while leaving tomorrow's expenses to someone else. Who wants to pay more common fees today to solve tomorrow's problem?

The Reserve Study is the tool that guides association Boards to properly fund their Reserve Funds. Since there is no statutory requirement that Connecticut community associations conduct a Reserve Study, the most important tool for long-term financial planning for community associations is used, or not used, at the discretion of the community association itself. Without a Reserve Study, the Board is simply guessing how much money should be contributed to the Reserve Fund each year and has no obligation to do so. Do you want your association to be compliant with its own governance documents and to be financially strong? For me, that is the most compelling reason of all to create legislation that will require associations to adequately supply their Reserve Funds. What do you think? ■

Bob Gourley is Chief Marketing Officer of HOALendingXchange and Founder of MyEZCondo, a firm that specializes in communication products for community associations. Bob serves on the Publication, CAMMIEs, and Website Committees and is a Past President of the Board of Directors for CAI-CT.



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You Ask Mister Condo, Now Mister Condo Asks You!

Every issue of *Common Interest* features an “Ask Mister Condo” Question submitted by a reader of the Ask Mister Condo website at <http://askmistercondo.com>. There are often many reasonable suggestions and solutions to condo questions. Mister Condo is asking you to participate and share your wisdom with the world. Review the question below and submit your answer in an email to askmistercondo@askmistercondo.com.

Look for your answers in future issues of *Common Interest*. Here is this issue’s Ask Mister Condo question:

E.B. from Tolland county writes:

Dear Mister Condo,

I live in a free-standing 55 and over condo unit and think we may have birds, mice or bats in our attic. For the past 5 or 6 weeks, my cats have been constantly looking at the ceiling, both from the floor and from the tops of furniture. I’ve visually checked the attic by standing on a ladder placed through the access panel on 3 occasions but have not seen anything. I also threw moth balls around but that hasn’t seemed to help. I haven’t crawled around to check more closely such as around the perimeter and under the insulation but at 73 years old, I don’t think it would be very safe to do so. I would like to have a professional check it out and would like to know if it’s my responsibility or the association’s responsibility to do so.



**Ask your questions at
<http://askmistercondo.com>**

In a previous Ask Mister Condo column, you were asked to help a reader with the following question:

W.R. from New Haven County writes:

Dear Mister Condo,

I been having serious issues with the new president and other board members since I stepped down a year ago. This position went to the new president’s head to the point where she put all my neighbor’s business out in the community and when my neighbor addressed her via email she then called the management company to tell them she felt threatened by her. Then we were going back and forth via email about some of the bylaws & rules and as well as rumors that she was talking trash about me, she turned around and falsely accused me of threatening her and called the cops. The officers could not find any evidence of me doing that. Life for me has never been the same since. She doesn’t like to be told what to do and put my personal business concerning my email address in an email that went out to the entire community instead of addressing me only. How do I have her removed or handle this? Can I file a harassment charge against her and the board?

Mister Condo replies:

W.R., I am sorry for your troubles. As you know, I am not an attorney nor do I offer any legal advice in this column. If you are serious about filing charges against the President or the association, I think you should speak with an attorney to see if you have a case. As far as having her or any other Board member removed from office, you need only to vote them out at the next opportunity. Board members are democratically elected by all unit owners. If they aren’t serving the needs of the community, there is no need to return them to office. Of course, that means you will need to have other candidates willing and able to serve. You say that you just stepped down. You know what the commitment to serve is like. Perhaps you should run again or encourage a fellow unit owner to run. If you don’t replace these folks, you will very likely get more of the same. If they violate the rules of governance for your association, you can take action. Again, this may require the services of an attorney. I hope it doesn’t come to that. All the best!

There are now more than 1,500 questions and answers on the “Ask Mister Condo” website! Since 2012, Mister Condo has been politely offering some of the best HOA and condo advice to readers just like you! Join in the friendly conversation on Twitter, Facebook, and LinkedIn or on the website. Visit us at <http://askmistercondo.com>. There’s plenty to talk about! ■

Homeowner's Column...

Why Voting Matters

By Frank Self

During the graduation season this year, there was a topic that was frequently addressed. In addition to the usual chestnuts, an unusually high number of speeches urged graduates to be sure to vote - to vote not just in the big presidential elections but in small, local elections as well.

As a unit owner in your condominium, you have an opportunity to vote during your annual elections.

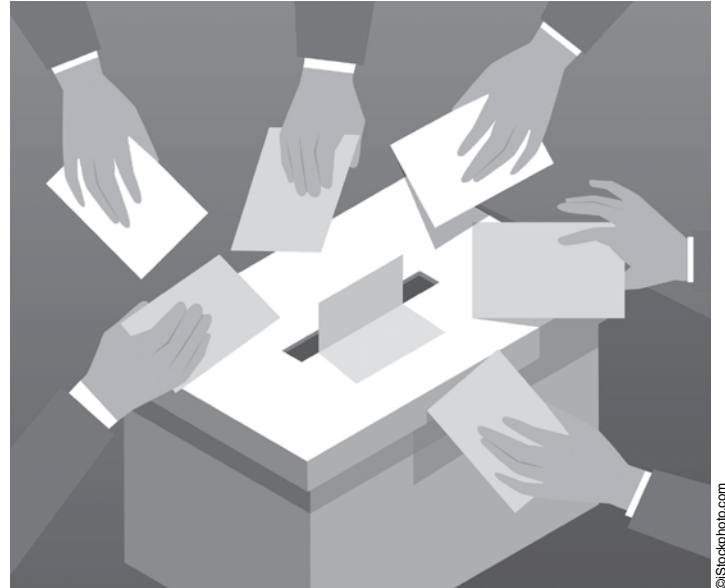
When I was on the board in the position of president, I urged everyone thinking about running for the board to study key documents to be found on the General Information page on our website.

What difference does it make to understand the important legal and informational underpinnings of your association? I addressed this question in a letter to the board of my association:

As president, you do have power, but not unlimited power. There are matters of rules, policies, and regulations; laws and public acts; and ethical behavior. The board can legally neither create nor enforce rules, nor do anything else, in a manner that is arbitrary and capricious, that is, which applies to certain people or groups of people, but not all. If a unit owner is thought to be in violation of a governance document, our declaration provides for the Right to Notice and Hearing. That enables the unit owner to bring to the board's attention relevant information for consideration. As Atty. Adam Cohen reminded us in a recent column in CAI-CT's Common Interest, the unit owner should ask not what it would matter if one person had an exception, but rather what it would matter if all unit owners had the same exception. With that in mind, if an exception should be granted by the board to an owner, it must be for good cause, and one that can be clearly explained to all other unit owners for whom no exception is provided.

Under the leadership of the president, the board is charged with responsibly and reasonably maintaining the safety and well-being of the property for the benefit of all owners and residents. This task is complex and not one to be taken casually. Unit owners need to be informed and feel involved. Responsibility and the exchange of communication are essential for the association as a whole to thrive. Skipping monthly board meetings, reducing the items brought up in the open meetings, and putting emphasis in the Executive Sessions that are closed to unit owners, all serve to downgrade the well-being of our association.

For most unit owners, the financial investment in a condo unit is their largest single financial investment. The board, as the association's representative governing body, has enormous power over the health and well-being of our home investments. (Check your association's Bylaws.) The board needs to communicate with owners and be open



to communications from owners, and do what is best for unit owners as a whole. Presiding over a budget, with little transparency and accountability (i.e., effective oversight by unit owners), can quickly lead to violations of democratic governance.

My association has a three-person board. The board functions best when all three members are knowledgeable, thoughtful, engaged, and dedicated to giving their best for the benefit of all unit owners. It is important to be aware of how well current board members are representing your interests in order to gain your support for another term. For those who are running for the first time, be sure to learn about their vision for the association and how they intend to accomplish goals as a member of the board. Ask lots of questions.

Joining the many graduation speakers, I strongly urge you to vote in the November election. Much closer to home, I strongly urge you to vote for in the election in your own condominium. It will matter. ■

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Manager's Column...



Reggie Babcock



Rich Wechter, CMCA

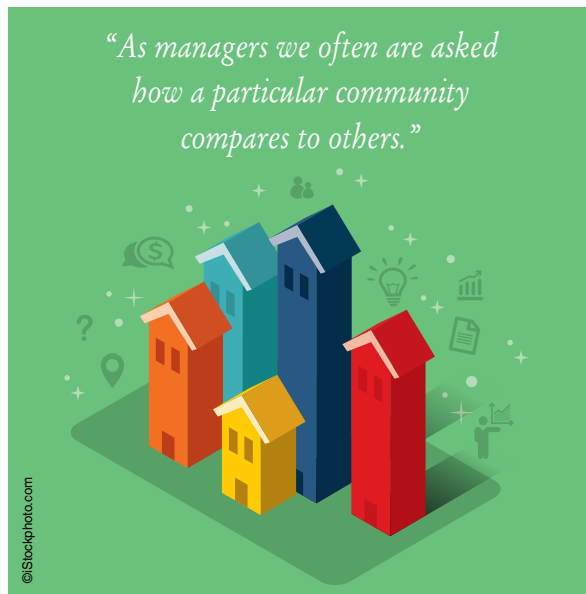
Being Practical, Part L Community Report Card

By Reg Babcock and Rich Wechter, CMCA

In this column we tackle various topics of interest to association Boards of Directors with the intent of imparting practical advice. We were a little surprised to realize that this column already represents our fiftieth contribution to Common Interest, the first article having been submitted in 2012! Over this time we have addressed topics from different perspectives at different times inasmuch as some matters simply deserve repeating. Our thrust always has been to encourage improvement in the Boards' discharge of their responsibilities and oversight of their communities from all perspectives. This issue's column is not a rehash, but rather suggests a framework by which a community can assess itself, i.e., how it may determine how well it truly is doing, based partly on the factors we have cited and discussed over the years. In brief, we are urging that Board's utilize an objective assessment of performance, a report card if you will.

As managers we often are asked how a particular community compares to others. The question frequently arises with Boards of prospective clients. Are our common fees too high or too low? How frequently do other Boards meet and how long do their meetings last? How much are landscapers paid? Is our delinquency experience "normal," and on and on and on. There rarely is a simple answer to these questions.

Instead, we are suggesting that Boards consider analyzing – once again, objectively – all the relevant factors that determine their own communities' physical, legal and financial condition. The result becomes a basis for the Board's strategic planning and focus for the future. It also serves as a benchmark by which a future Board may assess its progress and improvement. Comparisons to other communities become less relevant when the Board has a firm handle on how it is doing. A Board can say with much greater confidence that the circumstances and condition of another property are much less important if it has looked in the mirror and candidly assessed itself.



In addition — and this is where the idea gets particularly exciting — the results can be shared with prospective homeowners who are weighing their options as to which community they move into. Imagine how much more insightful such an analysis would be as compared to the basic resale certificate and a set of legal documents that purchasers obtain currently. We are talking about a truly helpful, user friendly window into the condition of the community. The Board's report card can alert prospective purchasers, for example, that paving the association's roads is slated to be performed in the next fiscal year. Or that delinquencies are well managed. Or that

reserve funding is improving, and fees and assessments are reasonable. Further, the Board's report card can be available to association lenders and individual mortgage lenders, insurance underwriters, realtors, home inspectors, property managers as well as all owners. A Board's willingness to honestly perform such a self-examination on a periodic basis also speaks worlds about a Board's commitment to transparency and communications!

We are not here prescribing the format or specific content for a given community's report card. That being said, we suggest that the Board take into account the following factors in assessing its performance and the condition of the community.

Financial Condition

- Are audits performed? Results?
- How does the Board approach reserve funding? State of reserves? Consistency in funding?
- Adequacy of the operating budget? History of increases? Projections?
- Are legal filings (tax returns, annual reports) current?
- Clarity and accuracy of financial statements?

[Continues on page 26.]

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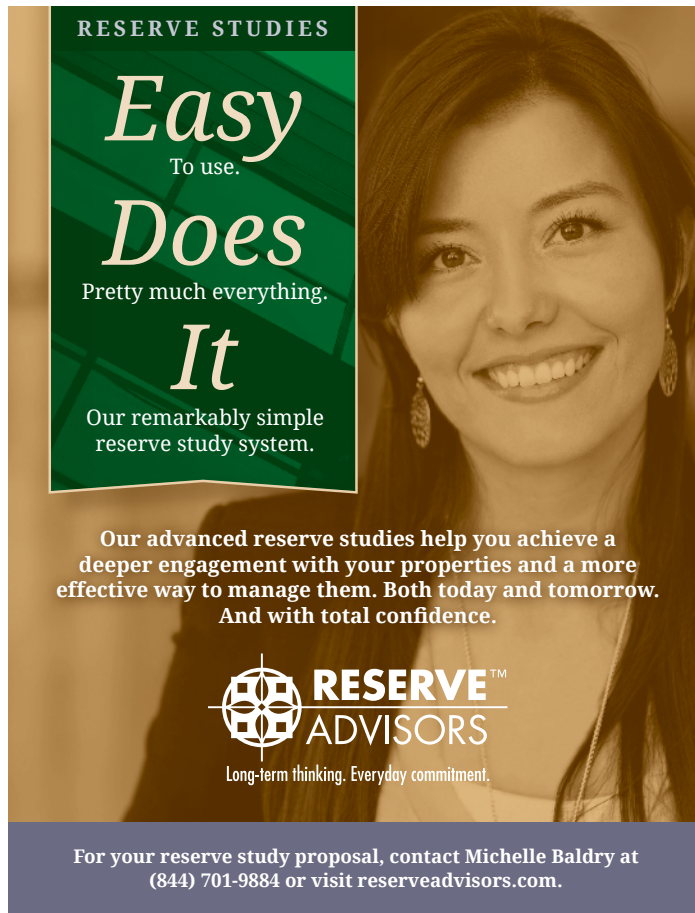
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REPORT CARD...from page 24.

- Delinquencies effectively managed?
- Foreclosure history?
- Are there an inordinate number of investor-owned units or an effective limitation of renting in place?

Physical Structures

- What is the condition of the property?
- Is there a current or recent reserve study? Has it been followed?
- Are amenities maintained?
- Overall appearance, i.e., curb appeal?
- Scheduled capital projects? Funding?
- Deferred maintenance?

Insurance

- Policy terms and conditions; deductible amount?
- Claims history
- Vendors' certificates
- Premium trend?

Legal

- Are documents up-to-date?



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Even with proactive management, all stormwater ponds will eventually become impaired due to accumulated sediment from excessive nutrients and runoff. Dredging is an option, but is often the largest single expenditure a community will face. So, when the time does come to remove sediment from your lake or pond, consider hydro-raking as an effective, environmentally-friendly and economical alternative.

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- Are meetings held regularly, with proper notice?
- Are decisions of the Board made either in formal meetings or by consent as legally prescribed?
- Do minutes accurately reflect formal actions and exclude extraneous material?
- Pending litigation and likely outcome?

Governance

- Does the Board address business timely?
- Do Board members attend meetings regularly?
- Is there continuity of the Board (do senior members continue while also allowing for “new blood?” Do Unit Owners have an opportunity to be heard?
- Is there active committee structure?
- Does the manager proactively support the Board and facilitate its work?
- Are vendor contracts reviewed periodically and competitively bid as warranted?
- Do Board members regularly seek opportunities to attend educational/training programs promoting best practices which are offered by CAI or others?

As proposed here, we are suggesting that Boards can undertake self-examinations of the condition of their communities and could do so annually. The nature and scope of the exercise can certainly vary from the bullet points we have set out — they are intended merely as suggestions. Over time the process can be more vigorous, but the discipline of self-examination is helpful for the reasons to which we have alluded.

Having made this proposal, we have a bolder vision of how community assessments might occur in the future. Rather than Boards performing the examination themselves and determining how the results are to be distributed (if at all), we believe that the availability of a public database of community assessments would be greatly valued by the marketplace. Think “CarFax” for condos! Perhaps the Boards still perform the review, but the over time the format and criteria could become standardized. The results then would be housed with an independent entity, with the result that much of the current unknown information concerning our common interest communities will be available to all stakeholders who have an interest in learning all that can be learned.

We hope that this article helps Boards with their self-examination. We look forward to the next fifty articles. ■

The authors work for Westford Real Estate Management, LLC. Reg Babcock is Chief Operating Officer & General Counsel and Rich Wechter, CMCA is Senior Vice President.



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Summer Sizzler – Fun in the Sun!

Our Annual Summer Sizzler event offered many of the best benefits of summer: sunshine, fun people, excellent food and terrific energy. Prior to sizzler fun, we had two education programs: one regarding cyber security for community association managers and business partners. Many scary examples of the types of practices that will make a business or association vulnerable to hacking, etc. were offered. We owe a special thanks to Joel Meskin, Esq., CIRMS, CCAL, EBP from the McGowan Program Administrators who traveled from Ohio to be a presenter. We are also grateful to Carrie Mott, EBP from Bouvier Insurance and Chas Ryan, Esq., EBP of Pilicy & Ryan, P.C. who offered great Connecticut examples of security issues during their presentations. The other program was another session of our ever popular Educated Business Partner Program. (See p. 17 for the list of our newest group of EBPs!)

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Timothy Wentzell, P.E.

TECHNICAL EXPLANATIONS

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

LOST MEMORIES

By Timothy Wentzell, P.E.

I guess I've been in this business for far too long when I keep running into situations where it appears that I know more about an association's past on certain topics than either the current property manager or board members. I'm not referring to technical details of specific items but more when activities were done, what was undertaken or what problems were studied and investigated. Let me try to document my point with a couple examples.

A client association northwest of Hartford recently called me to review a roof sagging problem that they were finding in several of their buildings. They had talked to several contractors who had given them multiple ideas on how to resolve the problem. On further investigation and in discussions with their local municipality they were advised that they needed to retain a licensed professional to advise them on this problem, as it appeared to be happening in more than one building at the association. Ironically, we had worked with this association starting close to 20 years ago because it appeared obvious that the original design of the roof rafters for this association were undersized and needed to be reinforced. We developed for them a quite easy methodology of sistering the existing rafters and approximately half the association was done after several especially snowy winters. The assumption was they would continue as funds were available to complete the complex. It turned out around that time they undertook numerous property manager changes, had an extensive board member turnover, and the project got dropped until recent heavy snow winters flagged the problem to them once again. No one currently involved knew why the problem seemed to be prevalent in only half of the complex and that a design for remediation had long since been in place.

Similarly, a Fairfield County client association recently called me to query whether or not I could review their recently completed roofs as they had several concerns about some aspects of how the roofs had been installed. When I inquired further whether their new roofs had had design features installed to resolve their long standing ventilation issues, they responded with, "What ventilation issues?" This association which was now approximately 20 years old was now starting to use their third roof in this short period of time. The other two roofs although being 30 or more year rated shingles had started to fail in less than 10 years each because of some extreme conditions which caused very hot attics and associated shingle failures along with extensive problems with ice damming leaking and other related issues.



"...due to board member turnover and property manager changes, our report had been filed and lost..."

Approximately five years ago we had been retained by this association to review the problem and had undertaken a ventilation review, and calculated desired ventilation amounts to be undertaken when the roofing project would need to be done again. Once again, due to board member turnover and property manager changes, our report had been filed and lost and most people did not even realize that this was a third roof as opposed to simply replacing the original roof for the association. Certainly, they were shocked when I advised them that likely this new roof may have a similar short life span.

Perhaps an even more flagrant case of lost history was when we were asked to prepare a proposal for a reserve study and I realized during our conversation that we had done a reserve study for this association. However, until I got off the phone and pulled the file I didn't realize that it was only three years ago, nor did the association realize that as well. We were able to satisfy their needs by resending a copy of this association's reserve study but better history keeping on the part of this association is obviously warranted.

What is my point? Well somehow for an association to be well run, better record keeping is often an essential need. The phenomenon of

[Continues on page 33.]

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Steve Weir

Mold Concerns For Property Owners

By Steve Weir, EBP

This article begins with a premise about mold: Mold is everywhere. It's present on the surfaces we touch, some of the food we eat, on our furniture and most certainly in the air we breathe. With that out of the way, we can also note that molds serve a valuable purpose in our environment, such as the decomposition of organic matter. However, mold in the indoor environment, where we live, work and play is another story.

Mold spores are microscopic. There are potentially millions of mold spores in your home, regardless of the level of cleanliness. If you step outside, that number is essentially unquantifiable! However, when you can actually see the mold, it's an indicator of a large quantity of mold. A large quantity of mold visible within the home or office is a big warning of a potential moisture issue.

3 Lifelines For Mold

Mold needs 3 basic elements to survive:

- **Food source** - Organic Matter: Drywall paper, cardboard boxes, cabinets, floor decking are all items the mold can attach to and "eat" to continue thriving.
- **Ambient temperature** (60-90 degrees is perfect for growing mold). Since many of our homes are kept at a temperature somewhere between 60-80 degrees, we are comfortable where mold is comfortable (and the other way around).
- **Moisture Levels:** Standing water, or high humidity levels indoors (>60% relative humidity) are perfect to promote mold growth.

If you remove any one or more from this equation and you most likely won't have a problem with mold in the indoor environment. However, since you can't remove all the sources of food from your home, nor can you practically turn the temperature down below 40 degrees, the most impactful way to prevent excessive mold growth is to control the amount of moisture in the home.

While we have domestic water in our home and work environments, excess water can have a negative effect on the building materials within the structure. Water damage, staining, and rot are all the result of excessive water or moisture within. If you see the presence of mold, that's a cause for concern related to the building materials, mainly because that's a sign of excess water/ moisture.

Health Effects

While some forms of mold are associated with positive connotations (think Penicillin), and some are fairly benign (think moldy cheese), there are some forms of mold that can cause humans to become sick.



Courtesy CAI-CT.

"Some of these molds contain mycotoxins, which can aid in further colonization and proliferation of the mold colony."

Some of these molds contain mycotoxins, which can aid in further colonization and proliferation of the mold colony. When mold is within the indoor environment, these mycotoxins can cause allergies, sickness and even death in humans and other animals.

Testing and Clean-up by Professionals

One of the best ways to confirm the presence or absence of mold, or a type of mold is to perform mold testing. This testing will document much information about the mold, often including source, location, recommendations for removal/ treatment, and clearance. A Certified Industrial Hygienist (CIH) is often a 3rd party called in to investigate, document, and make recommendations for removal of the mold. The CIH may choose to take surface or air samples, or both to determine the true extent of the issue.

A professional mold remediation contractor, with both experience and certifications related to mold removal, will take the CIH report and follow the recommendations on how to remove the mold. The contractor should be able to address the needs of the property owner, the board, the property management company, the insurance company and the CIH. The goals are to remove the mold without any cross-contamination of other non-affected areas, and also to remove only as much material as necessary. All involved parties have an interest in having the mold removed successfully.

Insurance

Because there can be strict policy limits on the insurance company's obligation to remediate the mold, it is important to have thorough documentation of any work done around mold. This relates to the

structure and contents. A property owner who believes there may be a mold problem on his/her property is advised to well document the source, the areas damaged, and recommended methods for remediation. It is very important to have all parties in agreement on coverage, scope, and expectations BEFORE any work commences.

It is nearly impossible to remove all mold from the indoor environment. Therefore, it is best to remain vigilant against possible potential issues involving mold.

Some tips to reduce the risk of having a major issue with mold:

- Remove standing water.
- Introduce air movement/ air circulation in basements/ damp areas.
- Inspect attic and lesser used portions of the home periodically to look for signs of high moisture.
- Ensure that all drain lines and ducts are intact and emptying/ exhausting outside and are not terminating into the indoor environment.
- Condition the air when humidity is high.
- Check air filters periodically to make sure they are clean and are operating efficiently.
- Check water lines and filters periodically for leaks.

Steve Weir is the CEO and founder of American Integrity Restoration (AIR). Steve has over 20 years in the construction industry, and nearly 15 years specifically in the disaster restoration industry. American Integrity Restoration is a regional disaster restoration and construction company with headquarters in Glastonbury, CT.

LOST MEMORIES...from page 30.

high property manager turnover, often at the behest of the association, is frequently also combined with high board turnover. Methods such as minutes and record binders that perhaps are kept both by the association and by the property manager can be useful in maintaining better records. It is imperative for a board to avoid spending important funds solving the same problems over and over again. Better long-term planning, along with recollection of what has been done in the past is conducive to effectively running a common interest community, like a well maintained machine as opposed to perhaps a political football. ■

Please address any questions or areas of interest that you would like answered in future columns to Timothy Wentzell, P.E., Connecticut Property Engineering, 630 Governor's Highway, South Windsor, CT 06074 (860-289-8121) (e-mail: ConnPropEng@cox.net).

ENVIRONMENTAL TIP



Run appliances during off-peak hours. For example, most dishwashers can be programmed to run at a pre-set time, or after a delay. Keep in mind that electricity is less expensive at night.



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Big Storms/Big Problems

By The Falcon Group

Over the past year, the northeastern United States has experienced several record setting rain events that have caused flooding and damage to many residential neighborhoods. Although these events are rare and unpredictable, proper maintenance and proactive planning can help improve your community's ability to control future flooding conditions.

Detention basins

Many residential communities are responsible for maintaining one or more on-site storm water basins. These basins are key components to how storm water is controlled within a community and should be cared for accordingly. In some communities, these basins are buffered from view or may be shared among multiple developments. Having a specific understanding of the locations and the condition of each basin servicing your location is very important.

Over the years, the techniques used to design and construct storm water management systems have not changed too much. The principle behind designing a basic detention basin is to estimate the amount of rain that will fall during a certain event and then distribute that over the areas (roads, buildings and open space) of the development. The volume of water that is generated from these storms is calculated and then a detention basin is sized to accommodate that volume of runoff. The detention basin is designed to empty over a period of time so that downstream areas are not surcharged with the runoff all at once.

Although this concept has been in place for many years, it was not always implemented on projects constructed many years ago. In some cases, older communities may have little to no storm water management facilities. In addition, older communities may have been designed using less conservative assumptions about the likelihood of very intense rain events. In other words, older communities may be more susceptible to flooding if their storm water management systems have not been upgraded or improved over the years. These systems should be evaluated for possible improvements.

Maintenance of these systems includes simple tasks such as mowing and leaf collection but also requires more technical inspection of the overall system. For example, the outlet structure, inlet pipes, inflow structures and outlets should be inspected at least once a year to be sure they are clear of debris and structurally stable. Heavy rain events can cause erosion and damage to structural elements of the basin that should be checked.

In some cases, communities are required by their declaration to have a detailed maintenance plan for their storm water management facilities. These requirements are sometimes put into place during



Courtesy CAI-CT

"In some cases, older communities may have little to no storm water management facilities."

the original permitting and approval of the development or may be required by local ordinances. These obligations can be enforced by the local municipality or other state and federal agencies. All communities and other developments should be aware of what their obligations are for maintenance of their storm water facilities.

Retaining walls

Failures of retaining walls, many times are related to lack or deficient drainage behind the wall. The water accumulates and creates great pressure on the wall. Aging walls can be more susceptible to this type of failure. These defects can weaken a wall after each large rain event until eventually a failure can occur. Periodic inspection of walls should be made, especially large walls or walls that support buildings or roads/ parking areas.

Flooding or Storm Erosion

Heavy rains can cause flooding or erosion that can undermine roadways, building or deck footings especially where ground cover is not established. Inspections of properties after major storms should be made to observe any of these potential issues. ■

Source: The article originally appeared in The Falcon Group's online newsletter. Reprinted with permission.



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