

Common Interest

The Official Publication of CAI-Connecticut

Vol. XII: Issue 5 • 2017



Inside:

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ACCOUNTANT
For Your Organization

The Other F-Word
FIDUCIARY

The True Cost of
SPECIFICATIONS
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Who Is CAI?

The Connecticut Chapter is one of 60 Community Associations Institute chapters in the nation. 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



Donna Rathbun, CMCA

"If you have not taken the opportunity to attend a CAI education program, please join us."

The annual CAI golf tournament on June 12th was at Lyman's in Middlefield. The Golf Committee, chaired by Carrie Mott — Bouvier Insurance, did an outstanding job. Big hits were provided by J.P. Carroll Roofing and GAF with Jim Carroll's race car and the golf cannon! An honorable mention to Chas Ryan, Esq. Franklin Pilicy, P.C., for golf attire. Thank you to Alan Barberino, Barberino Real Estate for the great pictures. It was a perfect day with outstanding views of the countryside.

CAI has upcoming events on August 3rd at Amarante's Sea Cliff in East Haven in the afternoon and early evening. The afternoon will kick off with a Legal Panel education program for Community Association Managers and the opportunity for Business Partners to gain further knowledge about HOAs by obtaining a Business Partner Essentials designation, available to all Business Partners. The CAI designation will further show your commitment and understanding to the clients you serve. Both Pamela Bowman, CMCA CT CAI's President - Elect and Cat Carmichael, CAI National Board of Trustees and Pacific Premier Bank will be presenting the Business Partners class. The setting has been the perfect place for the Summer Sizzler directly after the education sessions. For further information and registration please go to CAICT.org.

Condo Inc. I for HOA board member and volunteer leaders is scheduled for September 16th in New Haven.

The Annual CAMMIES, the Community Association Meritorious Service Awards, that celebrate excellence in Connecticut's Community Associations are now accepting nominations through August 18, 2017. Please take the time to nominate someone you know who has demonstrated excellence while managing, governing or providing services to condominiums, HOAs and community associations within the state of Connecticut. Nominations can be made at www.CAMMIES.org. Winners will be announced and awarded at the Fall Fun event on September 28, 2017 at the Aqua Turf in Plantsville. Please mark your calendars for an evening of networking, fun and laughter.

Take advantage of the educational opportunities to show your commitment for providing and using best practices for the betterment of communities across the State. If you have not taken the opportunity to attend a CAI education program, please join us.

Thank you and enjoy the rest of the summer! ■

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From the Chapter Executive Director

"Teamwork...is the fuel that allows common people to attain uncommon results."

~ Andrew Carnegie



Kim McClain

Courtesy CAI-CT.

During the relaxing evenings of the summertime, I have been indulging in more reading. Details about important historical figures are fascinating to me. Andrew Carnegie stands out as being exceptionally interesting. For starters, how could one disagree with the above quote?

An immigrant from Scotland, Andrew Carnegie went on to become the "richest man in the world" at the time of his retirement in 1901. Many wealthy persons have contributed generously to charities, but Carnegie was perhaps the first to state publicly that the rich have a "moral obligation to give away their fortunes." He believed that all personal wealth beyond that required to supply the needs of one's family should be regarded as a trust fund to be administered for the benefit of the community.

His philanthropic passions focused on the goals of education and world peace. One of his lifelong interests was the establishment of free public libraries to make available to everyone a means of self-education. He contributed over \$56 million to build 2,509 libraries throughout the world.

In pursuit of fostering world peace, he funded the building of the Hague Palace of Peace, which houses the World Court, in the Netherlands. By 1911, Carnegie had given away a huge amount of money — 90 percent of his fortune. Wow!

We can learn a great deal from history and the stories about those who helped to shape it. Each day, we too are creating history — in our communities, businesses and homes. As an association board member and/or business partner are you instilling the value of teamwork in those with whom you work?

At CAI-CT, we see every member as an important part of our giant team. As a result of working together, we have been doing some pretty amazing things. Be a part of our success! Join a committee. Attend an educational event. We hope to see you soon!

Enjoy the rest of the summer! ■

P.S. If you are in NYC and want to visit a really cool place on the edge of Central Park, check out the Cooper Hewitt, Smithsonian Design Museum which is housed in the former home of Andrew Carnegie. The house has many interesting features: it was the first private residence in the United States to have a structural steel frame and one of the first in New York to have a residential Otis passenger elevator. (Yay Connecticut!)

In Memoriam: BOB ELWOOD, PCAM



Bob Elwood, PCAM passed away on June 18, 2017. Bob served as the General Manager of Farmington Woods for three years from 2012-2015.

Bob was employed as a Community Association Manager for many years in and outside of the United States. In addition to holding a PCAM designation (Professional Community Association Manager), Bob also had a combined JD/MBA.

Bob brought positive energy to CAI-CT during his time in our State and enjoyed participating in our events. ■

UPCOMING CAI-CT EVENTS

CAMMIES – Nominations Close

Thursday August 18, 2017, 8:30 p.m.

Nominations may be made online at the CAMMIES website at <http://cammies.org>. The awards will be given out on Thursday, September 28, 2017 at the Night of Fall Fun at the Aqua Turf in Plantsville, CT.

Condo Inc. I

The Business of Running Your Community

Saturday, September 16, 2017, 8:30 am – 3:00 pm

New Haven

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

GOOD FOR 6.0 CONTINUING ED CREDITS

Sponsorships are available for this event.



Fall Fun Party & the CAMMIES

Thursday September 28, 2017, 5:30 p.m. – 8:30 p.m.

Aqua Turf, Plantsville

Legal and Legislative Symposium

Thursday, November 2, 2017

Oronoque Village Clubhouse



CONNECTICUT CHAPTER

community
ASSOCIATIONS INSTITUTE



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

Statutory Snippet...



Statutory Snippet for Business Partners –

Change in LLC Filing Forms

Connecticut's new LLC law took effect on July 1, 2017 and the CT Secretary of State forms will change. The Secretary of State indicates new LLC forms will be posted soon to their website. As of July 3, 2017 the new forms must be used. ■

(Conn. Gen. Stat. Sec. 34-243 et seq. Connecticut Uniform Limited Liability Company Act)

People in the News

Tony Santos recently joined the elite group of community association managers who have earned the Professional Community Association Manager (PCAM®) credential from Community Associations Institute (CAI). Tony is one of more than 2,600 managers worldwide who have earned the highest level of professional recognition in the community association field.



Tony is a native of Waterbury, CT. He has earned a Bachelor Degree from Teikyo Post University and a MBA from the University of New Haven. Tony has over eight years of experience in the Community Association Management Industry as a portfolio manager and has worked for some of the top tier level Management Companies in CT.

To earn the PCAM credential, managers must have five years of community association management experience and complete more than 100 hours of course work. In addition, credentialed PCAMs must fulfill continuing education and service requirements, as well as adhere to a code of ethics.

“Professionals who earn CAI credentials maximize the value they can provide to their community association clients,” said CAI Chief Executive Officer Thomas M. Skiba, CAE. “Not only have these professionals demonstrated a personal commitment to self-improvement, but they have also elevated their practical knowledge and expertise. That’s what all community associations need, and what board members and residents deserve.”

Congratulations, Tony! ■

CAI MEMBERSHIP APPLICATION

1489 Main Street, Glastonbury, CT 06033
Phone: (860) 633-5692

MEMBERSHIP CONTACT:

(Where membership materials will be sent)

Name: _____

Title: _____

Association/Co.: _____

Address: _____

City/State/Zip: _____

Phone (W): _____ (H): _____

Fax: _____

E-Mail: _____

Select your Chapter: CONNECTICUT

Recruiter Name/Co. Name: _____

TOTAL MEMBERSHIP DUES***Community Association Leaders & Homeowners**

☐ Individual Board Member or Homeowner	\$130
☐ 2 Member Board	\$225
☐ 3 Member Board	\$300
☐ 4 Member Board	\$390
☐ 5 Member Board	\$440
☐ 6 Member Board	\$495
☐ 7 Member Board	\$550

For 2-3 Member Board application please indicate below who should also receive membership materials. Please contact customer care at (888) 224-4321 for Board memberships exceeding 3.

Name: _____

Address: _____

City/State/Zip: _____

Phone (W): _____ (H): _____

E-Mail: _____

Name: _____

Address: _____

City/State/Zip: _____

Phone (W): _____ (H): _____

E-Mail: _____

Managers **\$142**

Management Companies **\$445**

Business Partners **\$605**

- ☐ Accountant ☐ Attorney
- ☐ Builder/Developer ☐ Insurance Provider
- ☐ Lender ☐ Real Estate Agent
- ☐ Supplier (landscaping, etc.)
Please specify _____
- ☐ Technology Partner
Please specify _____
- ☐ Other - Please specify _____

Total Membership Dues above include \$15 Advocacy Support Fee

PAYMENT METHOD

☐ Check Enclosed ☐ VISA ☐ MasterCard ☐ AMEX

Account #: _____ Exp. Date _____

Name on Card: _____

Signature: _____

Important Tax Information: Under the provisions of section 1070(a) of the Revenue Act passed by Congress in 12/87, please note the following. Contributions or gifts to CAI are not tax-deductible as charitable contributions for federal income tax purposes. However, they may be deductible as ordinary and necessary business expenses subject to restrictions imposed as a result of association lobbying activities. CAI estimates that the non-deductible portion of your dues is 2%. For specific guidelines concerning your particular tax situation, consult a tax professional. CAI's Federal ID number is 23-7392984. \$39 of annual membership dues is for your non-refundable subscription to Common Ground.

NEW & RENEWING MEMBERS**Welcome - New Members****Associations**

Chateau Wood Condominium Association
Churchill South
Copper Square
Falls at Silvermine Homeowners Association
Farmington Woods
Founders Village Homeowners Association, Inc.
Hatfield Mews Townhouse Owners Corp.
Hopmeadow Place Condominium

Individual Managers

Natasa Bavrlic, CMCA, AMS
Eric Ericson
Matthew Robert Finch
Regina A. Hamel

Business Partners

Accumark
Pinnacle Maintenance, LLC

Thank You Renewing Members**Associations**

3000 Madison Ave. Condominium Association
Ballymeade Association, Inc.
Beacon Hill Condominium-Beacon Falls
Chapel Hill Condominium Association
Chatfield Farm Community Assn. Incorporated
Clockmakers Hill Condominium Association
Countryside Manor Condominium Assn., Inc.
Dartmoor West Townhouses Association, Inc.
Eastwood Condominium Association
Edgewater Association, Inc.
Fennwyck Estates
Four Beaches Condominium Association
Hallmark Hill Condominium Association
High Ridge Estates Condominium Association
Kendall Green Condominium II Association
Lambert Common Association, Inc.
Long Hill Farm Association
Marina Bay Association
Middlesex Commons Community Association
New Concord Green
North Field Condominium
North Woods of Colchester
Northfield Green Condominium Assn., Inc.
Oaks Condominium Association, Inc.
Old Mill Townhomes
Oldefield Farms Homeowners Association, Inc.
Oronoque Village Condominium Association
Oxford Park Community Association, Inc.
Palmer Landing Community Association
Prosperity Park Condo Association
Regency Towers
South Mill Village Association
South Village
Spice Glen Homeowners Association
Steeplechase Condominium Association
Sterling Village Assn., Inc.
The Crossings Homeowners Association

The Fairways at Torrington Condominium Association, Inc.
The Meadows of Branford Condominium Assn., Inc.
The Preserve Condominium Association
Town in Country Condominium Assn., Inc.
Village Victoria Condominium Association
Waters Edge Condominium Association
Webster Hill Estates
Williamsburg Association, Inc.
Wolfpit 27 Condominium Association
Woodfield Village Unit Owners Association

Individual Managers

Alex Danis
Paul DeGennaro, PCAM
Kathy Dubay, CMCA, AMS
Wendy Elsen
Jesse Englehart, CMCA
Suzanne Etzel, CMCA
Lisa S. Glover, CMCA, AMS
Mary Heberger, CMCA
John Hufcut
Crystal Klatt, CMCA
Sandra A Pimentel, CMCA
Andrew Price, CMCA, AMS
Ellen B. Sias, CMCA
Richard R. Stoepel
Dianna Marie Wilson, CMCA

Management Companies

Barkan Management Company, Inc.
CM Property Management
Empire Property Management Corporation
Plaza Realty & Management Corporation
Residential Management Corporation
SOMAK Property Management

Business Partners

A.R.S. Services, Inc.
Adam Quenneville Roofing, Siding & Windows
Banti & DeFelice, LLC
Bouvier Insurance
CINC Systems
Connecticut Property Engineering
Crystal Restoration Services
Eagle Rivet Roof Services Corp
First County Bank
H.D. Segur Insurance, Inc.
Hodge Insurance Agency
Mark Sank & Associates, LLC
Mutual of Omaha Bank
People's United Insurance Agency
Pitera Software
Pro-Klean Cleaning & Restoration Services
Pullman & Comley, LLC
SavATree/SavaLawn
Simsbury Bank
Smith Insurance, Inc.
The Reardon Agency, Inc.
Union Bank Homeowners Association Services
Webster Bank

Legally Speaking...



Adam Cohen, Esq.

Court Ruling Gives Deference to Boards Considering Owner Applications

By Adam J. Cohen, Esq.

On June 20, 2017, Connecticut's Appellate Court issued a major ruling on the discretion which community association boards have when considering property-related applications from unit owners.

The case involved a planned community of stand-alone homes which, like most common interest associations, prohibited outdoor installations without executive board approval. The owners of one home applied to the board for permission to install a fence around their backyard swimming pool, which was required by state law. The board indicated their application would likely be rejected because the proposed fence would intrude on an informal buffer between homes it referred to as a "green zone." Although the town's regulations did not require any buffer and nothing in the association's own declaration, bylaws, or rules mentioned a "green zone," the board had traditionally required a certain minimum area of undisturbed landscaping between properties for aesthetic reasons. The board offered to allow these owners less of a buffer than for other properties in the past since their lot was unusually narrow, but the parties never reached an agreement on how much. The owners eventually sued.

The trial court held that the "green zone" was an unreasonable and illegal restriction simply because it was not written anywhere. The trial court refused to allow the association to even offer evidence related to the "green zone" in the board's defense. Instead, the trial court declared it null and void, authorized the owners to install their fence nearly anywhere on their property they wished, and ordered the association to reimburse the owners' legal fees of over \$57,000.

On appeal, however, those rulings were reversed. The Appellate Court explained that the trial court had applied the wrong legal standard when reviewing the board's actions. It held that the trial court should have first determined whether the association's declaration, interpreted like a contract, gave the board the authority to consider the fence application – but that if it did, the propriety of the board's exercise of that authority was within its reasonable discretion and entitled to deference. The declaration clearly entitled the board to decide whether or not to allow outdoor fence installations, so the only question was whether the board's denial of the application was reasonable.

According to the Court, the reasonableness test required consideration of the purposes of the community itself and the interests of the other residents, not just the wishes of the owner making the applica-



"This ruling makes clear that boards have considerable discretion when unit owners submit applications to change common areas and similar requests."

tion. The fact that the "green zone" was unwritten was unimportant since it would be impractical to list out in advance every potential factor for such an application. The Appellate Court held that an unwritten "green zone" could have served the community's interests, that the board's conclusion on that was entitled to deference, and that the owners bore the burden to prove otherwise. Since these involved questions of fact, the Appellate Court remanded the case for a new trial to weigh the evidence under the correct legal standard.

This ruling makes clear that boards have considerable discretion when unit owners submit applications to change common areas and similar requests. As long as the declaration or other governing documents say that the decision is up to the board, courts generally will not interfere with the substantive outcome unless the unit owners can prove that no interests of the community were served by the board's decision.

The court case is *Grovenburg v. Rustle Meadow Association*, AC 37719. ■

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.

Financially Speaking...



Daniel Levine, CPA

Finding the Right Accountant for Your Organization

By Dan Levine, MBA, CPA

A common question we receive is: What's the best way to go about finding a professional to assist us in meeting our accounting needs?

At the 30,000-foot level, engaging with an accounting firm is like most other type of services and is done through a bid process. However, there should be some thought put into determining which service is right for you, what information should you provide when initiating a request for proposal (RFP), and what are some types of information you may want to receive from firms who respond.

This article will cover a brief overview of typical accounting services, what information is helpful to provide when putting out a bid, and some helpful questions to ask potential candidates to help make your decision.

Accounting Services Relevant to Associations

Accounting professionals can offer a wide variety of services, so a basic understanding of what is available is important when deciding to engage an accounting professional.

Some of the more common services accounting professionals provide associations are as follows:

1) Audit

- This service results in the accounting firm providing an opinion on whether the association's financial statements are free of material misstatements. This service will have the accounting firm consider internal controls and inquire of third parties such as attorneys and banks to verify information in your financial statements.

2) Review

- This service results in the accounting firm providing only limited assurance that the statements do not contain material misstatements. Differing from an audit, a review utilizes trend data, inquiries of the board and the management company, as well as developing expectations instead of third party confirmation to provide this assurance.

3) Compilation

- A compilation consists of taking the figures provided by a condominium association or its management company and providing a formal financial statement.



"Asking questions of potential bidders can and should be done to help differentiate potential firms in multiple ways."

4) Tax preparation

- With this service, an accounting firm will focus solely on preparing your association's annual income tax return.
- Management advisory services
- Accounting firms can provide a wide range of advice on matters ranging from sales and use tax to budgeting and general education.

Information Provided in a RFP

Once an association has determined what services they would like, now it comes down to crafting the proposal. To be able to accurately quote a job an accounting firm will need to know information about your association to understand the amount of work that is involved.

Here are a few of the items an accounting firm would need to know to start preparing a proposal for services:

- 1) The association's full legal name
- 2) Incorporation date

- 3) Type of entity and size (# of units/revenue)
- 4) Whether you are self or professionally managed
 - If professionally managed, were you managed professionally by the same firm for the whole year you are looking to have audited?
 - Who is the firm?
- 5) What kind of service are you looking for?
 - If you are looking for an audit, when was the last time you had an audit conducted?
- 6) What is the Association's fiscal year?
 - Does its tax reporting year differ from its financial reporting year?
- 7) How many years would you like the bid to cover (1 or multiple)
- 8) Is there is a specific deadline you are looking to have the engagement completed by?
- 9) A copy of your most recent financial statements and tax returns
- 10) Are there any complicated areas of accounting you feel should be highlighted to the bidders?

Considerations in Your Selection of a Firm

While knowing what you want and providing information about yourself will help generate an accurate proposal, the other half of the battle is finding the best firm for your needs. Asking questions of potential bidders can and should be done to help differentiate potential firms in multiple ways.

[Continues on page 10.]



Is this your last issue of *Common Interest*?

If you don't want to miss out on all the latest insights about how to avoid problems – legal and otherwise; discover new products and services; tackle issues that may help your association achieve great fiscal and physical health and lots more... It's time to renew your subscription to *Common Interest*!

Remember: A subscription to *Common Interest* magazine is one of the great benefits of CAI membership. Don't delay – renew today!

More details can be found on our website: www.caict.org.

It's time for our Annual Fall Fun event & The CAMMies!

Our Annual Night of Fall Fun is always a crowd pleaser.

This is our 3rd Annual CAMMIEs Awards Presentation. Be sure to nominate your favorite Community Association Manager today!

**Don't miss the celebration!
It's won't be FUN without you!!**

To register visit www.caict.org



Thursday

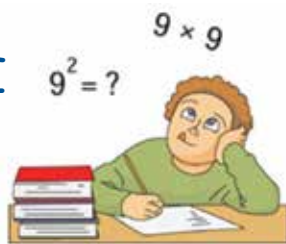
SEPTEMBER 28, 2017

5:30-8:30 pm

Aqua Turf, Plantsville



The cost of CAI membership by the numbers...



Community Association Volunteer Leader
Member @ \$130/year

\$130 divided by 12 months = \$10.83/month

\$10.83 divided by the number of units in your
association = _____

Let's just use the average number of 45 units
per association.

So, \$10.83 divided by 45 = 24 cents per unit
per month! WOW!

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Where else on Earth can any common interest
community have access to phenomenal education
and support for such a low amount of investment??

What are you waiting for? Join today!

ACCOUNTANT...from page 9.

When receiving a response from a firm for accounting services, some useful items to consider are the following:

- 1) What is the firm's background and experience in the industry?
- 2) What is the level of service they will perform and what will the deliverable will be?
- 3) Is there information about the staff that will be working on the engagement?
- 4) What procedures will be done during the engagement?
- 5) What is the timeline for completion of the engagement?
- 6) What is the cost of the engagement?

Conclusion

Engaging with an accounting professional can be a very important process. Often the services provided are needed to be compliant with regulations or to help an association understand their financial situations. By understanding the different services, providing accurate information about the association, and asking the right questions of potential bidders an association can make sure they have the right accounting partner for their association! ■

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 events 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



PICK THE RIGHT TOOLS FOR YOUR NEXT PROJECT.

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you'll get the job done right.

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Let us help you make sense of it with a review of your unit policy and your association's coverage. We can help you get the most protection for your condo and possibly save you some money.

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800.357.2000

Golf Conditions – Sunny, Warm & Fun!

Despite the heat, our golfers had a great time on the course at Lyman Orchards at the CAI-CT 18th Annual Golf tournament on June 12, 2017. The Golf Committee added some new features this year: an air cannon and two hole-in-one contests. And what could be better than receiving a fresh baked Lyman mini apple pie to take home at the end of the event?

The Golf Committee is already working on some great ideas for next year. A giant THANK YOU goes to our terrific Golf Committee for all of their time and energy to ensure the tournament was a great success.

Golf Committee

Carrie Mott (Chairperson)

Bouvier Insurance

Joe Cifarelli

Pro-Klean Cleaning & Restoration Services

Paul Gray

Certa Pro Painters of Mystic-Glastonbury

Dan Rys

Windsor Federal Savings

Jim Torello

Belfor Restoration Services

Rick Torello

Belfor Restoration Services

Our volunteers were incredible!

We could not possibly have the event run so smoothly without such a great team of volunteers. Thank you one and all! We also owe a special thanks to Alan Barberino and his excellent photography skills.



(above) Carrie Mott — Bouvier Insurance and Licia Ciotti — United Cleaning & Restoration, LLC

(below) Richard Famiglietti — CM Property Management and Howard Rosenberg, Esq. — Rosenberg & Rosenberg, P.C.



(above) Elizabeth Wilkins, Amanda Bylina and Debbi Germano — Bouvier Insurance

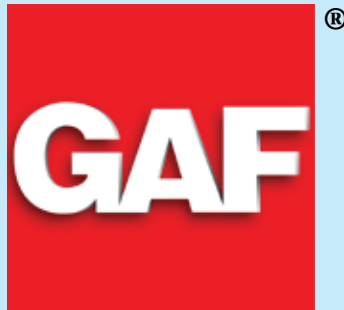
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(above) Awesome raffle prizes!



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Scott J. Sandler, Esq.,
CCAL

The Other F-Word: Fiduciary

By Scott J. Sandler Esq., CCAL

People commonly state that the board members of their association owe a “fiduciary duty” to the community. This is not true.

The members of the board of the association do not owe the association a fiduciary duty. Black’s Law Dictionary (6th Ed.) defines “fiduciary duty” as follows:

A duty to act for someone else’s benefit, while subordinating one’s personal interests to that of the other person. It is the highest standard of duty implied by law (e.g., trustee, guardian).

Under Subsection 47-245(a) of the Connecticut Common Interest Ownership Act, the directors appointed by the declarant of the community must exercise the degree of care and loyalty to the association required of a trustee. Thus, declarant-appointed directors owe a fiduciary duty.

This distinction is very important. A trustee must subordinate his or her own interests to that of the other person. This means that if a particular action benefits the other person, even to the detriment to the trustee, the trustee must still take that action.

That is not the case with board members who are elected by the unit owners. Their duty is to take in to account the facts and circumstances of a particular situation, and to make a decision that they believe will best serve the community. The board members may rely on professional advice or knowledgeable guidance. They are not required to subordinate their own interests. They also are not required to be ultimately proven correct. The board members will not be held responsible for a decision that turned out to be



However, directors who are elected by the unit owners must exercise the degree of care and loyalty to the association required of an officer or director of a nonstock corporation. This duty is more fully described in Subsection 33-1104(a) of the Connecticut Revised Nonstock Corporation Act, which provides as follows:

A director shall discharge his duties as a director, including his duties as a member of a committee: (1) In good faith; (2) with the care an ordinarily prudent person in a like position would exercise under similar circumstances; and (3) in a manner he reasonably believes to be in the best interests of the corporation.

The directors elected by the unit owners do not owe a fiduciary duty to the association. They owe a duty of ordinary care.

wrong, provided they reasonably believed it was the right decision at the time.

Of course, board members should not use their positions to benefit themselves at the expense of the community. If a board member has a conflicting financial interest that is different from the interests of other members of the community, that member must disclose his or her conflicting interest to the rest of the board. So long as the conflict is properly disclosed, that board member is not precluded from taking part in the decision-making process. ■

Scott J. Sandler, Esq., CCAL, is the managing partner of the law firm of Sandler, Hansen & Alexander, LLC, located in Middletown, Connecticut. He is a fellow of the College of Community Association Lawyers, and he serves as the chair of the CAI Connecticut Legislative Action Committee.

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Paradise on the Shore



What a treat it was to be at the Shorehaven Golf Club for our Annual Paradise event on June 8, 2017! The location could not have been more ideal on a lovely early summer evening. Our speakers offered an excellent presentation about planning for healthy communities. The main speaker, Elka Gotfryd from the Project for Public Spaces, provided an excellent overview about the creative use of spaces when communities get involved in their creation. Mike Lombardo, CMCA from Plaza Realty & Management Corp., Michael Hunton from Langan and Tom Scala from EBC Security offered their perspectives including a lively roundtable discussion.

After the education program, attendees enjoyed some excellent food and libations in a very relaxing setting.

Thanks to our sponsors for their terrific support of this event!

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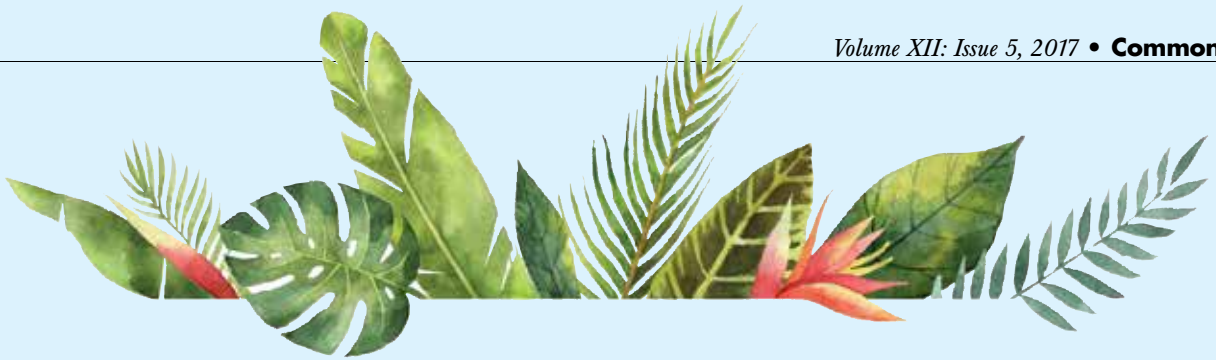
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(above) Jean Walker – Crystal Restoration Services of Connecticut, Rebecca St. Germain, and Jennifer Murphy — Dimatteo Insurance





(below) Elka Gotfryd – Project for Public Spaces



(above) Michelle Prosek – Birchwood townhouses Condo Association and Pamela Bowman, CMCA – Prime Touch Services



(left) Mike Lombardo, CMCA – Plaza Realty & Management Corp. and Dave Pilon – Bouvier Insurance



Communication Corner...

COMMUNITY



Bob Gourley

The Community Association Meritorious Service Awards (The CAMMIEs)

By Bob Gourley

Three years ago, the CAMMIEs were just a dream. I had been exposed to similar awards programs around the country and even one at the national level. I put forth the notion that the Connecticut Chapter of CAI was remiss in not having its own program to recognize meritorious service in the Community Association Management industry in our own state. Supported by the local chapter and numerous volunteers, The CAMMIEs were born. In 2015, Suzanne Berry, CMCA, AMS from Imagineers became the first recipient of the Community Manager of the Year Award. John Staley, CMCA from Oronoque Village became the first recipient of the Lifetime Achievement Award. The program got off to an exciting start!

Competition for the CAMMIEs ramped up in 2016. There were nearly 100 applicants for the Manager of the Year Award. Two new categories were added to better recognize the diversity of skills and functions within the Community Association Management industry. Greg Roberts, CMCA from Westford Real Estate Management took home the first-ever Rising Star Award. Karl Kuegler, CMCA, AMS from Imagineers took home the first-ever Executive of the Year Award. Jackie Moccia, CMCA, AMS from The Property Group won the coveted Manager of the Year Award.

That brings us to 2017. CAMMIEs will be awarded in three categories this year. Awards will be given out to deserving Community Association Management superstars who work so diligently to make Connecticut's community associations among the most desirable in the nation. While there are specific differences in the judging criteria for each award, candidates will be judged on their excellence and proficiency in areas like Leadership, Ethics, Knowledge, Professionalism, Financial Ability, Communication Skills and more. Of course, dedication to CAI and its core values are highly rated as is ownership and maintenance of a State of Connecticut Community Association Manager's license.

Awards for Community Association Manager of the Year, Rising Star of the Year, and Executive of the Year are all up for grabs. Rising Stars and Executives are, respectively, the future and stability of excellence in community association management in our state. The highlight of the evening is always the Community Association Manager of the Year. I expect this year will be no different.

The CAMMIEs Committee has defined the Manager of the Year as a Community Association Manager who manages a portfolio of commu-



"Awards will be given out to deserving Community Association Management superstars who work so diligently to make Connecticut's community associations among the most desirable in the nation."

nity associations. The Executive of the Year award will again go to someone who either manages other managers, serves as an onsite manager of a large association, or owns or manages a property management company. The Rising Star of the Year will continue to be a community association manager with less than two years of industry experience.

The awards will be given out on September 28, 2017 at the Night of Fall Fun at the Aqua Turf in Plantsville, CT. Nominations opened on July 1, 2017 and may be made online at the CAMMIEs website at <http://cammies.org>. Deadline for nominations is August 18, 2017. Details and more information is also available at the dedicated CAMMIEs website.

I am very proud of our chapter for embracing this program and recognizing all community association management professionals in our state. It is a difficult job that some make look so easy. There are countless hours of time and guidance given to Boards and community association members to help them deliver the best possible community association living experience to residents. The CAMMIEs Awards is our way of recognizing that sacrifice and honoring the very best. I hope you will be a part of the program by nominating the candidate of your choice and by joining us for the CAMMIEs on September 28, 2017 at the Aqua Turf. Win or lose, it is an exciting night to honor those who give so much of themselves to make community association living better for all of us. ■

Bob Gourley is one of the founders of MyEZCondo, a communications firm that specializes in newsletter production and other communication solutions for condominium associations. He also serves as Board President of Captain's Walk in West Haven, CT. Bob serves on the Publication and Website Committees and is Past President of the Board of Directors for CAI-CT.



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:

B.B. from Fairfield County writes:

Dear Mister Condo,

Do the unit owners of a condo village in Connecticut that pay the salaries of their employees through their common charges have the right to know what the salaries and benefits of those employees are? We do not have a management company. We have our own manager and maintenance department, and office staff.

— — —

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

R.G. from Hartford County writes:

Dear Mister Condo,

What happens if too few owners run for a board at its initial creation/takeover from the developer? I have tried searching, briefly, online and in the declarations for an answer to this question, without success. If there is governing law can you give me the citation? I understand that in some states the state will appoint board members.

Mister Condo replies:

R.G., having active association members govern their own association is a critical function of unit ownership inside a condo or HOA.

The transition from developer to Board control is a critical stage in the development of any condominium association. I am discouraged to learn that there doesn’t seem to be any volunteers willing to serve. In theory, the developer turns over control to the Board. If the Board doesn’t take over the control because there is no Board, it is quite possible that folks who are owed money by the association could sue the association. Again, because there is no Board to take counter action and defend against that suit, judgment would be found for the plaintiff and the association would then have collection actions taken against it. If the association were found insolvent, a judge could appoint a receiver to handle the collections process. That is really bad news for the owners of record when that happens. The receiver will then set the common fees, issue special assessments, and more. The receiver also has the ability to take collection actions against unit owners who don’t pay up. This means huge legal expenses for both the association and the individual owners. It is a downward spiral you really do not want any part of, in my opinion.

As long as there are enough volunteer leaders to support a Board, the Board should be formed. I have many recommendations for new Boards. First and foremost, don’t go it alone. Second, don’t cheap out. This is no time to “do it yourself” to save money. The Board should hire a community association attorney with experience in developer transition, a property manager to assist with property management issues, and an accountant to keep track of finances and/or audit the developer’s books as the operating fund and Reserve Fund are transitioned from the developer to the association. Look to your local chapter of the Community Associations Institute for additional resources. Here in Connecticut, that is CAI-CT, found on the web at <http://www.caict.org>. Good luck!

There were many comments made on the website. Visit us at <http://askmistercondo.com>. Follow us on Facebook and Twitter and join in the conversation! ■

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Manager's Column...

Being Practical, Part XLI

Ten Key Duties

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. This issue's column draws upon our experiences in interacting with Association Boards to identify key behaviors that we urge for all of our clients, with the knowledge that such measures will enable the management process to run much more effectively. Many, if not most of these specific principles, are simple and commonsensical but nonetheless bear repeating. We urge our clients to follow these tenets, not for the sake of the manager, but really for the Board's own effectiveness. If the board generally adheres to these tenets, the manager can perform its responsibilities immeasurably better.

So, without further ado, our top ten list of suggestions for the Board and how it relates to the manager.

1. Read the Board package.

Prior to every meeting, the board should receive a package of materials from the manager for use at the meeting. Different managers include different materials and take different approaches. But in one sense there is this similarity: any item that might become a question in the course of the meeting contained with the board package is probably a question that can be tackled before the meeting. As an example, the status of various work orders or financial entries could be reviewed and addressed in advance of the meeting. If done properly, the time saved in the actual meeting is significant.

2. Read the management agreement.

Experienced Board members and newcomers to the Board all will benefit from an understanding of the manager's role (and implicitly, the Boards' role) as set forth in the management agreement. Managers cannot perform unlimited site visits, or "just run out" to perform a minor task, for example. These limits and responsibilities are clearly stated in the management agreement.

3. Approve invoices timely.

Increasingly, managers have made available convenient means by which invoices can be approved electronically. But whether your manager offers such technology or still relies on paper checks signed manually, we strongly urge prompt action be taken to approve (or disapprove) invoices. Invoices that are delayed can lead to late fees, disgruntled vendors and unnecessary questions and discussion.

4. Speak with one voice.

We have reminded readers previously about the dangers of the "reply all" function in emails. Managers are busy people. It is a ter-



"We urge our clients to follow these tenets, not for the sake of the manager, but really for the Board's own effectiveness."

rible waste of time and energy to expect a manager to sort through five different responses from five different Board members, not to mention deciphering the debate and discussion among them. If necessary, designate one member to communicate the final answer or position the board has determined.

5. Communicate self-help measures.

Many board members take it upon themselves to perform work that the manager might otherwise perform. This assistance occurs for a number of reasons and in a number of circumstances. Sometimes a Board Member has a particular interest or particular experience that is useful. Sometimes the Board member has a relationship with a vendor that facilitates progress. Sometimes, the Board even recognizes that the manager is constrained in how much he or she can accomplish in a limited time, and pitches in. Efforts by board members themselves can be incredibly useful. But problems do arise when board members take initiatives and fail to inform the manager. As a result, the manager often is duplicating the Board's efforts or brings the association's and the manager's credibility into question with the vendor.

6. Stick to the Agenda.

There is nothing more disconcerting than a Board or Owner meeting that has been carefully planned but when the time comes, wanders

from the agenda and inevitably prolongs the meeting. A meeting loses its focus when Board members use the opportunity of a meeting to “catch up” on personal matters. Rehashing old business or tackling new topics before the business at hand is addressed, all are symptomatic of meetings gone astray.

7. Limit discussion.

One of the most challenging dynamics in managing a good meeting is to limit discussion. When owners have the floor and wish to make know their views, a good meeting chair will ensure the speaker does not repeat himself, or repeat what other speakers have reported. Board meetings are no different. Members need to offer comments that add to the discussion, rather than rehashing what already has transpired. Debate must be curtailed at some point when the chair senses that no new, relevant insight is forthcoming, even if there is not unanimous agreement. Call the question and vote!

8. Sole source bidding is acceptable.

So often board and owners insist on of the manager soliciting multiple bids for work being contemplated. Multiple bidding is not a panacea! Many times a Board is well-advised to renew a relationship with a proven vendor that has performed satisfactorily rather than put the vendor through the pointless exercise of submitting a detailed bid. For “small” jobs, multiple bids can hardly be justified, taking into consideration the time and energy the vendors are being

asked to expend, as well as the time and energy the manager and Board will expend evaluating bids. By ignoring this admonition, Boards will learn quickly that vendors will lose interest quickly in submitting bids if the process is perceived as “fixed” or unlikely to lead to an award.

9. Prioritize the work.

There is a limit to how much work any manager can perform, especially on a month-to-month basis. Frankly, there is limit to how much work a Board effectively can supervise. These realities probably mean that work proceeds a slower pace than would be the case for a single-family home. But the inherent nature of common interest ownership communities and prescribed governance processes make more deliberate pace inevitable.

10. Use CAI.

The Connecticut Chapter of the Community Associations Institute offers a range of seminars and networking opportunities for Board members to better learn their roles. It is gratifying to hear a Board member report that they attended a CAI seminar and now understands insurance issues or legal and accounting issues to cite just a few examples of the material CAI offers. ■

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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55+ Factoids...



- There are 108.7 million people age 50-plus in the United States. This includes 76.4 million boomers (born 1946-64), compared with 49 million Gen Xers and 82 million millennials.

Source: AARP Top 10 Demographics & Interests Facts About Americans Age 50+ May 2014

- Half of all consumer spending and 70% of all disposable income is controlled by 55+ aged Americans. 31% of all home purchases are made by adults over the age of 55.
- \$1.9 trillion will be spent on 55+ aged home purchases over the next 3 years.
- 18 million home buyers over 55 will be seeking to purchase a home within the next 3 years.

Source: U.S. Census Bureau

- States with the highest concentration of people age 50+: Maine, New Hampshire, Montana, Vermont, West Virginia, Michigan, Connecticut, Wisconsin, Ohio and Alaska. In each of these states from 33.5 percent (Alaska) to 36.8 percent (Maine) of the total adult population was born between 1946 and 1964.

Source: U.S. Census Bureau, 2012 American Community Survey PUMS as analyzed by the AARP Research Center

- “Aging in Place”: 87 percent of adults age 65+ want to stay in their current home and community as they age. Among people age 50 to 64, 71 percent of people want to age in place.

Source: AARP PPI, “What is Livable? Community Preferences of Older Adults,” April 2014



ENVIRONMENTAL TIP

Save Water - Mow Higher!

Talk to your landscaper about raising the height of the blades for their lawnmowers. If you mow at a higher level (1-2 inches), mow regularly, and leave the clippings you'll save time and water. “Grasscycling” or allowing the clippings to remain on the lawn, doesn't cause thatch build up, but does make lawns healthier. Soil organisms recycle the clippings into free fertilizer, and you save all the work of bagging. Modern mulching lawn mowers make grasscycling even easier.

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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.

The True Cost of Specifications

By Timothy Wentzell, P.E.

As engineers are often asked by our clients whether specifications are really needed for a project and furthermore, often followed by a statement of “Won’t this just drive up our costs.” Both with the implication that the cost for preparing the specifications is really not needed and secondly, the pricing will therefore come in much higher because of the need to then have the contractors follow the specifications. This seems to be a question or concern that we receive on a somewhat regular basis as the assumption may be that preparing specifications increases the upfront cost and raises the concerns expressed previously on behalf of many people. However, we often find quite the opposite where when clear detailed specifications are prepared for a project, pricing is often lower. You can look at this as merely a theory, but we have had recently seen several cases where an Association got to the point of receiving proposals from numerous contractors and then, when asking their attorney to prepare a contract, the attorneys suggested to them that they perhaps should contact a design professional to prepare the design that becomes the basis for the specifications.

We recently undertook a paving project where the Association had received three bids from very qualified contractors. They varied fairly significantly in what was going to be done and also in the pricing received.

We were then retained on the advice of their attorney to decide on the appropriate remediation technique for this paving project and to prepare specifications. The specifications that we prepared were somewhat similar, albeit perhaps more detailed, and had additional requirements than what was proposed by the contractors. They were certainly more in-depth and in some parts of the project entailed a thicker pavement and other details above what was initially proposed

by these contractors. We then put the project out for bid to six contractors and all of the bids came in lower than what was previously proposed by these contractors and very interestingly, even these contractors bid lower than their previous submittals.

Another recent example was an Association that had received proposals for re-roofing a few units at their complex that they felt needed to get done right away because of significant issues. We were retained to study the problem, review the appropriate specification requirements, and prepare specifications. We proceeded to put the project out to bid on behalf of this Association and similar to the paving

example discussed earlier; even the contractors that had bid earlier on a less extensive plan for replacement all came in, in this case, at a lower cost. Certainly, to be fair in this argument, the project was larger, but the per unit cost was significantly lower as well. Interesting enough in the first example of the paving project, this Association had spoken to another engineer who had told them that that was often their experience as well and I think they dismissed it as being a sales pitch. When I told them the same thing, having heard it now twice, they began to at least believe that it might be a possibility.

All of this leads to the question of how can this really make sense. There is a competitive part of this whole equation from two different aspects.

The fact that the different bidders knew numerous other contractors would be bidding on the exact same scope would encourage them to sharpen their pencil in order to receive the contract and perhaps even as a secondary effect, there may have been a competitive urge to “beat” the competition. However, the answer may also be hidden in the fact that on behalf of a good contractor there may be some comfort level of knowing exactly what the expectations are, both for the contractor



“...when clear detailed specifications are prepared for a project, pricing is often lower.”

[Continues on page 34.]



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The Nuts and Bolts — and Bubbles — of Aeration

By Shannon Junior

There are few events that can occur in a community pond that cause the amount of anxiety and uproar among the residents as a fish kill. Sure, we get plenty of calls about algae blooms and clogged fountains and excessive trash, but nothing creates the level of panic that ensues when there are dead fish floating on the surface of the water. Many residents become concerned that there may have been a toxic spill or illegal dumping incident, or they think that the landscaping company must have used something on the surrounding property that killed the fish. In reality though, most fish kills occur not because of a poisonous substance, but because of low dissolved oxygen conditions in the water.

Although fish respire through gills instead of lungs, they still require oxygen to survive. Since very warm water cannot hold the same amount of oxygen as colder water, dissolved oxygen can become depleted during the summer months. Because many stormwater ponds are fairly shallow, with water only flowing in during and after rain events, sunlight is able to penetrate throughout the water column,

causing the water to become very warm and stagnant. Deeper ponds may experience a phenomenon called “stratification,” where the warmer water at the surface of the pond does not mix with the colder, denser water near the bottom. The bottom water does not recharge with oxygen from photosynthesis or interaction with atmospheric oxygen, so fish can only survive in the upper part of the water column. During a large rainstorm or wind event, the pond can “turn over,” mixing the low oxygen bottom water throughout the rest of the pond. Low oxygen related fish kills can occur in both shallow and deep ponds if the conditions are right – Or WRONG, in this case.

So, what can be done to reduce the risk of a fish kill in a pond or lake? The best approach is to implement a comprehensive, ongoing maintenance program that includes integrated management strategies for algae and weed control and water quality management. One of the best practices for water quality improvement is the installation of aeration equipment to circulate the water and increase dissolved oxygen levels throughout the water column. There are many different types of aeration systems available, although the most commonly used are surface aerating fountains and submersed diffused air aeration systems. While both types of aerators can be extremely effective, each one has certain features that would make it the appropriate choice depending on the characteristics of a particular waterbody. And those without electrical access near their lake or pond are not out of luck. Solar-powered and windmill aeration systems are a more ecologically-



(above) Floating fountain aerators provide effective oxygenation in shallow lakes and ponds, which can help reduce undesirable algae by facilitating the conversion of phosphorus to forms that do not sustain algae growth.



(above) A submersed aeration system can help oxygenate the water column in deeper lakes and ponds. These systems improve vertical mixing at depths where water is not naturally stratified by using an on-shore compressor to pump oxygen to the bottom of the waterbody.



(left) For remote locations or waterbodies without electrical power accessibility, solar powered aeration systems offer a long-term, ecologically responsible solution.

friendly option, and can be used to enhance aeration in more remote locations.

Submersed diffused air aeration systems utilize pumped air to de-stratify the water column and to infuse oxygen into the pond. The typical configuration involves an air compressor that is located on the shore in a small weatherproof enclosure, which pushes air through

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subsurface tubing to one or more bubble diffusers located on the bottom of the pond. As the bubbles rise to the surface, they carry the low oxygen bottom water upwards, where it is mixed with the oxygen rich surface water and attached to atmospheric oxygen, before sinking back towards the bottom. This constant vertical mixing increases the overall dissolved oxygen concentration in the water column. Submersed diffused air aeration is most effective in larger lakes and ponds with depths greater than 6 feet. In very shallow water, the bubbles do not have enough depth to spread out as they rise to the surface, so less of the water column is circulated, requiring larger systems and more expense for adequate aeration.

Surface aerators, such as floating fountain aerators, are situated on the surface of the pond. These units contain a float-mounted pump that sucks water from just below the surface and sprays it up into the air. Unlike submersed diffused air aerators, surface aerators are most effective in shallow ponds and lakes. The oxygenation from floating aerators occurs when the water that is sprayed into the air splashes back down onto the surface of the pond. This interaction allows for the venting of gases and the transfer of oxygen into the water. However, because all of the oxygen transfer occurs at the surface, very little benefit is gained in the lower depths near the sediment.

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you choose the appropriate aeration strategy based on the characteristics of your waterbody, your goals for the facility, and your budget for the project. But no matter which system is implemented, aeration has many benefits beyond just preventing fish kills. Aeration will improve the health of your waterbody by increasing the amount of oxygen in the system, which facilitates the conversion of phosphorus to forms that are not usable by algae as food. It also alters pH and other related water quality parameters to favor the growth of healthy green phytoplankton at the base of the food chain rather than potentially toxic cyanobacteria species. The end result is a healthier pond with fewer harmful algae blooms, and a reduction in the need for algaecide treatments.

However, aeration alone will not solve all of the problems that can afflict a pond or lake. While an aeration system may be the “heart” of a waterbody, circulating the water and bringing oxygen to all parts of the system, a comprehensive integrated management program is the backbone, providing the framework to support the overall health of the pond. Much like the human body, waterbodies become less healthy as they age, and require more intensive management strategies to remain viable. Implementing a preventive care program before problems develop is the best way to ensure a long life for your pond and the fish that call it home. ■

Shannon Junior is an experienced Aquatic Ecologist with SOLitude Lake Management, an environmental firm providing a full array of lake, pond, wetland and fisheries management services and solutions. She can be reached through the website at www.solitudelakemanagement.com.



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Richard Bouvier, CIC

INSURANCE: Navigating Replacement Cost

By Rich Bouvier, CIC

The property coverage of a master insurance policy for a condominium association is intended to provide full ‘replacement cost’ coverage protecting the community from the financial burden of a total loss to all buildings. Determining the appropriate amount of coverage is a challenge that should not be taken lightly and most governing documents require associations to insure the community to one hundred percent of the replacement cost.

The simple definition of the term ‘replacement cost’ coverage is the cost to replace the damaged property with materials of like kind and quality without any deduction for depreciation. While most modern master insurance policy readily available in the marketplace provide replacement cost coverage, some insurers can further enhance this coverage with endorsements such as ‘extended replacement cost’ coverage or ‘guaranteed replacement cost coverage.’

The best way to explain the difference in the three terms above is to use a hypothetical example of “Pretty Glen Association” with a full replacement value of \$10,000,000.

If Pretty Glen Association purchased an insurance policy that only provided replacement cost coverage with no enhancing endorsements, the amount of property coverage available for a total loss to the entire community is \$10,000,000. No More.

A policy with extended replacement cost coverage provides an additional amount of coverage – usually 25% more – in the event of a total loss. In our example above, if Pretty Glen Association purchased an insurance policy that provided extended replacement cost coverage, the amount of property coverage available for a total loss would be \$12,500,000. The extra \$2,500,000 above the base of \$10,000,000 is available because of the extended replacement cost coverage.

Now if Pretty Glen Association purchased an insurance policy that provided true guaranteed replacement cost coverage, there would be NO CAP on the amount of property coverage available for a total loss.

Keep in mind that not all insurance companies are able to offer the property coverage enhancements described above. It goes without saying that a true guaranteed replacement cost policy is the way to get the most protection for a total loss. When considering different policy options, the nature of your community determines which coverage option best suits your needs.

If your community consists of one large frame structure, where the risk of a total loss fire truly exists, the guaranteed replacement cost policy becomes the most attractive option when available because of the concentration of risk to one building. When your community consists of multiple buildings with a healthy spread of risk that truly



“Determining the appropriate amount of coverage is a challenge that should not be taken lightly...”

limits the likelihood of a fire spreading from one building to another, the total loss from fire diminishes also.

Now that we have explored a few insurance policy options, we can go back to how an appropriate replacement cost is determined and keep in mind that there is a difference between replacement cost and real estate value. In most scenarios, the replacement cost for a structure should remain relatively constant whereas the real estate value can vary substantially from town to town.

When I have an opportunity to quote a master insurance policy for a condominium association, my first project is to evaluate the community’s insurance exposures and conduct an onsite inspection. During this inspection I am looking at the general condition of the community. Are the roofing shingles in good order? Are there loose or missing shingles? I look at the siding, steps, decks, and other areas where ongoing maintenance is important. Is the community on top of things or has the general condition degraded? I also take multiple photos of the buildings and detached structures, locate the fire hydrants, review the fire department capabilities and measure the distance between the buildings too.

After the onsite inspection is completed, I begin work on determin-

ing an appropriate replacement cost. This process takes into consideration the gross square footage of each building along with the year built, the physical attributes of the structure, attached garage space, basement square footage and details, exterior trim features, dormers, roof lines, window details, heat type, number of bathrooms, etc. This is hands down the most labor intensive aspect of quoting the insurance for a community.

Once the details have been compiled, a cost per square foot is applied to the community. While \$150 per square foot seemed to be an industry average 15 years ago, I have seen this value increase over the past few years. \$165 to \$175 seems to be a bit more appropriate. A very simple structure without intricate building features can still be built at that price range, but once architectural features such as dormers and multi-pitch rooflines become a factor, the cost per foot can easily rise closer to \$200/foot. Luxury condominiums where units have three stories, multi-car attached garages, tall ceilings, custom grade kitchens and bathrooms and elevators can easily exceed \$225/foot.

To support our estimated cost per square foot, insurance agents and insurance companies have access to software that helps determine an accurate replacement cost. With the help of the details gathered during the onsite inspection and other attributes taken from the governing documents, I'll augment and cross-reference this information with unit descriptions on local municipality tax assessment field cards. It is important to use the inspection, governing documents and town assessment details to create a complete picture of the building details.

This used in the estimation software is the most accurate way to determine replacement cost.

In preparation of this article, I took a sample of the last 20 replacement cost estimates completed by my agency in the state of Connecticut. The replacement cost on frame structures ranged from \$133 per square foot to \$272 per square foot with an average of \$183 in this sample.

Looking back to association governing documents, most contain language requiring that the amount of insurance be in amounts "equal to one hundred percent of the replacement cost at the time the insurance is purchased at each renewal date...The Executive Board is authorized to obtain appraisals periodically for the purpose of establishing said replacement cost..." Over the past 17 years of being an insurance agent, I am aware of one association that hired an outside vendor to conduct such an appraisal.

Master insurance policies are among the largest expenses to condominium associations. Aside from trying to benefit from cost savings, be sure to use the shopping of your community's insurance as an opportunity for accuracy too. Understand your community's true exposures and have an open dialogue with your insurance representative. Invite your agent to attend a board meeting and give a guided tour of your policies. This will always be time well spent and a benefit to your community. ■

Rich Bowvier, CIC is a partner with Bowvier Insurance. He is a past President of CAI-CT. He currently serves on our Membership and LAC Committees. Rich is a frequent speaker at CAI-CT education programs.



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as well as what the customer expects to receive. When the expectations are clear, even if maybe more complex or detailed than what may have been originally considered, there is a comfort level of knowing that if I do exactly what was specified, the customer or client will not come back and argue about the results. On behalf of the Association there should also be a similar comfort level that if the project was not undertaken as specified and committed to, there is recourse to either withhold payment or demand the project to be completed as specified.

You may see this argument as another slick sales pitch, however, I hope to give at least pause to think about whether or not there is some validity to this approach. ■

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).

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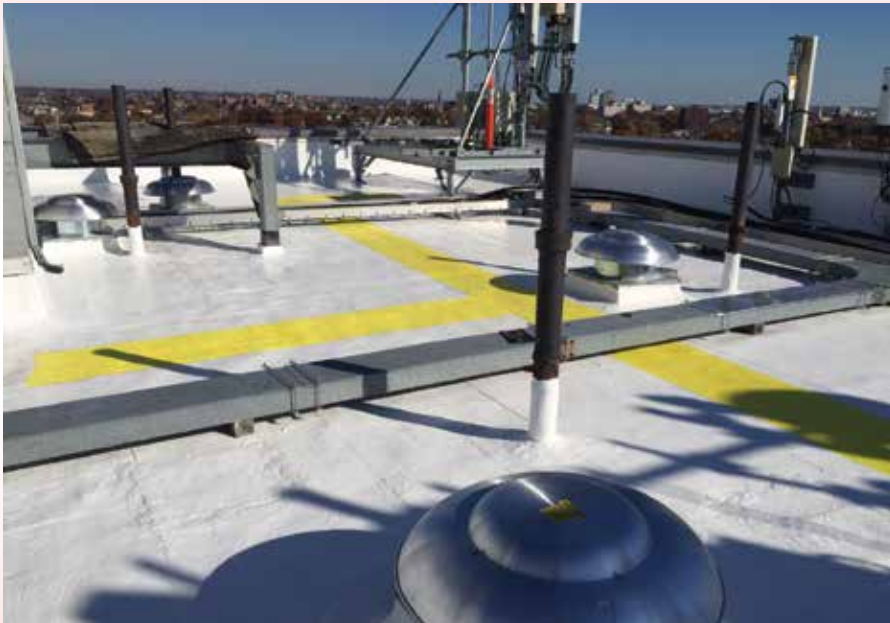


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