

Mar.15, 2009

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Dear Legislators,

Board members are given powers by the statutes but owners powers are only to hire a lawyer and sue. This gives power not only to the boards but also to the managers who know that most owners cannot afford to hire a lawyer especially since the legal fees come out of the owners payments.. The legislation that gets passed is a joke because it tip toes around the issues that need to be put in to protect association owners from property managers and owners who sit on the boards for self serving reasons. . Just think about the problems that have come about because of lack of oversight.

Condominiums are coming of age - a large number of them are over 15 years old and in need of major repairs but very few of them have the necessary reserves to do the repairs. . They have to take major loans that neither the board members nor their managers understand. I am including the indebtedness sheet given to the board that shows that the full indebtedness of an owner on an \$8000 loan includes \$8000 plus 10 years of interest. The payments are then deducted from the total amount so that after 2 years of payments you have not started to reduce the \$8000 loan. For the first year of the loan only interest of \$7000 was paid so why did loan payments on the loan start before the loan became a fixed 10 year loan??(I have included the information that was given to owners as to their indebtedness.

Managers take advantage of boards who are ignorant of their obligations and responsibilities and refuse to attend any education sessions. Managers then take over and run the association and the board members assume that because he has a piece of paper called a registration that costs \$100 to obtain he must know what he is doing.

Our association had 2 of the most incompetent managers in the past 11 years but because the boards didn't have a clue about what they were supposed to be doing and refused to attend any of the education sessions, they knew nothing about setting up reserve accounts (which should be mandatory) , not gotten good competitive bids, made sure that contracts for work were written to protect the association and not the contractors.

We had a board who didn't think it was necessary to do any audit (there hadn't been one done for about 7 years)but when I put up my own money and forced one the accountant found that the managers numbers were in the wrong place and resulted in inaccurate budgets. He also found extremely sloppy bookkeeping. In spite of this the board rehired this manager 2 years after he was fired. He was fired again for the same reasons- including helping himself to an extra check at the end of the year.

Another manager was hired but no one checked his registration. I wasn't on the board but I did check and found that he was expired 8 months prior to being hired. He said it was an "agency glitch". He was fined \$500 and the board kept him on. This

manager always managed to have his company bids come in about \$100 less than other bids so we paid excessive costs for repairs. Contracts were not written it was the bids that were accepted.

I questioned replacing all our roofs 2 years ago because some were only 15 years old and had no leaks. So in Feb.07 (starting with my building #4-) all the roofs were replaced. Shortly thereafter approx. 20 units developed leaks. Today - 2 years later we still have leaking roofs. The manager kept telling the board that the roofer will take care of all the leaks. I got on the board and we hired a company that diagnoses roofing problems. According to him everything was done wrong including violations of state codes. . The roofs all need to be redone. We also have at least 2 units that developed mold. We could be faced with costs in excess of \$250000. We're still paying off the first loan that was taken for \$425000. It's all been spent. The manager is now denying that he recommended the roofer. I have the paper with his 2 bids that recommended this roofer.

The bank that gave us the loan 2 years ago is refusing to allow us to do a loan modification so we could pay the loan off sooner even though our bank documents allow for it to be done yearly.

The CAI is a wonderful organization but they are basically run by managers, attorneys and management companies. At a recent breakfast for board presidents I was appalled to see a breakfast for board presidents titled--"We have met the enemy and they live here" . (I have included the article)- For the organization that is supposed to promote ways in which boards and owners can work together to benefit the association as a whole I found this title insulting and unacceptable.

It would help to hold hearings throughout the state for association owners to hear owners complaints. My opinions come from meeting and speaking with many association owners .

There are 3 major changes needed.

1. Test and license managers.
2. Mandate education programs for every board member. If they don't want to go- they don't belong on a board that assess, collects and spends other peoples money.
3. Give owners an avenue to be able to register their complaints and if the complaints are valid then give the Consumer Protection and the attorney General the power to fine those that are violating governing documents.

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Community Associations Institute-Connecticut Chapter

This article does n help make better relati

WE HAVE MET THE ENEMY... AND THEY LIVE HERE!

PART II

Strategies for dealing with problem people, condo commandos, troublemakers, flagwavers and patriots, and those with idle hands

By Gregory J. Cava'

Some own do have constructiv criticism

SB 725 SB 1119

In the previous issue, the author describes a variety of challenging personalities. This segment discusses strategies for handling a host of situations.

Follow the Rules

Equally important, of course, is making sure you know what your governing documents and the applicable statute requires, and following procedures to the letter and spirit of the law. Your boards are composed of layman. They are not lawyers and will not always be held to the same standards as say a municipal zoning commission. However, the closer you come to strictly observing rules and procedures, the better your chances of fending off an attack. Moreover, if you are dealing with an "Exalter", you will diminish the scope of his or her objection, and quite possibly flip this person over to your side. Remember, they assume the worst and the last thing they expect you to do is follow the rules. No one wants to have to have lawyers fly-specking everything you do, but when dealing with these types of problem people, you have to play the game on their field. Deny them the opportunity to criticize your enforcement, and perhaps they will shift their energies to saying "see, I made them do it right." If you obtain compliance, and reduce the opportunities for conflict, what do you care?

Unfailing Courtesy

Difficult as it may be, you must remain unfailingly courteous and respectful to these l'enfants terrible. Since many of the problem people thrive on conflict, by remaining cool and courteous, you remove opportunities for conflict. But, because the battle is not joined, they are frustrated, but cannot do much about it.

The Silent Treatment

If all else fails, and if they will not be deterred, stop speaking to them. Require all communications to be reduced to a writing in order to avoid misunderstandings. First, this requires them to organize their thoughts. Thus you avoid an hour-long harangue in which much is repeated. Second, it permits them an outlet for their grievances, a catharsis if you will, without subjecting you or a board member to a string of invective. Most importantly, you have an accurate record of the complaint, either to use in the event you need to seek a restraining order, or simply to respond constructively and meet legitimate needs of the unit owner. Often times there is a kernel of legitimacy in these requests. If you can find it. Anything legitimate should be addressed

One of the reserve plan

Do Apply to You

12-month rate CDs are another matter entirely. Naturally, you try to into a 12-month CD even-handed, uniform manner. However, some- into a 12-month CD a

three months worth of 6-, 9- and 12-month CD's

times the unique facts and circumstances of each case require you to exercise discretion in enforcement. This should be the exception and not the rule. However, Rules Relativists usually have reached the point where they have considered the rule and have rationalized to themselves why it does not apply to them. Clearly you should listen for that kernel of truth, but then enforce, enforce, enforce. Giving these people a break will only embolden them. I like to sit them down and explain the rule and why it applies. When they try to rationalize why it doesn't, bring them back to reality by asking them to identify where in the rule the exception they are claiming is set forth. Try to explain that the better route is to follow the rule and to try to persuade their fellow unit owners to change the rule. If you can re-direct their energies into that enterprise, you may at least temporarily obtain compliance.

Animal Lovers

Animal people are most difficult. No matter how much you try to be rational, it is difficult to get them to look at their furry pets (and children for that matter) objectively. Here again, it is important that you enforce pet rules evenhandedly. If you routinely ignore complaints about Board Members' pets, you will have difficulty in getting anyone else to follow the rules. Even if you have failed to enforce the rules in the past, however, you may embark on a more rigorous enforcement regimen - but you should announce the Board's intentions in advance so people know the pattern of lax enforcement has ended and they will be expected to comply. Follow this notice with a no-fine period of citations so people get used to enforcement and then enforce, enforce, enforce.

When faced with a difficult animal person, it is usually a good idea to talk with the person and try to discover why the blind spot for their pet exists. In some cases, it is fear. In others, it is a deeply held, if misguided personal conviction. Sometimes, it is plain laziness: it's just easier to open the door and put the dog or cat out than it is to walk them on a leash. With this type, you must usually resort to imposing fines, so that at some point, the size of the fine begins to become less comfortable than the bother of walking the dog. Another option may be to seek a court order for the removal of the animal. This frequently, but not always, results in a greater degree of cooperation. However, sometimes you are simply pressed into this course of action because the unit owner leaves you no choice.

Another possibility in dealing with unleashed pets is the use of the "roaming dog" statute. This statute permits you file a complaint with the dog warden. It can be tricky to enforce however, as the dog warden must find the dog roaming on property not owned by the dog owner. In a condominium, the unit owners own the common elements in common, so it will be impossible to find the dog on property in which the unit owner does not have some ownership, albeit a small, interest. In a planned community, however, it may be

a different matter because the common elements are generally owned by the association.

Leash the Children?

Dealing with children can be more difficult. First, you will not be successful in enforcing a child leash law. Second, you will find the "authorities" less than helpful unless criminal conduct is involved. If the children are those of a tenant, you can use Connecticut General Statute §47-244(d)(3) to give the unit owner notice and an opportunity to cure the offending behavior, and if it is not remedied, to commence eviction proceedings against the tenant. This of course works with all rule violators, not just misbehaving children. You are rarely this lucky, however.

Tilting at Windmills: Knocking the Iconoclast Off His Pedestal

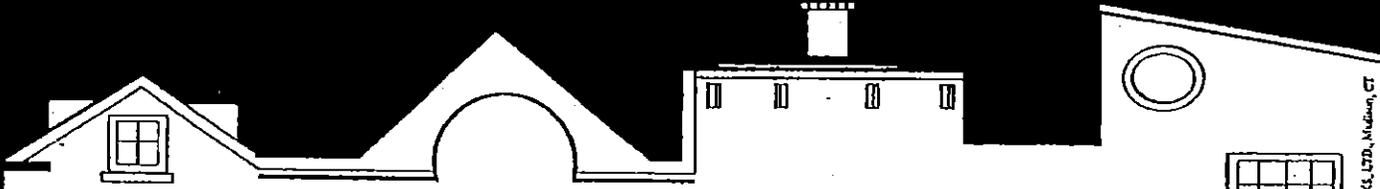
Iconoclasts are another challenge. They want their way and there is no dissuading them. Here you want to pick your battles carefully. These people will fight as a matter of principle. There is no more dangerous adversary than one fighting on principle, because the only limit on their litigious tendencies is the size of their bank account and this is sometimes overcome. Here you need to give their demands careful attention. Work with association legal counsel to make sure their position is truly frivolous. Here counsel must be open-minded. If the first tendency of the lawyer is to support their client's position without critical review, you are in trouble. This is where a good lawyer can earn their fee by carefully assessing the position of the iconoclast to make sure their point is not well taken despite their aggressive posture. There is no point in waiting until a court dismisses your enforcement action because you failed to give notice and a hearing before you made the decision. With these people, you must

follow the spirit and the letter of the law. When all else fails, change the rules by re-writing them in a manner that gets you the result you require, but be prepared to live with the iconoclast's non-conformity which may now be "grand-fathered."

The classic problem here is the pet rule. What do you do when you have a no pets rule and half the unit owners have pets? It is hard to make the case that you can just wake up and start enforcing the rules, but you can run off the pets by attrition. However, you should impose a registration process so pets can be photographed and measured. One wag suggested to me the collection of DNA samples to overcome the claim of one owner to have discovered Ponce d'Leon's fountain of youth for their 30-year-old poodle.

Flag Waivers & Patriots

The United States Congress enshrined the right to fly the American Flag over a residential community in the Freedom to Fly the Flag Act of 2005 which became law July 24, 2006. The act provides in pertinent part that a "condominium association, cooperative association, or residential real estate management association may not adopt or enforce any policy ... that would restrict or prevent a member of the association from displaying the flag of the United States on residential property within the association with respect to which such member has a separate ownership interest or a right to exclusive possession or use." There are two exceptions to this rule. The first is for observation of federal flag protection statutes and customs on the proper display of the flag, and the second is for "any reasonable restriction pertaining to the time, place, or manner of displaying the flag of the United States necessary to protect a substantial interest of the condominium association, cooperative association, or residential real estate management association."
[Continues on page 30.]



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Continuing Education for Board Members

We are pleased to announce that we will be conducting seminars for new board members as well as holding more advanced seminars on various topics. The seminars will begin in September and run on Monday evenings through November. The two-hour programs will include the following topics:

- Basic Board Orientation Seminar – September 10, 2007 and November*
- Insurance Issues Facing Condominiums – September 17, 2007*
- Litigation: Collections and Document Enforcement – October 1, 2007*
- Capital Improvements and Association Borrowing – October 15, 2007*
- Running Difficult Meetings – October 29, 2007*

A fee of \$25.00 per person will be charged and is payable in advance. Contact BenderAndersonBarba@s for further information and to register.

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01/08/07 This chart shows \$80.00 plus in interest
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 Manager tried to collect before due after 1yr which included 10 yrs of interest
 Mansfield Landing Assessment
 ASSESSMENT
 December 2007
 3472
 438

Customer	Bill to	Total Due	One prnt	12 prnts	36 prnts	60 prnts	120 prnts	Payment	Balance
101	Rena & Rose LeBlanc	8,000.00	8000						0
102	Ebba Kadish	11,096.40					92.47	-92.47	10449.11
103	Arla Cadaru	11,096.40					92.47	-92.47	10171.77
104	Ronda Martin	8,000.00	8000						0
105	Thomas & Karen	8,000.00	8000						0
201	Josephine Faridelli	8,000.00	8000						0
202	John & Nancy Dendas	8,000.00	8000						0
203	Donna Barberi	11,096.40					92.47	-93	10167.26
204	Linda McManus	9,481.80				158.03		-158.03	7901.5
205	Eric & Sylvia Biran (Gene Pica)	8,000.00	8000						0
206	Tom Fabian	8,000.00	8000						0
207	S & R Nishikawa	8,000.00	8000						0
208	Scott & Karen Sorvillo	8,879.40			246.65				6412.9
301	J. Leighton	8,000.00	8000						0
302	Olivia Quiello	8,879.40			246.65			-246.65	6412.9
303	Phillip Frese	9,481.80				158.03			8059.53
304	Harry Forbes	8,302.20		691.85				-691.85	1383.7
305	Catherine Dinauer	8,302.20		691.85				-691.85	1383.7
306	Wayne Weber	8,000.00	8000						0
307	Carolyn Magram	11,096.40					92.47		10541.58
401	Jack & Jane Novick	8,879.40			246.65			-246	6413.55
402	Lorraine Marena	11,096.40					92.47	-92.47	10171.77
403	Michael Gomez	11,096.40					92.47	-92.47	10171.77
404	R & B Wanciak	8,000.00	8000						0
405	Nick Mastangelo	9,481.80			158.03			-158.03	7743.47
406	Marvin & Rose Bottinick	11,096.00					92.47	-92.47	10171.17
407	Rosemarie Rompe	8,302.20		691.85				-691.85	1383.7
408	Lois Johnson	11,096.40					92.47	-92.47	10171.77
409	Phillip & Estelle Frese	9,481.80			158.03			-158.03	7901.5
410	Ralph & Jane Prete	9,481.03			158.03			-158.03	7901.5
411	D. Jason Crandall	8,879.40			246.65			-246.65	6412.9
412	Lara Miner	11,096.40					92.47	-92.4	10171.77
501	Pamela Hansen & Robert Xysk	8,879.40			246.65			-246.65	6412.9
502	Made Early	11,096.40					92.47	-92.47	10171.77
503	Arla Cadaru	11,096.40					92.47	-92.47	10171.77
504	Jean Miller	9,481.80			158.03			-158.03	7901.5

loan was started in Feb. 07
 to be pd. up in Feb. 2 018
 But it supposed to be a
 10 yr loan, financial officer
 at bank

3472, 16
 for how
 working on
 13

8000 x 1/4 =
 Total
 Interest 13
 1 yr. - 135
 2 yr. - 36
 3 yr. - 36
 4 yr. - 36

2. 12.0 10.0
F 22/08

13 = 120
X# = 104

X6 = 998

X6 = 1479

X ~~435~~ = 29625

X# = 1288

2. 13352

28

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13352

3629

3629

3629

Payment	Balance
	0
	0
	0
-246.65	6412.9
-92.47	10264.17
	0
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-92.47	10171.7
-5208.4	