

Common Interest

The Official Publication of CAI-Connecticut

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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

"A healthy community is an informed, financially strong and welcoming place everyone wants to come home to."

As September rolls, around, many Boards are amid reviewing this year's expenses and starting to prepare proposed budgets for their community's consideration for the start of a new fiscal year. CAI business partners are available and can assist with a review of current contract pricing, develop bid specifications, update the reserve plans, etc.

I believe the most asked question of Community Managers and Accountants has been is how much should we be putting into reserves? Unfortunately, there is no magic answer without a reserve study. A Reserve Specialist will review the community's capital items, examine and identify the remaining life expectancy, assign costs and provide a detailed comprehensive reserve report for the association. The Reserve Specialist can also provide future updates in the coming years thereby ensuring an on-going financially healthy reserve plan for the Board of Directors. The Federal Housing Administration (FHA) and banks will take association reserves into consideration when they are qualifying and approving loans for owners. FHA provides an important opportunity for many first-time borrowers as well as those who may consider reverse mortgages.

Well-informed communities have several things in common, Board of Directors who govern with knowledge and understanding, engaged owners and good communications, just to name a few. Whether it is through memos, newsletters, websites, social groups or simply talking neighbor-to-neighbor. We all respond favorably when it is friendly, positive, concise and informative. The daily news reports seem to highlight bad behavior that is becoming the new "norm." We are all here for the overall benefit of the other and to that end, we need to pause and put ourselves in the other person's shoes before responding.

A healthy community is an informed, financially strong and welcoming place everyone wants to come home to. The Board of Directors and members of the communities invest time, effort and knowledge in each other and their communities to make them what they are.

Thank you to all of you who strive, work and accomplish the goals of community living. ■

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From the Chapter Executive Director

"You come to the planet with nothing and you leave with nothing, so you'd better do some good while you are here."

~ Alex Van Halen



Kim McClain

Courtesy CAI-CT.

As people get resettled into their routines now that the somewhat more relaxed days of summer are behind us, there seems to be a renewed interest in volunteer and program activity at CAI-CT. We are delighted to see an increase in the ranks of our terrific committees. Lots of new members are rolling up their sleeves to be a part of doing good for the organization that supports all of us.

While looking through the pages of this issue, you will notice recaps of some lively events during the summer. One of those events involved an afternoon of education for both managers and business partners. We are very excited to welcome the biggest group in all of the CAI chapters to complete the Educated Business Partner Program. (See p. 16 for the list.) We congratulate them for taking the time to do good and learn more about how they can better serve the condo industry in our state.

There are many opportunities for board members and community association managers to delve into some of the more vexing legal issues of our day. Our Annual Legal Symposium will take place on November 2, 2017 at Oronoque Village. A description of all the intriguing sessions can be found in this issue. This event sells out every year. Be sure to register ASAP!

Our Legislative Action committee will be working on our legislative priorities for the 2018 session. Please let us know if you have any particular issues you would like to see us raise at the Capitol. Contact us at lac@caict.org.

As we go to press, cleanup from Hurricane Harvey has begun and Irma's path is still precarious. Many associations have been or will be impacted by the wrath of these storms. I encourage you to visit the CAI website: www.caionline.org to find ways you can do good. ■

Register Now—

LEGAL SYMPOSIUM

November 2, 2017

Oronoque Village Clubhouse, Stratford, CT

See details starting on page 6.

People in the News:

Jean Walker, Owner of Crystal Restoration Services of Connecticut and her dancing partner Manuel Trillo recently won the 2017 Dancing with the Stars competition to benefit the Norwalk Elder House. Congratulations!



Courtesy CAI-CT.

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**Share your news with CAI-CT.
Send it to kim@caict.org.**

UPCOMING CAI-CT EVENTS

Legal Symposium

Thursday, November 2, 1:00 – 5:30 pm
Oronoque Village Clubhouse, Stratford, CT

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

GOOD FOR 4.5 CONTINUING ED CREDITS

Sponsorships are available for this event.

CAM Ed – Jumpstart January Legal Panel

Thursday, January 11, 11:30 am – 1:30 pm
Snow Date January 18, 11:30 am – 1:30 pm
Wallingford, CT

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

GOOD FOR 2.0 CONTINUING ED CREDITS

Condo Inc. I:

The Business of Running Your Community

Saturday, January 20, 8:30 am – 3:00 pm
Snow Date: Saturday, January 27, 8:30 am – 3:00 pm
Glastonbury, CT

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.



SAVE THE DATE!

CAI-CT Annual Conference & Expo

Saturday, March 17, 2018
Aqua Turf, Plantsville, CT

Reservations for Booth Space & Sponsorships now being accepted.

GOOD FOR 4.0 CONTINUING ED CREDITS



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

Statutory Snippet...



What constitutes a Quorum?

The Common Interest Ownership Act (CIOA) states: **Sec. 47-251. Quorum.**

(a) Unless the bylaws otherwise provide, a quorum is present throughout any meeting of the unit owners if persons entitled to cast twenty per cent of the votes in the association are present in person or by proxy at the beginning of the meeting.

(b) Unless the bylaws specify a larger number, a quorum of the executive board is present for purposes of determining the validity of any action taken at a meeting of the executive board only if individuals entitled to cast a majority of the votes on that board are present at the time a vote regarding that action is taken. If a quorum is present when a vote is taken, the affirmative vote of a majority of the board members present is the act of the executive board unless a greater vote is required by the declaration or bylaws. ■

NEW & RENEWING MEMBERS

Welcome - New Members

Individual Managers

Doris Diaz-Dasilva, CMCA
Jamie Jo Powers
Joseph Mellino
Kenneth B. Hagenow, CMCA
Patricia Centini, CMCA

Business Partners

Association Dues Assurance Corporation (ADAC)
GAF

Thank You - Renewing Members

Associations

Bramble Ridge
Chase at Foxboro
Country Club Estates
Crest Condominium Assn., Inc.
Doral Farm Homeowners Assn.
Farmington Edge One Condominium Association, Inc.
Hickory Hill Condominium Assn.
Longmeadow Association, Inc.
Orangewood East Master Assn.
Pilgrim's Harbor Condominium Association, Inc.
Royal Villas Condominium Association, Inc.
Stonebrook Association
Woodland Hills Condominium, Inc.

Individual Managers

Reggie Babcock
Glenn Baron
Edward Davis, Jr., CMCA
Penny Foisey, CMCA, AMS
Jason Leavitt, CMCA
Catharine Leo, CMCA
Mathew Lisee
Stephen R. Margolis, CMCA, AMS
Gail P. Mellin
Maria Miller, CMCA
David J. Phillips, CMCA, AMS
Mark B. Rhatigan
Katrina Sharkis
Alan Victor Wunsch, CMCA

Business Partners

Fairfield County Bank Insurance Services, Inc.
Frankel & Berg
Prime Touch Services
Schernecker Property Services, Inc.
Zeldes, Needle & Cooper, P.C.

JOIN TODAY!

See the Membership Application on page 39.

2017 CAI-CT Annual LEGAL SYMPOSIUM

Thursday, November 2, 2017

1:00-5:30pm

Oronoque Village Clubhouse,
Stratford, CT

Sponsored by:



PROGRAM

Best Practices from Two Perspectives: Millennial & Baby Boomer

Speakers: Bill Ward, Esq. - *Ackerly & Ward*
Chas Ryan, Esq. - *Franklin G. Pilicy, P.C.*

This presentation will provide advice from two attorneys, one a millennial and the other a baby boomer, as to best practices developed from both perspectives. The session will be valuable to lawyers, managers, and board members. The goal is to provide practical advice to implement immediately to allow all three to work together in the best interest of their common interest communities. Topics will include:

- Communication – How – Why – When;
- Adopting Policies – Types – Benefits
- Maintaining Confidential Information – Why - How
- Insurance – Guaranteed Replacement Cost – Rider for Code and Statutory Compliance – Separate D&O Policy
- Condo Commandos – Vocal Minority – Criminal Harassment Statute
- Email Management – Association Email – Destruction Policy
- Essential Contract Provisions
- Educating New Owners
- Surveillance v. Security Cameras
- Robert's Rules v. Confidentiality of Ballots
- Airbnb – ADA compliance

Conflicts of Interest and the Application of the Business Judgment Rule

Speakers: Kasey Burchman, Esq. - *Feldman & Hickey, LLC*
Gregory McCracken, Esq. - *Perlstein & McCracken, LLC*

An explanation on how boards should handle conflicts of interest within their communities and among board members with some focus on handling conflicts of interest when litigation is pending.

Governing Document Updates and Revisions — Revising Governing Documents: Proven Strategies and Techniques

Speakers: Lisa Anderson, Esq. - *Bender, Anderson & Barba, P.C.*
Edward S. Hill, Esq., of Counsel - *Bender, Anderson
& Barba, P.C.* (Co-lead author, *Connecticut Common
Interest Ownership Manual, Second Edition*)

Discover tools to organize and complete a document update or revision project in a cost-effective manner and to produce the best product for a particular community. The speakers will discuss what provisions and issues should be considered and approaches to the development of revised provisions. We will discuss proven strategies and options to get the necessary approvals.

Association Collections - Bankruptcy and Its Impact on Association Collections

Speaker: Scott J. Sandler, Esq. - *Sandler, Hansen & Alexander, LLC*

A discussion on the types of bankruptcy actions most often filed by unit owners, and the impact of a bankruptcy petition on the ability of the association to collect unpaid common charges.

Construction Defects: Are the Roads Leading to Litigation?

Speakers: Michael Feldman, Esq. - *Feldman & Hickey, LLC*
J. Lucas - *Becht -Engineering, BT Inc.*
Kelly Freitas, Esq. - *Feldman & Hickey, LLC*

Have you had issues with faulty or incomplete construction? Learn about how to determine if there are problems and what legal recourse may be available.



Duty of Care

Speaker: Matthew Perlstein - *Perlstein & McCracken, LLC*

In this session you will learn: • That the term “fiduciary” has almost nothing useful to do with community associations in Connecticut. • That the phrase “conflict of interest” is one of the most overused, and the most misused terms in most community associations. • What the standard of care actually is for unit owner officers and directors. • To whom the officers and directors owe this duty of care. • The protections available to officers and directors while they are carrying out their duties for the association. • How officers and directors can do their jobs in a manner that minimizes the risk of being challenged for breach of their duty of care.

Neighbor on Neighbor Harrassment: When Can an Association be Held Liable?

Speaker: Steven Berg, Esq. - *Frankel & Berg*

Based on recent regulations adopted by HUD, community associations may need to become involved in neighbor disputes. This session will discuss the Fair Housing Act and how recent court rulings may impact how associations must respond, including criteria which a complainant must meet before an association must take action and how HUD may impose a duty on associations to act when those criteria are met. Learn strategies to limit your association's liability.

Legal Panel - Q & A

Ask your pressing legal questions to our panel of experienced legal pros!

REGISTRATION INFORMATION



**TO REGISTER VISIT
WWW.CAICT.ORG**

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

**SEE INFORMATION
ABOUT OUR SPEAKERS
ON THE NEXT PAGES.**

LEGAL SYMPOSIUM SPEAKERS



LISA J. ANDERSON, Esq. - As one of the earliest practitioners in this field, Attorney Anderson helped develop the law governing community associations in Connecticut. She works with communities to create documents that are not only compliant but meet the needs and goals of communities. Attorney Anderson has also successfully mediated hundreds of community association disputes using formal and informal approaches. She is a frequent speaker on association issues and more recently is facilitating conflict resolution workshops for community associations and other organizations.



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.



KASEY BURCHMAN, Esq. joined the law firm of Feldman & Hickey in 2004 and practices in the area of civil litigation. She has handled many condominium matters including unit owner disputes, defense of personal injuries claims, insurance coverage disputes, construction related matters, interpretation of condominium documents, property damage claims, contractor disputes, mold claims and property damage.



MICHAEL FELDMAN, Esq. has been practicing in the area of civil litigation since his admission to practice in 1981. In 1994 he became board certified as a Civil Trial Advocate by the National Board of Trial Advocacy. Mr. Feldman has been elected a "Super Lawyer" by the Connecticut Magazine since 2007. Michael Feldman has handled a wide range of condominium and construction litigation and has spoken on such issues at state and national conferences. He, along with Attorney Kelly Freitas of the firm, 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.



KELLY FREITAS, Esq. joined the law firm of Feldman & Hickey 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.



EDWARD HILL, Esq. 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 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.



J. LUCAS – A Project Manager at Becht Engineering BT, Inc., Joseph “J” Lucas is experienced in the administration of engineering, inspection, and construction management services for the multi-family residential industry. Mr. Lucas has prepared numerous capital reserve studies and transition studies for numerous residential and commercial facilities. He has provided legal support services and expert witness services on numerous transition study projects. His experience also includes roof analyses, water infiltration investigations, roofing, siding, deck, and paving replacement projects.



GREGORY W. MCCRACKEN, Esq. is a member of Perlstein & McCracken, LLC, where his practice emphasizes common interest community law and land use, planning, and zoning law. He represents community associations and developers, and he advises property owners and other lawyers. Before he joined the firm, he was an attorney at Robinson & Cole. He litigated cases involving professional liability, fair housing, endangered species, inverse condemnation, natural resources, public lands, environmental law, and real estate in California before he moved to Connecticut in 2000. He is a frequent speaker for CAI and has given presentations on the Common Interest Ownership Act for the Connecticut Bar Association and the Connecticut Home Builders and Remodelers Association.



MATTHEW N. PERLSTEIN, Esq. is a graduate of Bard College (AB 1968) and The Boston University School of Law. For the past 30 years he has concentrated his practice on representing condominium and community associations. Mr. Perlstein chaired the committee that wrote the first edition of the Connecticut Common Interest Ownership Manual and was one of the two lead authors of the second edition of the Manual published in 2013. He is a principal in the law firm of Perlstein & McCracken, LLC, which currently provides legal services to over 350 condominium and community associations throughout the state.



CHAS A. RYAN, Esq. represents Common Interest Communities throughout Connecticut. He is an active member of the Connecticut Chapter of CAI and presently serves on the Education Program Committee, the Conference Committee, the Legislative Action Committee and chairs the Millennial 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, is a member of the Board of Directors and the Legislative Action Committee for CAI-CT, and 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.

Legally Speaking...



Adam Cohen, Esq.

Counting unit owner votes incorrectly can easily affect the outcome of a motion or election, diminish competence in a board or manager, or even provoke a lawsuit. Unfortunately, many community associations still end up making preventable mistakes or cutting corners when calculating votes.

Like many association issues, how to count votes properly depends significantly on the text of the community's declaration and bylaws. Some give one equal vote to each unit, while others contain a schedule of fractional votes which are proportionate to each unit's square footage or market value when originally constructed. Most entitle any joint owner of a unit to cast the entirety of its vote, while a few allow joint owners to cast their respective shares of a vote separately. The requirements of the declaration and bylaws as to how votes are to be counted cannot be waived, even if every voter at the meeting would be willing to ignore them for convenience.

The total number of equal votes, or the total votes "in interest" when each is weighted as a nonidentical percentage, must be counted properly both for determining whether a quorum is present and in declaring the outcome of a motion or election. The vote must be cast in person by either the unit owner or authorized proxyholder who is physically present at the meeting, or by the designated representative of a corporation or other entity that owns a unit, or instead by transmitting a proper ballot when the association conducts the vote without a meeting under state law. Unit owners who happen to be board members or officers cast their units' votes exactly like everyone else on association-wide matters (although at board meetings, board members always have one equal vote each and cannot cast it by proxy).

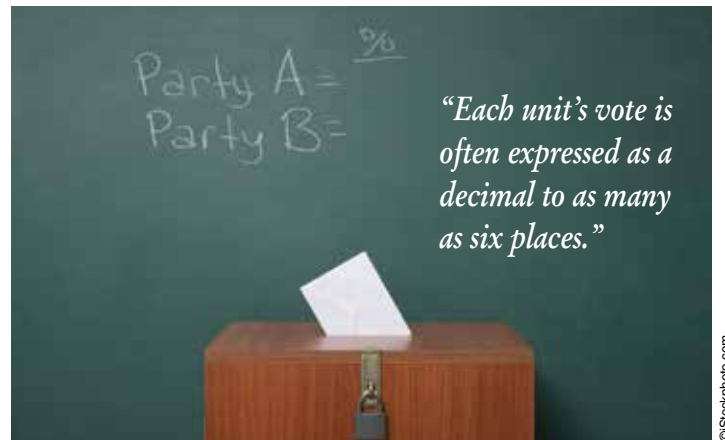
The "threshold" is the proportion of votes necessary to declare a motion passed, a proposal adopted, or a candidate elected. The threshold should usually be announced before the voting starts. Examples include:

- plurality of the votes cast (usually just for elections, and only if the bylaws don't require a majority)
- simple majority of the votes cast (50% plus one vote, used for most kinds of motions)
- majority of all votes in the association (e.g., to defeat a proposed annual budget)
- two-thirds of all votes in the association (e.g., to approve most kinds of declaration amendments)

Ballot Math

The Importance of Counting Votes Properly

By Adam J. Cohen, Esq.



- 80% of all votes in the association (e.g., to terminate the association)
- unanimous consent of all votes in the association (e.g., to alter a unit boundaries or voting rights)

Votes are cast by the unit owners by voice or raised hand (usually on uncontroversial items) or by standing up or submitting a paper ballot (usually for closer questions). The president typically conducts the count and announces the outcome, except that designated ballot-counters are often selected for contested elections.

Counting the votes of units which have one equal vote per unit is relatively simple. The most common errors are inadvertently counting joint owners twice, counting a vote by proxy when the unit owner is present or the proxyholder is absent, and, of course, straight mathematical mistakes. When units are assigned nonidentical votes by the declaration and bylaws, counting is much harder. Each unit's vote is often expressed as a decimal to as many as six places. Paper ballots which identify the unit number of the person casting it – not to mention a calculator – are usually necessary so that the votes can be weighted and tabulated correctly.

The total votes in favor of passage or a candidate then must be compared against the voting threshold. For example, if a 100-unit condominium's documents require that owners approve bylaw amendments, and 40 units participate at a meeting called for that purpose, and 25 units vote in favor, whether the amendment passes will depend on whether the bylaws require a majority of "all" the units to vote in favor (which would be 51) or just a majority of those voting in person or by proxy (which at this meeting would be only 21). As another example, if a com-

community's documents require that only a majority of all owners can reject a proposed annual budget, and only half or fewer of the units (weighted, if the documents say so) attend the meeting in person or by proxy, then the budget will pass even if the vote against it is unanimous.

Vote calculations become more complicated if the association owns one of more units, such as superintendent housing or a unit acquired by foreclosure. According to state law, votes of units owned by the association are counted in proportion to the votes cast by the other unit owners. That distribution is automatic; the board cannot cast a vote for that unit one way or the other. For example, if a community which gives one equal vote per unit holds a meeting at which 22 units vote in favor of a motion and 10 units vote against it, but the association owns one additional unit, the final vote tally is 22.6875 to 10.3125.

The last word on proper vote counting? Keep good records. This is the best way to maintain everyone's confidence in the outcome, and voting records are occasionally needed as the key evidence in a lawsuit. The Common Interest Ownership Act (CIOA) requires each community association to store the "[b]allots, proxies and other records related to voting by unit owners for one year after the election, action or vote to which they relate." The "other records" presumably include tally notes, sign-in sheets, and other papers which can help show that the votes were counted correctly... or incorrectly. ■

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.

Website Insights – My Profile



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Financially Speaking...



Daniel Levine, CPA

The Treasurer Transition

By Dan Levine, MBA, CPA

The treasurer position on the board of directors of an association has a lot of responsibility. Individuals in that position work to create and manage the budget, ensure the association is saving away for the future, analyzes variances, and make sure the association pays its bills. However, as with any role on the board of directors, at some point someone new will take the helm.

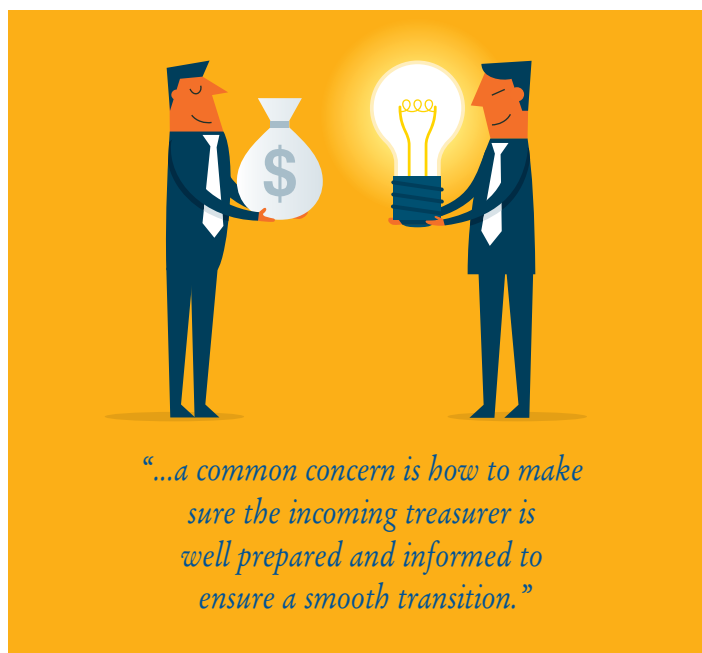
When this happens, a common concern is how to make sure the incoming treasurer is well prepared and informed to ensure a smooth transition. So where to start? This article will cover some broad areas for an outgoing treasurer to consider as they move forward transitioning their position to another volunteer.

General Overview of the Association

If an incoming volunteer is new to the treasurer role or perhaps doesn't have a financial background, it is best to start with a general overview and hold off on jumping into the deep end. Being able to see the forest for the trees will provide perspective and a good general foundation.

The following items should be considered when conducting an overview of an association:

- 1) Have the incoming treasurer review the most recent set of financial statements prepared by the association or its management company to see the complexity of the association and its basic operating income and expenses. If the association has had an outside CPA firm prepare financial statements and disclosures these are also important to go over.
- 2) Review relevant accounting policies and procedures of the association, examples include:
 - a. Collection policies.
 - b. Contractor bid policies.
 - c. Ongoing special assessment prepayment policies.
- 3) Highlight major deadlines the treasurer should worry about. Consider items such as:
 - a. Income tax or personal property tax filing date deadlines.
 - b. Loan obligations and deadlines involved with the bank or other lenders
 - c. Requirements relating to accounting that are within the association's condominium documents such as mandatory reserve balances.



- 4) Copies of insurance policies and coverages in force and renewal dates.
- 5) An overview of the budgeting process and transition of any relevant files for the treasurer position.

Specific Details of the Association

After a higher-level understanding is obtained, the transition will want to focus on detailed items.

Consider items that are impacting current operations or will carry over through the transition.

Items of this nature could include:

- 1) Unusual accounting transactions such as investments.
- 2) Current accounts receivable that are in the collection process and details of any pending foreclosures.
- 3) Any bills from a vendor that are in dispute or being negotiated.
- 4) Current ongoing insurance claims.
- 5) Signatory power on the associations bank accounts.
- 6) Any outstanding reserve fund items. Such as:

[Continues on page 14.]



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TREASURER TRANSITION...from page 12.

- a. Outstanding contributions that still must be repaid.
 - b. Any outstanding reserve fund loans to the operating fund.
 - c. Any outstanding appropriations of the reserve fund.
- 7) Copies of, and detail the status on, any major contracts that the association may be engaged/engaging in.
 - 8) Details of any ongoing special assessments, such as term of the assessment, total of the assessment, and its purpose.

Make Relevant Introductions

The final area to consider after the ins and outs of the association are understood is to make any relevant introductions to ensure continuity with your major vendors. After all it's always about who you know!

You should consider making introductions to:

- 1) If the association is professionally managed make sure they are introduced to the manager, the accountant, and accounting function that is handling the books and records.
 - a. You may want to consider scheduling a meeting or phone call so the incoming volunteer can learn the policies and procedures of the management company.
- 2) Make an introduction to your CPA firm. Your association's accountant should have a history of the accounting services provided in the

past, as well as information on the association and industry in general which can be important background to the incoming treasurer.

- 3) Make an introduction to your financial institutions. Meeting your banker will help start the process for any signatory changes and will allow for a smooth transition so checks can be signed and loan terms are met.
- 4) Introduce them to CAI! CAI-CT is a great organization containing a wealth of support and knowledge for your incoming board member to be successful. Make sure they are aware of upcoming training and networking events as well as the network of professionals.

Conclusions

Welcoming a new volunteer can bring a new perspective and energy to a board. Making sure they get off on the right foot will ensure that the transition is smooth and the volunteer is comfortable in the role. This will allow the board to not miss a step and let them continue to serve and help their community. ■

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 Generation Committees.

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Individuals who pass the course and maintain CAI membership earn the CAI Educated Business Partner member distinction. By taking this course, the people listed below have made the commitment to distinguish themselves as Educated Business Partners (EBP). We congratulate them one and all for demonstrating their keen interest in learning how to better serve the common interest communities in our state. Well done!

You can find out more about all of our EBPs on our website: www.caict.org.

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5 Reasons Drones are Great for Building Inspections

By Eric Koehler, ATP, CFII

Photos courtesy CAI-CT.



3. Flexibility

Drones come in various shapes and sizes. All of them can fly programmed flight paths, some of them with centimeter precision. High-resolution camera with a telephoto lens can be swapped out for an infrared/thermal camera with a wide angle lens. They are also able to adjust their positions to get the best angle or point-of-view. The bottom line is, drones are able to go places that were difficult or impossible to go before!

For example, to detect weight-bearing glass deformities, we found angles that provided high-contrast reflections in the windows that exposed warping.

4. Cost

Drones can fly programmed missions, some with centimeter precision, making their flight times very short and efficient. And, because we are able to move freely, we can quickly get the precise images that we need – in less time and with less equipment.

5. Quality

Advancements in drone technology make it possible to fly more smoothly and precisely, resulting in better quality photos and videos. New camera advancements provide resolution and clarity that rivals full-size handheld cameras. Even infrared and LIDAR cameras are getting smaller and producing better images.



"Drones can be set up and launched – up to 400 feet – in less than 20 minutes."

Roof and façade inspections can be time-consuming and costly. As a result, many are performed only after leakage is detected or energy inefficiency is suspected. By then, damage is compounded and costs rise. Drone technology, coupled with roof engineering expertise, can solve that.

Drones can be used periodically to perform visual and thermal inspections far more easily than the traditional means of deploying people and heavy equipment (such as helicopters, scaffolds, and lifts) for viewing hard to reach facades and rooftops. Following are the 5 reasons drones are great for building inspections.

1. Safety

Drones, flown by professional pilots, pose less risk of injury than climbing. Yes, the drone can fall from the sky. But, professional drone pilots take proper precautions, making that extremely unlikely. Coupled with the fact that they spend far less time in the air than climbers, the safety risk is much lower. On the other hand, workers compensation tables tell us climbers have a relatively high incidence rate.

2. Efficiency

Drones can be set up and launched – up to 400 feet – in less than 20 minutes. Then, the mission of taking photographs or video begins. High-resolution imagery of a typical 40-story building façade can be captured in less than 30 minutes.

For example, we recently captured thermal imaging of an entire 40 story building in less than half a business day.



"Even infrared and LIDAR cameras are getting smaller and producing better images."



Drones provide tremendous value for building inspections. They reduce the time, cost, and risk associated with traditional methods of inspection, while providing advantages. Clearly, drones will not replace hands-on inspections. But, advancements in drone and camera technology may encourage more frequent and preventative inspections, which is good for everyone. ■

Eric Koehler, ATP, CFII, is with Falcon Drone Services which is a part of The Falcon Group. This article was reprinted with permission from The Falcon Group.



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*!

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We now hold the record for the best attended Business Partner Education program in the country. (Go CAI-CT!) We had 45 people registered. Cat Carmichael from Pacific Premier bank (*CAI National President-elect*) and Pamela Bowman from Prime Touch Services (*CAI-CT President-elect*) were the co-teachers of the program. We are delighted to congratulate all those in our chapter who now have the Educated Business Partner distinction as part of their credentials! (*Please see page 16 for the list*).

The Community Association Managers (CAM) program had a large group of over 80 attendees. A panel of attorneys provided their perspectives on some current legal issues and responded to a variety of questions.

We are extremely grateful to our many sponsors for supporting this terrific event!

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(above) Bill Jackson - BELFOR Property Restoration & Dave Pilon - Bouvier Insurance



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(left) Suzanne Berry - Imagineers, LLC & Wendy Colleary - Windsor Federal Savings



(right) Karl Kuegler - Imagineers, LLC, George Miles, Esq. - Perlstein & McCracken, LLC & Bob Gourley - MyEZCondo



(right) Rick Torello - BELFOR Property Restoration & Greg Roberts - Westford Real Estate Management, LLC



(above) Kim McClain - CAI-CT & Chas Ryan, Esq. - Franklin G. Pilicy, P.C.

Communication Corner...

COMMUNITY



Bob Gourley

What Story Does Your Reserve Fund Tell?

By Bob Gourley

A healthy Reserve Fund is just one of the tell-tale signs of a healthy community. The foresight required to properly budget and prepare for the eventual replacement of common elements is part science, part economic forecasting, a little bit of guesswork, and a tremendous amount of discipline. The very nature of the Reserve Fund also requires that the plan for proper funding is adopted by one set of Board members and then followed by subsequent Boards as members come and go over the years. Every year, as the community elects and re-elects volunteers to serve on the Board, it is entirely possible that new eyes looking at the Association's Reserve Fund are seeing a pot of gold that can be used for purposes other than its original intention. They can choose to "borrow" from the Reserve Fund or "defer contributions" this year as the association takes on some other financial challenge.

The story told by the Reserve Fund really depends on how well it is tended to over the years. A well-funded and protected Reserve Fund tells a story with a happy ending. However, far too many times the story the Reserve Fund tells is a tale of woe and regret as a large number of community associations do not properly fund or maintain their Reserve Fund. What story does your Reserve Fund tell?

The State of Connecticut does not currently have legislation requiring community associations to prepare and observe Reserve Fund Studies or require that community associations in our state make adequate Reserve Fund contributions each and every year. However, there is little doubt in my mind that we will see such legislation proposed and likely adopted in our lifetime. The reason is simple enough. Almost all community associations are required to create and maintain adequate Reserve Funds as stated in their governance documents. Yet, Reserve Funds are often the first budget item trimmed in an effort to keep community association dues low. While this may seem politically popular, it is financially devastating to the long-term fiscal health of the community association.

In an effort to attract new buyers and keep common fees low, existing associations often look at their common fees and compare them to similar condos in their marketplace. While this is tempting, lowering common fees by underfunding the Reserve Fund is a dangerous practice. Interestingly enough, the folks who suffer the most from this practice are new owners. I cannot begin to tell you how many times I hear about a new condo buyer who is hit with a Special Assessment



"The story told by the Reserve Fund really depends on how well it is tended to over the years."

due to a poorly funded Reserve Fund. This is a formula for disaster as new owners are often scraping together enough money for their deposit and are tapped out after making the purchase. Depending on the size of the Special Assessment, the new owner can find themselves with no way to pay and may ultimately lose their home. All because the Reserve Fund was not properly funded. Please don't let that be the story your Reserve Fund tells!

The Reserve Study is the tool that guides association Boards to properly fund their Reserve Funds. There is no statutory requirement that a Connecticut community association conduct a Reserve Study. Not annually, not every three years, not every seven years, not at all! That means the most important tool for long-term financial planning for community associations is not legally required. It is at the discretion of the community association, and most often, the Board of Directors, to determine if the association conducts a Reserve Study. Without one, the Board is simply guessing how much money should be contributed to the Reserve Fund each year. The Fair Housing Authority (FHA) has made it mandatory that condominium associations put aside no less than 10% of their annual income from common fees as a contribution to the Reserve Fund if they wish to allow FHA-

[Continues on page 39.]



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:

A.D. from Middlesex County writes:

Dear Mister Condo,

Hi. I live in a condominium complex that has several handicapped parking spots. Our board of directors recently enacted a two car per unit parking limitation. I am disabled and use one of our handicapped parking spots with a valid placard. Can the BOD legally tow my car from our parking lot while the placard is visibly displayed?

— — —

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

Mister Condo replies:

B.B., the answer is “yes and no.” The employees of the association work for the association, not the individual unit owners. The democratically elected Board of Directors has full access to all of this information and acts as the employer in this situation. Technically, all association records can be inspected by individual unit owners but the private information of the employees cannot be disclosed due to privacy and security concerns. That being said, you can inspect the budget which should have line items for salaries and benefits. While your common fees are used to pay their salaries, this is no different than

saying your taxes pay the salaries of city employees. As a taxpayer, you have no right to inspect individual city employees’ salaries or benefits. The same concept is in play here. You have had a say in the election of the Board members, whose duties include all business functions of the condo. In this case, that includes keeping an eye on the salaries and benefits of the association’s employees. All the best!

This is a hot topic in our state and all across the country. 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 XLII

Litigation Avoidance-Helpful Tips for Boards

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 addresses the need for Boards to avoid litigation and provides helpful tips to Boards to achieve this goal. Litigation is an expensive and exhausting process that can wear down even the strongest of individuals or organizations. The tips offered in this column may not eliminate the necessity for litigation. We do, however, hope that these tips will reduce the anxiety and the frequency of litigation matters that Boards and communities will face.

A. Setting the Table on this Topic

The axiom in this country that anyone can sue anyone else is not being challenged in this column. One of the great features of our democratic society is the right to seek legal address for wrongs or harm suffered by one party at the hand of another party. However, notwithstanding this well established and respected axiom, our society is facing a litigation happy environment in which the slightest perceived insult, omission, and/or error generates a claim for redress and, likely litigation. The world of community associations is not immune to this condition, and, is a more likely target of such conduct due to the nature of community associations. It is within this context that Boards need to find ways to minimize litigation. The following helpful tips are just the beginning of a review of litigation avoidance.

B. Helpful Tips for Litigation Avoidance

We could fill the entire edition of *Common Interest* with helpful tips for litigation avoidance. We offer just the beginning of this review:

1. Understand and respect the roles of the various players in an association (Board Directors, Officers, Property Manager, Vendors, Consultants and Residents);
2. Understand the fiduciary obligations of the members of the Board and the officers of the association;
3. Prepare proper and complete contracts with all association vendors, including the management company;
4. Read and understand the contractual obligations of the association and the outside vendors for each such contract;
5. Establish reasonable and equitable expectations for outside vendors, especially the management company;
6. Avoid setting up outside vendors for failure;
7. Treat owners and residents fairly and consistently;
8. Treat owners and residents with respect, no matter what is thrown at you as a board member;



*“We could fill the entire edition of
Common Interest with helpful tips
for litigation avoidance.”*

9. Read and understand your association governing documents;
10. Confirm that owners and tenants have a copy of the association governing documents;
11. Understand the proper meeting and board protocol;
12. Provide for Open Forums at all board and unit owner meetings;
13. Read the Connecticut Common Interest Ownership Act (“CIOA”);
14. Attend the various Community Associations Institute Connecticut Chapter seminars;
15. Keep the community informed through newsletters, status reports, web sites and web portals of the activities and projects in the community;
16. Obtain and rely upon the sage advice of association consultants and professionals (attorneys, accountants, engineers);
17. Consult with former Board members and Association Officers to obtain historical information of issues facing the current Board;
18. Follow the requirements for Notice and Comment and Notice and Hearing without deviation;

19. Provide clear and concise letters to unit owners and residents setting forth the actions of the Board in connection with particular issues and matters pertaining to individual unit owners and residents;
20. Encourage community social events to foster neighborhood and community cohesion;
21. Teach rather than preach to unit owners and residents;
22. Prepare simple budgets with explanations for each line item for all unit owners;
23. Develop effective and fair rules that all owners and residents can understand and follow;
24. Meet with owners and residents who have issues with the Board or management of a community;
25. Seek areas of agreement with dissident owners and residents wherever and whenever possible;
26. Avoid an "us" versus "them" mentality as board members;
27. Eliminate the divisions of a community by section, age, etc.;
28. Avoid at all costs, any self-interest or self-dealing by a board member;
29. Avoid any hostile, scandalous or inappropriate language in e-mails;
30. Act in as timely a manner as possible on all matters;
31. Bring more people into the governance of your community;
32. Think about the ramifications of a decision before making it;
33. Seek consensus within the Board on all matters, whenever possible;
34. Conduct self-evaluations of the Board;
35. Actively seek the opinions of owners and residents on issues facing the community;
36. Obtain both sides of a story before acting against an owner or resident;
37. Encourage owners and residents to work out their differences without seeking the intervention of the Board/Association/

[Continues on page 26.]

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MANAGER'S COLUMN...from page 25.

- Management Company;
38. Establish clear lines of communication between board members and vendors;
 39. Avoid verbal or personal confrontations between board members and owners/residents on issues;
 40. Lower the volume on discussions about issues. Seek peaceful communications;
 41. Remember to breathe. Good decision making should take place in a calm atmosphere to avoid impulsive actions;
 42. Understand the insurance claim process and the primacy of the Association Master Policy;
 43. Avoid Board decisions being made in a secretive manner;
 44. Enact an appropriate collection/foreclosure policy after Notice and Comment;
 45. Establish realistic payment plans that delinquent owners can comply with;
 46. Communicate, Communicate, Communicate;
 47. Establish good relations with neighboring properties;
 48. Comply with governmental directives;

49. Honor the obligation for confidentiality; and
50. Seek compromise when appropriate.

Conclusion

It would be presumptuous on the part of the authors of this article to assert that litigation can be avoided in all circumstances by adhering to these helpful tips. However, we firmly believe that the amount and intensity of litigation can certainly be reduced if board members do follow these suggested tips. We hope that this article will aid associations and individual board members in avoiding litigation. ■

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.

EDITOR'S NOTE: CAI-CT's Annual Legal Symposium is one of our most popular programs. There are opportunities to ask questions to the most knowledgeable legal experts in Connecticut. Mark the date: November 2, 2017.

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Timothy Wentzell, P.E.

TECHNICAL EXPLANATIONS

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

Clerk of What?

By Timothy Wentzell, P.E.

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

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

The Clerk of the Works is a valuable member of the construction team on large projects especially in the current construction climate where numerous subcontractors are often used for large projects and quality control can be problematic. While the prime contractor has an interest in maintaining quality on the project, the time that they spend ensuring that all subcontractors meet the same standards is often minimal. This is why the customer needs someone whose interest is aligned with theirs to ensure that the project is done in accordance with the project specifications, contracts, applicable codes and quality construction practices. The customer interesting enough often views this role as simply adding to the overall cost of the project, which of course it does, but hopefully it also tends to provide a comfort level to the customer that the project is progressing as planned. It needs to be understood that especially when the Clerk of the Works has a relatively limited role in the project perhaps checking on the project's progress as infrequently as once a week, many things can happen that may not be noted by either the customer or the clerk. It is also important to understand

that the ability of a Clerk of the Works to ensure a quality project is realized is frequently limited by the quality of the project specifications, as the most important task that the clerk needs to undertake is to have a clear understanding of the requirements of the specifications along with their intent in order to ensure that these standards are met. The building codes can also provide a basis for ensuring a successful



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

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

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

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George Miles, Esq.

Fair Housing and Assistance Animals

By George Miles, Esq.

Scenario: *An Association has a use restriction in its Declaration that prohibits dogs in the condominium. A unit owner sends an email to the President of the Association requesting that he be allowed to keep a dog in his unit. Attached to his email is a letter from a doctor stating that the unit owner suffers from post-traumatic stress disorder and that an emotional support animal, such as a dog, will mitigate the symptoms of his disability.*



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the request and his dog?

Answer: The law on this subject is not entirely settled but the Association can impose certain reasonable restrictions on the activities of the dog in the common elements. Restrictions that are excessive or that appear to be retaliatory, such as requiring that the dog be curbed only outside of the condominium property, are unreasonable.

Question: Does the Association need to grant this unit owner's request?

Answer: Yes. Fair housing law prohibits the Association from refusing to make a reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. In this case, the Association must accommodate the requesting unit owner and not enforce the dogs prohibition in its Declaration against the unit owner.

Question: Can the Association ask for additional information from the unit owner before granting this request?

Answer: No, not in this instance. The information the Association has is sufficient for it to determine that the unit owner is entitled to a reasonable accommodation permitting him to keep his dog as an assistance animal.

The Office of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development has advised that a "housing provider," which term includes condominium associations, "may ask persons who are seeking a reasonable accommodation for an assistance animal that provides emotional support to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides emotional support that alleviates one or more of the identified symptoms or effects of an existing disability. Such documentation is sufficient if it establishes that an individual has a disability and that the animal in question will provide some type of disability-related assistance or emotional support."

Question: If the Association grants the request, what restrictions can it place on the use of the common elements by the unit owner making

The following are some examples of reasonable restrictions:

1. The dog must be on a leash at all times in the common elements.
2. Any person walking the dog must immediately remove all feces deposited by the dog in the common elements and deposit them in a proper waste receptacle.
3. The dog must be curbed only in certain designated "dog walk" areas within the condominium property.
4. The dog must be licensed and be up-to-date on all vaccinations.
5. The dog may not bark repeatedly or behave in other manners that constitute either a nuisance or a threat to other unit owners and occupants.

If the Association would like to create restrictions such as these, it should do so by adopting them as rules, after notice and comment to all unit owners. An introduction to the new rules should mention that while dogs are not ordinarily permitted in the condominium, there may be situations in which the Association will be required to permit a resident to keep a dog as a reasonable accommodation under the fair housing statutes, in which case these rules will apply.

Question: Can the Association require the unit owner to carry insurance covering any damage or injury that may be caused by the dog?

Answer: No, the Association cannot require the unit owner to carry such insurance. The U.S. Department of Housing and Urban Development and U.S. Department of Justice have advised that housing providers may not require persons with disabilities

to pay extra fees or deposits as a condition of receiving a reasonable accommodation.

In any event, the Association has no interest that would be served by requiring the unit owner to carry insurance. If the dog causes injury or damage while on the common elements, and the Association is sued, the Association should be protected by the general liability coverage that is part of its master policy. If there is any doubt about this, the Association should contact its insurance professional. Any insurance that the owner of the dog carries will serve to protect the owner of the dog, but will not cover the Association.

Question: What notice, if any, can or should the Association give to other unit owners in the community?

Answer: The Association could say nothing, but doing so may cause other unit owners to believe that it is failing to enforce the no dogs provision in its Declaration.

A more engaged approach would be to give notice to all unit owners and tenants that the Association is permitting a unit owner to keep a dog in the condominium as a reasonable accommodation in accordance with fair housing laws. In drafting such a notice, the Association must be careful not to violate the requesting unit owner's right to confidentiality with regard to his personal and medical information.

If anyone questions a decision to grant the reasonable accommodation the Association can say that it was furnished with documentation showing that the unit owner does have a disability and that the

dog is an assistance animal that alleviates the effects of his disability. Under applicable law, the Association is required to keep the documentation and its contents confidential because it contains personal medical information. ■

George Miles, Esq. is an associate in the law firm of Perlstein & McCracken, LLC. George serves on the CAI-CT Legislative Advocacy Committee and Next Generation Committee.



Got it? Email Policy

Here is an opportunity for you to share something that you've got in your association that could be helpful to other communities. Now that our new website is humming along, we would like to expand the resources we offer to our members. We wish to establish a template library. In the past, we have shared things like generator policies, procedures for solar panel installation requests. Tell us what you've got!

We have had a few inquiries lately regarding policies about emails, e.g. for sending notices, communicating issues, etc. Please send us what you have so we can expand the knowledge base in our great chapter! **Visit www.caict.org**

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My little black book is blue...

By Adam Quenneville

Oftentimes, when a job is being performed, we need another service to complete the project. Recently, my crew was on a roof and needed a tree trimmed. As always, the first thing I turn to is the CAI membership directory booklet. These are the service providers that I can recommend with confidence. I found myself reaching for the book again to find a landscaper when we discovered wood rot during a siding replacement job. This was due to a landscape design flaw that was causing water to build up against the wall.

On a recent deck replacement estimate, I pulled out the book to recommend a handful of engineers to help insure a safe plan. Again, I was able to recommend fellow CAI members to help out.

While chatting with a frustrated board president, I looked to the membership booklet for a list of property management companies to take care of business.

Capital improvements such as roofing, siding, windows and decks, often requires financing from a bank to make it happen and reserve planning specialists come to the fore for future improvements.

The list goes on...it takes many services to keep the community living lifestyle up and running. I know that my clients are in good hands when I recommend CAI members. Their commitment to serving their clients to an extreme professional level is apparent.

Community Associations have been around since the 1800's. Over the years, CAI has grown to over 60 chapters with over 33,000 members. I am one of those proud members and will continue to turn to the membership directory booklet to better serve my customers.

In turn, I appreciate the support of fellow CAI members when there is an opportunity to bid on projects. We are a strong group with one common denominator...to improve and keep community living a great option. ■

Adam Quenneville is the Owner of Adam Quenneville Roofing & Siding, Inc.

"I know that my clients are in good hands when I recommend CAI members."



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Managing Your Green Canopy: Tree Inventory and Management Plans

By Matt Weibel



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Are you responsible for managing a community with numerous or aging trees? If so, chances are you have had to contend with unexpected tree care costs hitting your budget. Perhaps you and your residents also faced the added expense, hassle and inconvenience of dealing with an emergency situation. At worst, your association incurred a substantial loss or a lawsuit.

There is a better way.

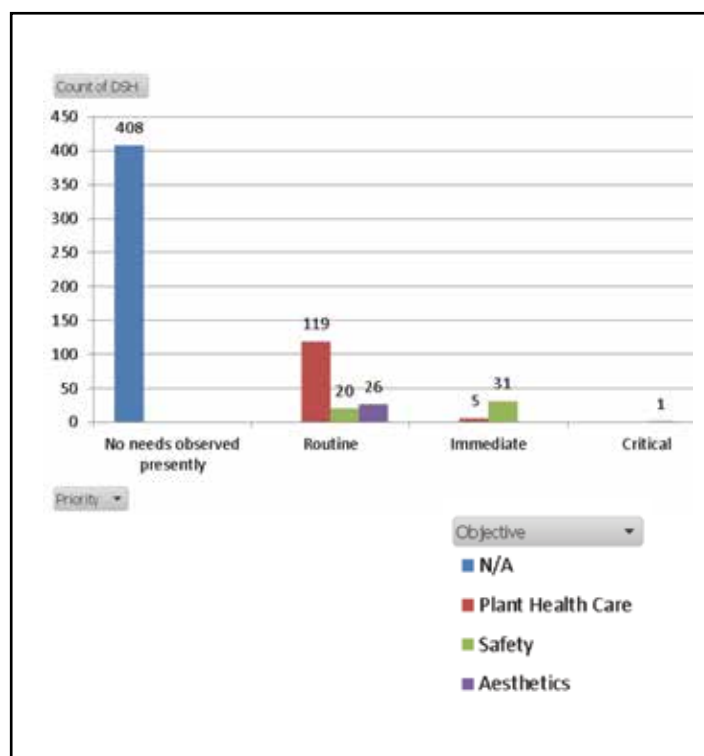
There is an efficient and cost effective way to care for your trees and keep your community attractive and safe: a tree inventory and management plan. Just as you schedule and budget for large projects - like roof replacement, for example — this process facilitates data based decision making and long range planning, which helps stabilize your budget as a result.

Don't be put off by the expense of a tree inventory and management plan since it can be tailored to any budget and can actually result in cost savings. How is that possible? For one thing, emergency services are often more expensive than routine maintenance. For another, prioritizing tree care needs also means that you are taking steps to minimize potential risk and liability. While it may not be possible to calculate the cost impact before the fact, there is great value in avoiding damage to people and property. Unfortunately, the exact amount of savings is known only too well after the fact.

How does a tree inventory work? The first step is to identify the area to be inventoried by a professional, certified arborist. In associations, common areas, open space and recreational areas are typically included and residential parcels are not. A Level 1 limited visual assessment is performed in unimproved areas such as natural areas and woods. This consists of a foot patrol conducted from wood's edge to identify open and obvious defects in trees that are capable of striking persons or property. If any are found, a Level 2 assessment is conducted and those trees are added to the inventory. Level 2 assessments consist of a 360 degree, ground-based visual inspection of tree crown, trunk, and above-ground roots in relation to targets. These are usually performed in improved areas marked by grass and mulch.

The focus of an inventory can be strictly on trees that present a potential risk. Each tree is assessed for probability of a failure impacting a specific target, denoted as: unlikely, somewhat likely, likely or very likely. Simultaneously, depending upon its location and proximity to potential targets, the consequences of the tree failing are rated as: negligent, minor, significant or severe. It is the intersection of these two variables that produces a risk rating and ultimately factors into the establishment of priorities. Below is a sample illustration of the results of a tree inventory and management plan.

Sample Results of Tree Inventory and Management Plan



It is important to note that every community has its own reasons for pursuing a tree inventory and management plan. Your plan should address these, and only these, objectives. Steer clear of template and “one size fits all” plans, since you may end up paying for more than you need. Your plan should be customized as to scope (or data points) needed to accomplish your goals. Other variables that affect pricing include size (study area), density (number and spacing of trees) and phasing of the plan. There are ways to fine tune each variable in such a way as to meet objectives while staying within any budget parameters.

Speaking of budget, there are a couple of ways to build a program within fiscal constraints. One is to identify top priorities and allocate annual budget accordingly. The flip side is to designate an annual budget amount, and services per year would be recommended in order of priority to match that dollar amount.

Case Study: Danbury Forest HOA

When we were contacted to perform a Tree Inventory and Management Plan for Danbury Forest HOA located in Springfield, Virginia, board member Cheryl McDonald explained that, “our trees are our greatest asset.” She continued, “and also our greatest liability. They are the reason why we live here, but they can also be very dangerous.”

Protecting homes and property was the number one reason the 42-year-old community located on 115 wooded acres decided to invest in a Tree Inventory and Management Plan. They realized their aging landscape was filled with undesirable and failing trees that caused



“There is an efficient and cost effective way to care for your trees and keep your community attractive and safe...”

unanticipated problems, particularly after storms. “Instead of constantly reacting, our goal was to be proactive with tree health,” Cheryl explained. “We wanted to be able to look at the whole picture so that we could quantify our future needs and be able to budget for them.”

Not only did the plan meet their objectives to maximize safety and minimize risk, the HOA came away with a framework they could use to plan and budget for tree care in a thoughtful, cost effective manner. The report recommendations are being used to extend the life of their most desirable trees. They also serve as a reference when replanting, to add diversity so the landscape is protected from devastation due to a single pest or disease. Ultimately, the plan will help the HOA keep the community in the best possible shape for current and future owners.

Trees are an often overlooked, but highly prized asset. Safeguard them and protect your community with a tree inventory and management plan. ■

Matt Weibel is a Registered Consulting Arborist and ISA Certified Arborist with The Consulting Group at SavATree. He has vast experience with Tree Inventory and Management plans and is available to answer your questions at: mweibel@savatree.com.



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Why do we need a reserve study? *OR How to avoid special assessments!*

By Paul Huijing, P.E.

What is a reserve study and why do I need one is a frequently asked question.



What are reserves and how is that related to a reserve study?

Condo associations are responsible for a list of common components defined in the governing documents. Typically these components are exterior to units. These common elements must be repaired or replaced by association funds at the end of their useful lives. The reserve fund is intended to supply the capital to pay for these repairs and replacements.

Determining contribution amounts to adequately fund the reserve account is the task of a reserve study. Performing the study involves quantifying the components that the association is responsible for and then evaluating their condition. Based on the current condition, a remaining useful component life can be estimated. Using current replacement costs and an inflation factor, a future cost for component replacement can be determined. Aggregating all component costs over the anticipated timeline of expenditure allows a financial plan to be developed. Using this plan, equitable funding of the reserve fund can be determined. A reserve study should present the inventory of elements, anticipated year of replacement, current condition, and current cost. Recommended funding plans to eliminate special assessments can then be recommended.

Why do we need a reserve study?

Condominium association trustee board members may ask why they need a reserve study. Some unit owners may also ask. Professional property managers will likely recommend a reserve study to ful-

fill their advisory role. All concerned parties should ask, but some involved may not know the importance of the question.

There are many answers to the question depending on your involvement with an association. I will highlight the following motivations for a study in this introductory article:

- Fiduciary duty
- Aesthetics and property values
- Stable and logical financial planning
- Fairness

These motivations may be viewed differently depending on the perspective of those involved:

- Board of directors
- Unit owners
- Mortgage lenders
- Prospective buyers

Board of Directors Perspective:

An association board has a legal and fiduciary duty to maintain the community in a good state of repair. Fiduciary duty is defined as the “highest standard of care.” Community property values are significantly impacted by both the level of maintenance provided as well as the amount of the regular monthly assessment charged to each owner.

A high standard of care implies a prudent, implemented plan to address long-range maintenance, repair, and replacement of common area components. Additionally, the plan should recognize that the value of each unit is affected by the amount of the regular assessment charged to each unit. Reserve budgeting is a balance. A comprehensive reserve analysis is one of the most significant elements of any association’s long-range plan and provides the critical link between sound business judgment and good fiscal planning. The reserve analysis provides a “financial blueprint” for the future of an association.

Of course, board members also share the point of view of unit owners.

Unit Owner Perspective:

Owners are typically motivated to maintain:

- Aesthetics and functionality of community
- Stable and logical financial planning
- No surprises
- Fairness
- Stable or increased property values

Sometimes these motivations compete. A fine line exists between “not enough” and “too much.” Each unit owner should contribute

to the reserve fund their proportionate amount of “depreciation” (or “use/deterioration”) of the reserve components.

For example, the anticipated useful life of an asphalt shingle roof is approximately 20 years. If Bob buys a condo when it is first constructed and lives in the unit 10 years, then he should pay for ½ the roof that will be needed about 10 years after he sells. After Jane buys the condo from Bob, she lives there 9 years and then sells the unit to Pat. Six months after Pat buys the condo, the Board seeks proposals to

replace the roofs based on visible deterioration and a competent inspection. The Board then awards the contract and has the roof replaced in the final months of Pat’s first year of ownership. If there is a sufficient balance in the reserve fund to pay for the roof, all is well. If the reserve fund is insufficient, then the money to pay for the roof will need to be raised by borrowing or

assessing all of the owners to cover the shortfall. In this case, the extra funds needed will be paid by the current owners some of whom like Pat will have lived in the association for only a short time. The prior owners will not have contributed enough to pay for the roof during

their ownership period. This fundamental unfairness is what a reserve study can help eliminate.

Through time, if each owner contributes their “fair share” into the reserve fund, then the possibility of large increases in regular assessments or unscheduled special assessments will be minimized. Appropriate reserve contributions enable the community to maintain common elements in a sustainable manner. Proper reserve funding promotes stability and allows owners to plan their financial lives logically with the comfort of knowing that special assessments are unlikely.

Helping owners understand the relationship between monthly regular assessments and the health and appearance of their community will allow them to “buy in” to the process.

Mortgage Lender Perspective:

Mortgage lenders want to promote conditions to:

- Maintain property values
- Ensure that an owner’s financial position is not negatively affected by special assessments

Federal Housing Administration (FHA) requires information about association reserves for financing

- FHA currently has strict lending program for condominiums
 - FHA is a popular loan of choice for first time condo buyers
 - FHA rules require associations to set aside at least 10% of their operating income towards their capital reserve accounts

[Continues on page 38.]

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RESERVE STUDY...from page 37.

- This 10% rule is often applied to Fannie Mae and other lenders
- Lender may review annual budget
 - If the budget is deemed insufficient then a reserve study is mandated
- Special Assessments
 - FHA views special assessments as a potential red flag
 - Indicative of association financial problems and underfunding of reserves
 - Thorough explanation of special assessment is required
 - Unsatisfactory explanations can result in a reserve study requirement or rejection of the loan application

Lenders want assurance their equity in a condominium unit is secure. Adequate reserves ensure that the community can perform needed repairs and replacements without the need for special assessments. Special assess-

ments could be unaffordable to unit owners and cause mortgage defaults. Mortgage providers want to minimize this possibility.

Potential Buyer Perspective:

Potential buyers share the concerns of both unit owners and lenders. They do not want to inherit under- or un-funded depreciation from prior owners. Fairness dictates that current and future homeowners pay only for the deterioration occurring during their ownership period.

Condo buyers are becoming more sophisticated and aware of the importance of reserves. Many realize the risk of special assessments if reserves are inadequate. Competent real estate agents will inform their buyers that condos have additional financial and legal issues to evaluate. They will describe operational items their buyers must analyze and review for a condominium purchase. Adequate reserves provide assurance to buyers.

The Ultimate Goal:

Association boards, unit owners, property managers, lenders, and prospective buyers will all benefit from a stable, financially secure condominium owners' association. Regardless of your perspective, adequate condominium reserves will ensure that the community you love will continue successfully into the future. ■

Paul Huijing, P.E. is with Advanced Reserve Solutions and is based in Wilbraham, MA.



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COMMUNICATION CORNER...from page 22.

backed mortgages within their communities. FHA's 10% number is an "easy to measure" guideline but it is not a reflection of the real Reserve Fund funding needs of the association. Only a properly prepared Reserve Study will reveal how much money needs to be contributed to the Reserve Fund annually.

As I continue to hear more and more stories of community associations in our state with underfunded Reserve Funds, I can only imagine it is a matter of time before Connecticut institutes some kind of mandatory funding of Reserve Funds for common interest realty associations. Do you want your association to be in compliance with its own governance documents and to be financially strong? For me, that is the most compelling reason of all to adequately supply the Reserve Fund. What story do you want your Reserve Fund to tell? ■

Bob Gourley is one of the founders of MyEZCondo, a communications firm that specializes in newsletter production and other communication solutions for condominium associations. Bob serves on the Publication, CAMMIEs and Website Committees and is Past President of the Board of Directors for CAI-CT.

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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 1987, 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.

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Contact: Joseph T. Rodgers, CPA
E-Mail: joe@crandg.com
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Tomasetti, Kulas & Company, P.C.
631 Farmington Avenue
Hartford, CT 06105
860-231-9088 • Fax 860-231-9410
Contact: Sam Tomasetti, CPA
E-mail: STomasetti@TomKulCo.com
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Certified Public Accountants
348 Hartford Turnpike, Suite 201
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Contact: Mark D. Alliod, CPA
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E-mail: dmajor@pilicy.com
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Contacts: Matthew N. Perlstein, Esq.
Gregory W. McCracken, Esq.
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Sandler, Hansen & Alexander, LLC
Contacts: Scott J. Sandler, Esq., CCAL
Christopher E. Hansen, Esq.
Michael S. Alexander, Esq.
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VP / Regional Account Executive
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www.mutualofomahabank.com
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CLASSIFIED SERVICES...from page 41.

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860-628-5558 • 860-378-0205 Fax
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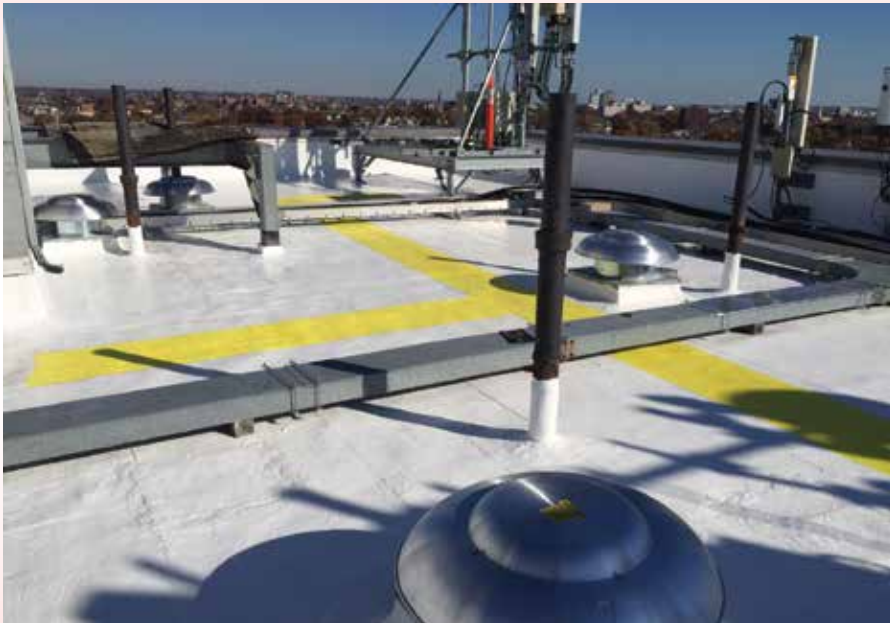


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