

Common Interest

The Official Publication of CAI-Connecticut

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Who Is CAI?

The Connecticut Chapter is one of 63 Community Associations Institute chapters worldwide. CAI-CT serves the educational, business, and networking needs of community associations throughout Connecticut. Our members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to associations. The Connecticut Chapter has over 1,200 members including nearly 150 businesses, and over 450 community associations representing 50,000 homeowners.



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

President's Message



Frank Pingelski, EBP

"I'm happy to say that we have had several members reach out to join committees and always welcome participation."

As we work our way through the planning season after what always seems to be a short summer, it's important to reflect on what we did, what went well, and what maybe didn't go quite as well. I'm proud of what the CAI-CT members and committees have put together and executed. It was great to see everyone at the spring and summer education sessions and networking events. Fall Fun provided another great forum and unique venue with plenty of wonderful energy!

In light of the recent tragedy that occurred at an Atlanta condominium, we are hosting an Active Shooter presentation in November. Unfortunately, in the world we live in today it's become an all-too-common reality. I would strongly encourage everyone reading to attend and start developing plans with how to manage a similar situation. It's an uncomfortable thought that we could find ourselves in a similar situation, but not being prepared will only make the result more catastrophic.

I'm happy to say that we have had several members reach out to join committees and always welcome participation. Different backgrounds and perspectives only help to keep what we do relevant and useful. As always, we welcome more fresh faces!

With everything going on around us, throughout the good days and the not so good ones, I hope each and every one of you reading this pause and take a minute to look around at the beauty of the area we live in and the difference we are making. ■



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From the Chapter Executive Director

**"Those who think they know it all
have no way of finding out they don't."**

~ Leo Buscaglia



Kim McClain

Courtesy CAI-CT

It is truly remarkable how often we get phone calls from frantic unit owners or frustrated association board members who are typically quite worked up about something the board is or is not doing. Frequently, their instincts – and the law – confirm they are correct in having concerns. The issues they express usually deal with items such as: improper notice/hearing for a fine; unwillingness to share contact information for other unit owners; refusal to allow inspection of financial documents and so on. Yet, when asked if board members have received any training – our Condo Inc. program in particular -99% of the time the answer is “no.” So, one cannot help but wonder, how and why do people decide to serve on an association board without any training in the many facets of association operations? Would they not feel more confident in their deliberations? Would unit owners be reassured that their board is well-equipped with the necessary knowledge about the operations of an association?

Throughout the year, Condo Inc. is offered in a variety of formats: live-in person one-day programs; live webinars and an on-demand webinar that can be accessed 24/7. We've made it as convenient as possible to attend this very important program. Next time you are at a board meeting, I urge you to ask the question to the members: How many of you have attended the Condo Inc. program for board members? If not, why not? Information about Condo Inc. and of our other excellent education programs can be found at: www.caict.org.

We are truly grateful for all of our wonderful 1,235 CAI-CT members! We are a small state, but we have a mighty large chapter thanks to all of you. It's time for us to put together our Annual Member Directory. Be on the lookout for a notice from Ellen Felix requesting verification of your current information. And if you are not yet a member, we don't want you to be left out! Join today! ■



Some unique Connecticut Fall scenery.

CALLING ALL PICKLEBALL PLAYERS!

Yes, CAI-CT wants to get in on one of the most popular sports in the country. We will have access to the Pickleball courts at The Farms, the site of our Annual Golf Tournament, and we really want to get some action going there. So, come on Picklers (You know who you are!), stay out of the kitchen and join our Pickleball Planning Committee. Contact: kim@caict.org.



Andrea Kessler/Stock/Getty Images Plus

People in the News...

Rebecca Sandler, Esq., is joining Sandler & Hansen, LLC, as a partner. Rebecca will be chairing their collection and foreclosure practice.

Rebecca is a graduate of Quinnipiac University School of Law. For the past 17 years, Rebecca has served as in-house counsel for Stanley Black & Decker. As corporate counsel, Rebecca focused on procurement contracts, corporate secretarial work, and SEC matters, which included drafting the comprehensive proxy statement in advance of the company's annual meetings of the shareholders. Prior to her in house counsel position, Rebecca's practice focused on real estate law. She represented clients in real estate transactions and performed title searches in towns all across Connecticut.

Welcome Rebecca! ■



UPCOMING CAI-CT EVENTS

CHAT & CHEW with *Common Interest Author*

Hosted on ZOOM

Wednesday, November 30 • Education from 12:00 - 1:00 pm

Ask Your Questions to your favorite authors! This month's featured speaker will be Scott J. Sandler, Esq., CCAL, *Sandler Hansen, LLC*

Free for CAI Members, \$25 - Non-Members

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Jumpstart January (WEBINAR)

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Statutory Snippet...

Community Association Manager Licensing Requirements

Public Act 2019-177, section 12 and sections 19-27 has now had regulations promulgated by the Department of Consumer Protection. inclusive PR2022-013. This proposed regulation implements Public Act 09-177. The regulation creates a community association manager trainee registration and implements continuing education requirements for community association managers. ■

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Legally Speaking...



Adam Cohen, Esq.

Things That Don't Exist

By Adam J. Cohen, Esq.

Halloween is fun because monsters, while scary, don't really exist. It's a good time of year to remind association boards of a few other things that don't exist – legally, anyway.

"Informal" Board Meetings

For example, there is no such thing as an "informal" board meeting. I routinely hear about boards getting together to talk about some hot topic or to prepare for an upcoming "real" meeting. They characterize it as an "informal" meeting that the owners don't need to know about. They're making a mistake. Any time the board members meet to discuss things related to the association, they are conducting a meeting and must follow the legal notice requirements – usually five days in writing to all unit owners. Even if the only issue the board wants to discuss is a proper basis for an executive session, the board must still notify the community that it will happen, and start and end the meeting as an "open" session.

The Common Interest Ownership Act doesn't define "meeting," but Connecticut's courts have held under the similarly-worded law for governmental organizations that when enough members join to constitute a quorum (typically, a majority of the directors), that's a meeting. Although the law says that having board members together without discussing association business is not a meeting, it also says "incidental or social gatherings" can't be used to evade the notice requirements when they do.

So how can boards operate between "formal" meetings? Committees and subsets of board members (fewer than a quorum) need not issue meeting notices if they are not authorized to act on the association's behalf. Groups like these can be given advisory roles and report back to the board with findings and recommendations. Boards can also legally take action by unanimous or two-thirds consent (depending on what the bylaws say), often by email in lieu of a meeting followed by written notice to the owners afterward.

Executive Session Votes

Relatedly, there is no such thing as a board vote in executive session. State law allows association boards to temporarily excuse themselves from (or ask the owners to leave) a properly-noticed meeting to discuss certain sensitive issues, but only to talk. Voting on anything can only take place after the board members are again in the unit owners' presence.



istockphoto/Stock/Getty Images Plus

Remember that the discussion can only be limited to specified topics such as pending litigation, attorney-client conversations, contract negotiations, personnel issues, and certain privacy concerns. Again, boards are generally allowed to proceed without open-meeting votes, such as by email, as long as all or two-thirds of them agree and all unit owners are notified of the vote outcome promptly afterward in writing.

Perfectly Following Robert's Rules

You may consider yourself a parliamentarian, but perfectly following Robert's Rules of Order simply does not exist. Everyone knows that you should call the meeting to order, follow the agenda, and vote on motions after a second. But do you always call the presiding officer "Mr. President" or "Madam President" and never by name? Does anyone ever speak while seated? Always offer a committee report in writing with a verbal summary while standing? Do you read aloud every word of the minutes from the last meeting? Have you ever paused discussion on a motion to resolve an unrelated minor issue without first voting on a "motion to lay on the table"?

All of these are technical violations, as are hundreds of other niceties that are never really done in association meetings. Robert's Rules are as thick as a phone book and can be very difficult to understand, much less perfectly obey during a busy meeting. Although the Common Interest Ownership Act (CIOA) generally requires associations to follow Robert's Rules, it provides three safe harbors. First, the declaration or bylaws can provide otherwise, which can include adopting a

[Continues on page 9.]

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LEGALLY SPEAKING...from page 7.

bylaw that says Robert's Rules need not be strictly followed. Second, the rules can be suspended during any particular meeting by two-thirds vote. And finally, the law says that any action taken that violates Robert's Rules remains intact unless a court overturns it, so meetings can be presumed valid until someone successfully sues over it.

In Good Standing

Many older association bylaws refer to "members in good standing," which they may define as unit owners without any outstanding common charges or fines. These older bylaws will often say that only owners who are in good standing can vote, serve on the board, or even speak at meetings.

As of the 2010 amendments to the Common Interest Ownership Act, an association cannot use nonpayment as grounds to deny a unit owner access to his own unit or its limited common elements, suspend his right to vote or participate in meetings, declare him ineligible to run for or remain an officer or director, or withhold any services which could endanger anyone's health, safety or property. With only a few exceptions, "in good standing" language in older bylaws is legally unenforceable today.

Fines Before a Hearing

Just sending a unit owner a letter that says he's been fined for a rule violation is "not a thing." Even if the letter says the owner can request a board hearing or submit an appeal, state law prohibits imposing a monetary fine until "after notice and an opportunity to be heard." "After" means that the hearing, not the fine, happens first. The board should notify the owner in writing that a hearing has been scheduled due to an apparent violation, summarize or quote the rules at issue, explain that the owner is invited to speak and to bring any evidence, witnesses, and representatives they choose, and list the possible outcomes such as fines, litigation, or suspension of nonessential privileges. The board should only vote to impose the fines after listening to the owner's side of the story. If the owner chooses not to attend, the hearing and vote can proceed without them.

Fiduciary Duties of Elected Directors


Contrary to popular belief, association board members have no "fiduciary" duties. The law says that fiduciary relationships have a "unique degree of trust and confidence between the parties, one of whom has superior knowledge, skill or expertise." Examples are executors, administrators, conservators, guardians, and trustees. The Common Interest Ownership Act says that board members only owe fiduciary duties if they were appointed by the declarant (that is, the original developer) – since the power dynamic over the association's construction, finances, and affairs is so lopsided. But when the owners elect a board from amongst themselves, its members owe "the degree of care and loyalty to the association required of an officer or director of a corporation." The law calls this "ordinary care," and it means "(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 [the director] reasonably believes to be in the best interests of the corporation."

The difference between these two standards is very significant. A fiduciary bears the burden to prove everything he does is loyal and up

to his professional standard – a literal presumption of guilt until proven innocent. But an owner-elected board member need only prove that he tried to do the right thing and did as good a job as an ordinary person would. A court will not hold the director liable for making a mistake as long as it was an honest one. Board members should not refer to themselves as having imaginary "fiduciary duties" since that's a standard far higher than they thought they were volunteering for. ■

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

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FinanciallySpeaking...



Daniel Levine, CPA

Bank Reconciliation Basics

By Daniel Levine, MBA, CPA

Many of our articles written for CAI-CT have focused on some of the more complicated accounting issues that an association will face. However, to be able to handle these challenges a strong foundation in accounting basics is helpful.

This article will focus on a core procedure in accounting: the bank reconciliation.

What is a Bank Reconciliation?

A bank reconciliation is typically a monthly procedure that is done to double check the accounting system entries that have been done in the previous month. The reconciliation compares what has been entered into the accounting system against the detail presented by the bank in its statement.

There could be items in the bank statement that aren't in the accounting system or vice versa. A bank reconciliation will typically result in a report which highlights these differences for decision making as well as potentially report on the items that matched between the two documents.

How is a Bank Reconciliation Done?

Most accounting systems offer an interface or module that allows for the bank reconciliation to be done within the software versus a manual process, but a reconciliation can still be done manually if necessary. The software module will typically list all deposits and disbursements that have not yet been reconciled to a bank transaction that are listed in the accounting system. The individual handling the bank reconciliation will then typically check off the transactions that are in the system that can also be found as being processed by the bank in order to reconcile.

The system will then annotate these transactions have been reconciled and when completed the system will generate the bank reconciliation report. In future reconciliations, anything that has already been reconciled will not appear as those transactions have been taken care of in a previous reconciliation.

What to use a Bank Reconciliation for?

A bank reconciliation is an important control for an association. Reconciling to the bank account will allow the association to record any transactions that may have happened without the association knowing or perhaps recording. For example, a bank fee or an auto payment of a loan which could be items that may happen outside of the association's formal invoice process and therefore not be included in the cash ledger.



"A bank reconciliation is an important control for an association."

A bank reconciliation will also highlight activity that the association has recorded but the bank hasn't processed yet. For example, if a check was printed and mailed the last day of the month, it most likely has yet to have been processed by the bank and will therefore be identified as an outstanding item in the reconciliation.

Outstanding items are important to identify because they may require additional follow up and work to correct. If a check payment remains outstanding for two consecutive months, it may have been lost in the mail and the association's bookkeeper may need to follow up to find out why it hasn't been cashed or perhaps reissue a new check. Alternatively, if the association has recorded a deposit which hasn't cleared, this is a cash receipt which an association will want to timely investigate to make sure all money the association is due to receive has been deposited.

A bank reconciliation is also a helpful tool in planning for cash flow. When looking at an association's finances it is important to look at the association's accounts and understand that the current bank balance will change if there are items yet to clear the account. If the association begins its cash flow planning process with the bank balance, they may under or over state their cash starting point which will lead to an incorrect model.

[Continues on page 12.]



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FINANCIALLY SPEAKING...from page 10.

Challenges in the Bank Reconciliation Process

The biggest challenge to the bank reconciliation process will be making sure it happens timely and for all cash accounts. This industry is unique in that many times an association will be professionally managed, and the accounting function is outsourced. However, there are times when a board will set up and maintain

"An association should make sure all cash accounts have a bank reconciliation, including any that the board controls."

control of certain association accounts despite the professional management. This can lead to a time delay where some statements aren't received or are received late by the management company. This causes a delay in the reconciliation and the benefits the procedure provides.

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This can be complicated in the event there is a switch in management companies. Accounts that currently exist may be closed out and new accounts opened. With changes in mailing addresses, completing this procedure can become complicated if statements aren't received in a timely manner or at all.

An association should make sure all cash accounts have a bank reconciliation, including any that the board controls. As stated earlier if activity is happening that is not being recorded, this can lead to mis-statements and as cash management is one of the most critical aspects of running an association this can lead to issues if the board is operating off incomplete information.

Conclusion

A common and routine practice, a bank reconciliation is an important control for an association to follow. It allows for an association to ensure it has recorded all its activity and to track and manage any discrepancies. It allows for accurate cash flow management and provides a consistent check on the cash position of an association as a whole. An association should review its policies and ensure that it is able to conduct this procedure monthly on all cash accounts. ■

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 programs and can be found presenting accounting best practices at these events throughout the year. Dan is also a member of our At Large Legislative Advocacy Committee and serves on the CAI-CT Board of Directors.

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Fall Fun was Phenomenal

We were fortunate to have delightful weather this year which made for a lovely evening on the bucolic farm property at Hops on the Hill. And our attendance was back to pre-pandemic levels. Yay!

Our speakers did an excellent job in offering many strategies and issues to consider when dealing with inflation and budgeting. There was plenty of audience participation.

We were thrilled to bring back our mini-Vendor Fair again this year. The vendor area in the brewery was buzzing with conversation all evening.

A safe, but fun, axe throwing game was added this year. It will be back. So don't be afraid to try it out the next time it appears!

Thanks to Karl Kuegler, Jr. and his amazing pizza crew for making the best pizza! (Super yummy!!) People were a bit skeptical when they saw the pizza being skillfully cooked in the trash cans adeptly designed by Karl himself, but once they tasted the amazing culinary creations, they were impressed.

Our terrific Fall Fun Committee did a fantastic job of making all of the fun come together! We are extremely thankful for all their support!

Fall Fun Committee

Licia Ciotti — *United Property Restoration Services* — Chair

Doug Miller — *Schernecker Property Services, Inc.*

Andrea Dunn, Esq. — *Bender, Anderson & Barba, P.C.*

Patrick Gallagher — *Bouvier Insurance*

Theresa Fumo — *Imagineers, LLC*

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Thank you to the wonderful volunteer pizza purveyors:

Karl Kuegler, Jr., CMCA, AMS, PCAM — *Imagineers, LLC*

Paul Felix

Chris Floyd — *Imagineers, LLC*

Lynn Jackson, CMCA, AMS, PCAM

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



(above) Scott J. Sandler, Esq., CCAL - Sandler & Hansen, LLC; Andrea Dunn, Esq.- Bender, Anderson & Barba, PC and Dave Pilon, CIRMS - Bouvier Insurance field questions with the help of Licia Ciotti - United Property Restoration Services.



(above) Chris Floyd - Imagineers, LLC & Chas Ryan, Esq. - Pilicy & Ryan, PC

(below) Doug Miller - Schernecker Property Services, Inc. & Chas Ryan, Esq. - Pilicy & Ryan, PC



(below) Ben Whittmore & John Russo - Pro-Klean Cleaning & Restoration Services



Jamie Kay Redden - Alliance Association Bank



(above) Roy Hamilton - BELFOR Property Restoration & Jake Bongiovanni - SAVaTree/SAVaLawn



(above) Melissa Yocum & Matthew Casey, RS - Reserve Advisors, LLC



Chas Ryan, Esq. - making the pies!



(below) Donna Rathbun, CMCA - Imagineers, LLC - serving a slice to Patty Puglia, CMCA & Rosa Hill - CSM Property Management



More pics on the next page...

Fall Fun, continued from the previous page.



(left) Greg McCracken, Esq. -
Jacobs, Walker, Rice & Barry,
LLC and Donna Rathbun, CMCA



(above) Bev LaBombard, Rebecca Sandler, Esq.
and Scott J. Sandler, Esq., CCAL - Sandler &
Hansen, LLC



(left) Chas Ryan, Esq. -
Pilicy & Ryan, PC

(right) Lon Brotman, PCAM -
Westford Real Estate
Management, LLC



Karl Kuegler, Jr., CMCA, AMS, PCAM -
Imagineers, LLC



(above) Sherri Kellner, CMCA; Suzanne Berry, CMCA; Helen Failla; Bob Burrows, PCAM and
Michael McGarry - Imagineers, LLC

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Doug Newman, CMCA

Community Association Transition Standards and Best Practices

By Doug Newman, CMCA

CAI-CT hosts a quarterly, CEO Community Association Manager (CAM) Council discussion. The attendees are limited to CEOs, or the senior management, of community association management companies or property management companies (PMCs). This no agenda video-conference meeting is a very open, casual forum for the PMC CEOs to discuss the industry's hot topics de jour; e.g. how to conduct meetings and votes electronically, what to do about EV charging stations, budgets and inflation, insurance, etc.

In March of this year, one topic raised and discussed with some passion, was the transitioning of a client association from one PMC to another. When a PMC and a community association begin a new partnership they expect the relationship to last many years, neither party is focused on the day when they will need to transition to a new PMC, but that day will inevitably come for a plethora of possible reasons. The PMC owner may be retiring or selling the business, the board and the direction have changed, the scope of work or needs of the association may have changed, etc. There will come a time when the management of the association will need to transition from one PMC to another. As the discussion continued, many felt that a standard set of procedures, or a checklist, should be developed and followed by all to professionally transition an association's files and records from one PMC to another. To that end, the Manager Transition Standards Committee was formed. The committee first met in April and has met monthly since.

I was fortunate enough to participate with the Manager Transition Standards Committee along with the following individuals: Jean Dobbin, Dobbin Management, Inc., Gary Knauf, County Management Services, LLC, Cathy Luciano, Connecticut Condo Connection, Jaspur Liberman, On The Mark Management, LLC and Jessica Luginbuhl, Westford Real Estate Management, LLC. Special thanks to Jean Dobbin who chaired the committee.

The committee members each initially provided a list of transition items to Jean who then aggregated the list of the most essential transition items that addresses the very large majority of the items necessary for all properties. The aggregated list will not fit all communities 100% perfectly. For example, some communities may have a pool, elevators or keys/key codes while others do not, but all of these items are on the transition checklist. Other items like accounting records, EIN number, utility accounts, etc. will be standard across all communities. The important part was to get all the essential items assembled. The transi-

"...many felt that a standard set of procedures, or a checklist, should be developed and followed by all

to professionally transition an association's files and records from one PMC to another."



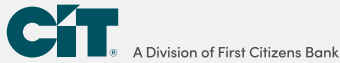
tion guideline list of some 80+/- items which are then further refined and organized into a color-coded timeline. The committee will be presenting this draft to the CEO CAM Council for their review and subsequent adoption by all to adhere to these best practice standards.

Once "approved" by the CEO CAM Council, CAI-CT will then promote the effort and provide the transition checklist to all CAI-CT PMC's asking them to formally adopt these protocols as a best practice for their company. CAI-CT will then annually post a listing of the PMC's who agree to adhere to the transition protocols and in essence, "agree to play nicely in the sandbox". The concept is to develop a Code of Conduct Agreement for participating PMC's to sign and this document would be posted on the CAI-CT website.

One fundamental principle that was mentioned a number of times is that while the association's files and records are maintained by the PMC as custodian, they belong to the association, not the management company. That said, if all PMC's agree to a set of standards and protocols to maintain client association records, then transitioning from one company to the next will be smooth for all parties, most importantly the client association's board of directors, unit owners and its vendors and contractors.

The Manager Transition Standards Committee and I hope all Community Association Management Companies will agree to adopt these best practices for the betterment of all concerned parties and our industry. ■

Doug Newman, CMCA is President CPE Property Management Solutions. He is a member of the Community Association Managers' CEO Council.



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Manager's Column...



Rich Wechter, CMCA

Being Practical, Part LXXXI

Avoiding a Rush to Judgment

By Rich Wechter, CMCA

In this column, I tackle various topics of interest with the intent of imparting practical advice. In this issue's column, I offer some comments on a disturbing trend found not only in general, but particularly prevalent in community associations: the rush to judgment.

A. Setting the Table on this Topic

In this age of low patience, low tolerance for disagreement, and most importantly, almost non-existent personal communication. In this age of so-called "alternative facts", we have become a society of impatient and intolerant individuals who have made it so easy to reach judgments without thought, reason and due deliberation.

The author Dodinsky, in his best seller, *In the Garden of Thoughts*, wrote: "It is better to try to form a learned opinion than to dispense an ill-conceived one and rush to the judgment of others," The essayist Tim Kreider wrote: "One reason we rush so quickly to the vulgar satisfaction of judgment, and love to revel in our righteous outrage, is that it spares us from the impotent pain of empathy, and the harder, messier work of understanding." In the world of community associations, boards and property managers are faced almost daily with accusations from unit owners and residents against other unit owners and residents, contractors, board members and members of the property management team servicing the respective community. The volume of such matters can, in many cases, cause anyone to rush to judgment without gaining an understanding of the true facts of any one matter. As one of my former colleagues many years ago said after a fellow Assistant District Attorney displayed an over-the-top reaction to a conviction after a criminal trial, our job is to seek and secure justice, and not the personal glory of obtaining the conviction itself. It is the deliberate and reasoned conclusion reached upon receiving a complaint that matters, not the easy and convenient response.

B. Matters that Generate a Rush to Judgment

I offer just a few examples of matters that result in a rush to judgment:

1. Noise complaints. I cannot even begin to note how many times we receive noise complaints that are without any reasonable basis and in some cases, have been offered for vindictive purposes.
2. Parking complaints. Residents are quick to announce claimed violations without any effort to read and understand the association rules. Property managers spend more time dealing with such complaints than there are hours in a day.



kokou/E+/Getty Images Plus

"One reason we rush so quickly to the vulgar satisfaction of judgment, and love to revel in our righteous outrage, is that it spares us from the impotent pain of empathy..."

3. Contractor complaints. For some residents and board members, anything that goes wrong is the fault of the contractor. Acts of God and nature do occur, and it is unfair to pin such acts on a contractor.
4. Unit account complaints. How many times do we hear from unit owners that their account is wrong, and they do not owe their association any claimed arrears.

C. How Does the Rush to Judgment Manifest Itself

The rush to judgment manifests itself in a number of ways. The following is just a handful of such demonstrations of this:

1. A Board directing that a unit owner be fined without the required Notice and Hearing. Examples of this include noise complaints, parking complaints and damage complaints made without any investigation.
2. A Board or the complainant demanding that the subject of the complaint be notified of their transgression immediately without any investigation or deliberation.

[Continues on page 26.]



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Melissa Yocum

TECHNICAL EXPLANATIONS:

Reserve Studies – *Does Your Condo/HOA Need One?*

By Melissa Yocum

As awareness regarding reserve studies continues to grow, many associations that have not yet commissioned one are asking themselves, “do we need one?” While this question is easy to answer in states such as Florida and Maryland which recently put into place legislation requiring reserve studies, in states without a legal requirement, the question remains.

While reserve studies may not be legally required in most states, the fact of the matter is that commissioning a reserve study is best practice for any HOA or condominium association. Because of the complicated nature of maintaining a community both physically and financially, and the consequences that stem from deferring maintenance or reserve funding, the benefits of reserve studies are indisputable.

One of the primary responsibilities of the board of directors is to protect, maintain, and enhance the assets of the community association they serve. To accomplish this objective, associations must develop multi-year plans that help them understand their long-term budget needs and, at the same time, anticipate and responsibly prepare for the timely repair and replacement of common area components such as roofs, roads, mechanical equipment, and other portions of the community’s common elements.

In most cases, these tasks are not able to be accurately achieved without professional guidance. Reserve studies lay out a comprehensive, 30-year plan that does just that. By inspecting each common element and determining useful lives and remaining useful lives, your reserve study consultant is able to determine when components will need repair or replacement, and in which order these projects should take place.

Of course, these projects are often a significant financial undertaking. Acting primarily as a capital planning tool, reserve studies allow associations to gain an understanding of both their current and ideal future reserve fund needs. Along with the physical inspection, reserve study professionals dive into the current financial status of your association’s reserve funds, and using the data collected during the physical inspection, determine how the association should go about funding reserves and projects in the future.

With a firm understanding of current supply chain and market conditions and the ability to determine how much each capital project will approximately cost, this information is used to lay out a 30-year capital plan for both expenditures and reserve fund savings, both of which take inflation into account.

If an association is not currently adequately funded, a reserve study will act as a detailed blueprint for the association to follow which allows for funding levels to reach the point where necessary maintenance



Ken Wiedemann/Stock/Getty Images Plus

“Property managers come and go, board members frequently change, and an existing reserve study is there to help new decision-makers understand the logic or reasoning behind earlier choices.”

does not have to be deferred and/or additional assessments are minimized. This ensures that the community’s value does not depreciate, as well as the overall safety of the community and its residents.

However, whatever the current financial or physical status of a community may be, a reserve study provides endless benefits. Without a reserve study on hand, an Association is flying blind into its future. To set its course, the Association has a responsibility to hire an independent reserve study company to produce a well-documented plan that benefits current and future boards.

Property managers come and go, board members frequently change, and an existing reserve study is there to help new decision-makers understand the logic or reasoning behind earlier choices. A professional reserve study company will be available to discuss its work, the methodology used, and considerations that went into the study years after it was conducted. Additionally, reserve study specialists can support Community Association boards by providing periodic updates to the original reserve study, ensuring the association remains on track.

So the answer to this question is, put simply, yes. Community Associations of any type will find that a reserve study strengthens the community’s current and future physical and financial health. Running a community is hard work, but you never have to go it alone. ■

Melissa Yocum is a Senior Account Manager with Reserve Advisors.



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ENVIRONMENTAL TIP

Save Money: Install timers and motion-detected lights in low-traffic areas

Do lights get left on when no one is in the room, wasting energy? You can solve that problem and automate your light usage by installing timers or motion-detected lights in your home. Adding motion detectors in “low-traffic” areas is a relatively effortless energy-conserving solution that could cut your overall light usage. Similarly, installing timers in outdoor and living spaces, as well as on your home appliances, can result in significant savings on your electric, heating, and cooling bills throughout the year.



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Beautification of Pet Waste Station Areas: *A Simple Way to Increase Usage*

When it comes to keeping wayward pet waste from littering the grounds of your community, pet waste stations are an effective tool appreciated by the entire community. Consisting of a bag dispenser and a waste receptacle attached to a post, pet waste stations work because they make it easy for dog owners to do the right thing and pick up after their pet.

While pet waste stations go a long way towards curbing community pet waste issues, there will still be some residents who fail to pick up after their dog. In these cases, a little encouragement can make a big difference. One simple method for increasing station usage is beautification of the pet waste station areas.

The first factor to consider when thinking about how to improve the aesthetics of pet waste station areas is location. In particular, the ideal placement for pet waste stations is slightly offset from the curb or sidewalk. This could be anywhere from a couple feet, up to several, depending on preference. The primary reason for offsetting stations is to provide a small berth for passersby to continue along the path while you and your dog visit the station for bag pickup or drop off. Dogs may be man's best friend, but some neighbors may not be comfortable around them. A small buffer zone helps to ensure everyone's personal space is respected.

With the pet waste station offset from the sidewalk, the next item to consider is a pathway from sidewalk to station. Without any type of walkway in place, the grass along this short path will quickly deteriorate and become a muddy rut every time rain begins to fall. Convenience is key with pet waste stations and most dog owners will not trudge through the mud, however short the distance, to utilize the station in poor weather conditions. To solve this problem, consider extending the sidewalk, adding a stone walkway or even simply filling the area in with small river rocks.

Once a pathway has been set, it's time to think about beautifying the area surrounding your pet waste station with shrubs and/or flowerbeds. There is no need to attempt recreating the gardens of



SiberianArt/Stock/Getty Images Plus

“One simple method for increasing station usage is beautification of the pet waste station areas.”

Versailles here, but a little effort and a few low-maintenance flowers can really spruce things up.

The benefits of improving the aesthetics of your pet waste station areas are twofold: first, it increases station usage, which decreases pet waste issues; second, it sets an example and communicates to both pet owners and non-pet owning residents alike a commitment to keeping your community clean and beautiful. When residents see the community making an effort to improve communal spaces, they become far more likely to pitch in and support the cause.

Has your community installed pet waste stations only to find that doggie deposits still end up left on the ground? Try a little beatification. ■

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MANAGER'S COLUMN...from page 20.

3. A Board or complainant directing that a contractor be held responsible for work and the cost of same on a matter that has not been determined to be the responsibility of the contractor. Examples of this include, but are not limited to, the flat tire that is attributed to a contractor without any basis and the failure of a component of the association that is tended to by that contractor even though there has been no link to that contractor for that failure.

D. How To Slow Down the Rush to Judgment

I offer a few tips on how to slow down the rush to judgment.

1. Remind the Board and the complainant that everyone is entitled to their day "in court". The complainant and every member of the Board could find themselves on the other side of the subject matter.
2. As the property manager, take control of the situation and conduct a proper investigation of the matter. I know that the telephone is an outdated form of communication. However, the personal touch really works and more effectively, sheds light on a subject. Avoid texting which is too stiff a vehicle for a meaningful communication with anyone.
3. Encourage communication between the complainant and the targeted unit owner/resident. Talking actually works.
4. Establish a written protocol for dealing with complaints and accusations. This will hopefully reign in headstrong board members who want to convict a fellow unit owner/resident without any thought or investigation.

E. Conclusion

It goes without saying that investigation and deliberation are not always easy. It can take a lot of time and effort to do so, precious commodities in this era of speed and haste. Yet such investigation and deliberation, in an effort to avoid a rush to judgment is just what the doctor ordered. Every one of us deserves such consideration, even those that are ultimately found to be guilty of some transgression. I hope that this article will aid in the noble effort of avoiding a rush to judgment.

Rich Wechter, CMCA is Senior Vice President at Westford Real Estate Management, LLC. Rich serves as a LAC Delegate and a member of the Legal Symposium Task Force.

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Bedbugs and Cockroaches at the Condo

D.F. from Hartford County, Connecticut writes:

Dear Mister Condo,

Bedbugs and cockroaches have become a problem. Is there any standard on who is responsible for paying for elimination of these pests? We have Board Members who say, "you brought them in, you get rid of them." We do not live in a high rise, but individual units are attached to each other.

Mister Condo replies:

D.F., I am sorry that you are living with unwanted pests in your condominium. While I don't think the Board needs to comment on how the vermin got into the building, they are likely correct in that the extermination is up to the individual unit owners. I am not aware of any standard that would make the association responsible for such extermination. I will say that it might make sense for the unit owners to work together, especially those side-by-side where infestation has occurred. Even the smallest gap between buildings can allow the vermin to move from one unit to the next. Speak with an extermination company and see what they have to say on the matter. If their recommendation is to treat the entire condominium (all units), the Board might reconsider simply handling the task and assigning the costs to the individual units. All the best!

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Education & Networking Sponsorships

Weds., January 11 - Jump Start – Zoom (12:30 – 2:30 pm) 2 CEUs

- ☐ \$250 Event Sponsor – Logo Acknowledgement on Emails & Registration, 2 minute Infomercial.

Saturdays, January 28, February 4, February 11 - Condo Inc. – Zoom 3 Session Series (9:00 – 11:00 am) 2 CEUs

- ☐ \$250 Logo Acknowledgement on Emails & Registration, 2 minute infomercial at 1 session.

Weds., April 26 - Spring Fling – Charter Oak, Danbury (Education 3– 5 pm/Networking 5 – 7 pm) 2 CEUs

- ☐ \$350 – Event Brewery Banner, 3 company representatives + company banner
- ☐ \$250 – Tap Room Banner - 2 company representatives + company banner
- ☐ \$250 – Hops Axe Sponsor - 2 company representatives + company banner
- ☐ \$250 – Barley Cornhole Sponsor - 2 company representatives + company banner
- ☐ \$250 – Small Bits Refreshment Sponsor - 2 company representatives + company banner

Sat., April 29 - Condo Inc. - (8:30 am – 2:30 pm)

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

Weds., May 10 - Empowering Women – Hawk Ridge, Watertown (Education 3– 5 pm/Networking 5 – 7 pm) 2 CEUs

- ☐ \$500 – 3 company representatives + company banner

Weds., June 14 - Paradise – Shorehaven – Norwalk (Education 3– 5 pm/Networking 5 – 7 pm) 2 CEUs

- ☐ \$500 – Quick Talk Table – table for display - 2 company representatives + company banner
- ☐ \$250 – Banner Sponsor - 1 company representative + company banner

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

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

Weds., September 27 - Fall Fun – Hops on the Hill, S. Glastonbury (Education 3– 5 pm/Networking 5 – 7 pm) 2 CEUs

- ☐ \$500 – Brewery Exhibitor – 2 company representatives + company banner + table for display
- ☐ \$350 – Axe Sponsor - 2 company representatives + company banner
- ☐ \$250 – Refreshment Sponsor - 1 company representative + company banner

Sat., October 7 - Condo Inc. (8:30 am – 2:30 pm)

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

Thurs., October 26 - Legal Symposium – Zoom events (12:30 – 5:15 pm) 4 CEUs

- ☐ \$750 – Event Sponsor – Logo Acknowledgement on Magazine Cover Issue 6, Emails & Registration, 2 minute Infomercial, Conversation Corner with logo, 3 company representatives
- ☐ \$600 – Speaker Sponsor
- ☐ \$250 – Conversation Corner with logo – 30 minute networking, 1 company representative

Premier Events – Visit www.caict.org for more information

- **Sat., March 18 – Conference & Expo**
- **Tues., June 20 – Golf Tournament & Pickle Ball Tournament**



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[Continues on page 30.]

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For the People, By the Homeowners

Community associations have a lot in common with municipal governments. As members of a governing body, board members meet regularly to discuss and vote on important community issues, like paying the association's bills, funding reserves and contracting with vendors to keep community amenities in good repair. The board makes decisions about these and other important topics using a democratic process.

Also like a government, an association board has the legal authority to enforce rules and regulations—somewhat like laws—and to collect assessments, like a government collects taxes, to pay to maintain shared amenities like parking lots, general landscaping and streetlights, and to pay the association's bills.

Associations also have the authority to take legal action, if necessary, if a homeowner fails to meet his or her obligations that were agreed to when a unit was purchased in a community. These obligations include paying regular assessments on time, abiding by architectural or design policies, and observing community rules.



vkyryi/istock/Getty Images Plus

Board Responsibility

A community is more than just a neighborhood. In many ways, it's a lot like a business. Collectively, regular annual assessments amount to tens of thousands of dollars that need to be budgeted carefully and spent wisely. And it is your neighbors who have volunteered and been elected to serve on an association's board who are responsible for making critical decisions—on the community's behalf—about managing the community and its money.

The board also develops long-range plans—like when the parking lot will need to be repaved and when the roofs will need to be replaced—about the parts of the community that are shared property. The board must set aside funds so that these kinds of projects can be accomplished on schedule or even ahead of schedule in the event there's an unexpected breakdown.

The board also sends out requests for bids and contracts with vendors to do the work necessary to maintain our shared amenities. Board members decide who will do the best job of replacing the roof at the best price or who will be the most reliable company to hire to mow the grass and remove dead tree limbs.

The board's decisions can have a significant impact on the community's appearance and, consequently, on property values. Regardless of having a professional manager, the board ultimately is responsible for overseeing association operations. Be sure to communicate with the board regularly, observe board meetings, and attend annual meetings to elect responsible board members and to participate in the conversations about significant community issues. ■

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