

Judiciary Committee Hearing
Friday, March 25, 2011

Testimony from Kove J. Schwartz DPM, JD, MPA in favor of
HB~~6234~~⁵⁴²⁰, An Act Concerning Election of the Executive Boards of
Directors of Condominium Unit Owner's Associations and
Changes to the Common Interest Ownership Act.

My name is Dr. Kove J. Schwartz. I reside at the Westford
Condomiums at 183 Loomis Drive, Unit 109 in West Hartford.
I wish to provide several examples of evidence of gross
malfeasance by the Westford Condominium Association's Board
and it's Property Manager, Ken Kohnle of Elite Property
Management Company of Farmington. The following assertions
are authenticated by the attachments, and are incontrovertible.

Having served on the Board for several years, I can personally
attest to the veracity of these claims:

The Board and Management have steadfastly refused to disclose
the names and addresses of all unit owners in hopes of thwarting
competition for Board seats. In fact, that information is available to
anyone online at the West Hartford listserve. See attachment #1.

The Property Manager interfered with fair elections by lobbying
against a candidate who would have demanded transparency
from the Board and Property Manager. This is a direct violation of
42-245(j). See attachment #2.

During the years I was on the Board, and to the best of my
knowledge, subsequently, no bid contracts were the rule. During
those years, only one contractor was employed for painting,
roofing (we were told that this contractor was the only individual
in the area licensed to work on a three story building), carpentry

and general maintenance. This work was let without Board approval. See attachment #3.

There is no provision in the Westford Condominium Bylaws to levy a charge against unit owners should questions arise which require legal counsel. In fact, every question, no matter how trivial, posed to the Board, could be sent to legal counsel with a fee inuring to the unit owner. That would effectively impede owners from raising valid issues with the Board. This new rule goes beyond a reasonable modification of the regulations governing the conduct of the Association Owners and represents a breach of the Bylaws amendment process which calls for approval by the Unit Owners after notification. See attachment #4.

Finally, during part of the time I was a Board member, and for a period thereafter, Westford functioned with a "Phantom" Board. That is, some individuals listed as Board members never attended meetings and otherwise played no role in the business of the Association. Many times during that period, the Board was represented by the President and me or the President alone. See attachment #3.

I urge passage of HB⁶⁶²⁰~~6234~~ because it provides a framework for redressing grievances among all parties, outlines a system to enforce regulations already in place and establishes criteria for sanctioning Property Managers and Association Boards if they transgress.

Thank you.

-----Original Message-----

From: Ken Kohnle (mailto:Ken@epmlc.com)

Sent: Monday, October 15, 2007 4:31 PM

To: Rick Bush; Pitruzzello, Stephen J; maln1247@aol.com; KIM MARQUIS

Subject: Board of Directors Annual Meeting Vote

Dear Board of Directors:

Joyce confirmed today with one of my staff that she is definitely running for the Board at the Annual Meeting. We must get enough proxies NOW to avoid this disaster. My office will call off-site owners to get their proxies but please ask your neighbors for theirs. If you each can get 5, we should be okay.

Thanks.

Ken Kohnle
Property Manager
Elite Property Management
10 Melrose Drive
Farmington, CT 06032
ken@epmlc.com
Phone (860) 678-8300 ext. 11
Fax (860) 678-9300

Subj: **Fwd: Westford**
Date: 9/29/2010 18:24:11 Eastern Daylight Time
From: Main1247@aol.com
To: davidk1233@comcast.net

David,

I requested a current list of property owners with address so I could contact them before Westford's Board meeting in November. This was the Board's response. This is public information available from the town hall. Apparently the new law means nothing.

Kove

From: Ken@epmlc.com
To: main1247@aol.com
Sent: 9/29/2010 13:20:03 Eastern Daylight Time
Subj: Westford

Kove,

After checking with the Board on your request for all unit owner names and contact information, this is not a request I can fulfill. Some of the information is public but most of it is not. And due to privacy issues, we do not provide such a list.

Thank you for your understanding.

Ken

Shannon Lindsay

Elite Property Management

10 Melrose Dr

Farmington, CT 06032

Phone: 860.678.8300 ext. 31

Fax: 860.678.9300

Shannon@epmlc.com

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Chair of Board

Subj: RE: Painter's contract
Date: 9/20/2006 3:03:44 PM Eastern Standard Time
From: Ken@epmlc.com
Reply-to: ken@epmlc.com
To: Main1247@aol.com

Kove

As I indicated last night, we have not done written contracts with Michael's Painting Co. Bernie & I would meet with him to review the work to be done and get his price. It will be no problem to do this in the future if desired by the Board.

Thanks

Ken Kohnle
Property Manager
Elite Property Management
10 Melrose Drive
Farmington, CT 06032
ken@epmlc.com
Phone (860) 678-8300 ext. 11
Fax (860) 678-9300

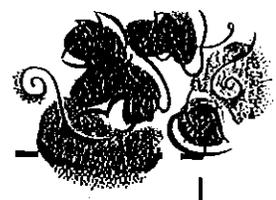
From: Main1247@aol.com [mailto:Main1247@aol.com]
Sent: Tuesday, September 19, 2006 2:30 PM
To: ken@epmlc.com
Subject: Painter's contract

Ken,

Would you please bring the painter's contract to the meeting tonight for the work done this year in the halls and the decks on the west side?

Thanks,

Kove



Reminder

False

- Parking in the garage is prohibited unless you have a reserved space.
- Only outdoor furniture and plants are permitted on the balcony.
- Grills are prohibited by the West Hartford Fire Marshal.
- No other items may be stored, hung on or over the railing of your balcony. If they fall, injury could occur to passersby.
- No cloths, blankets, mops, buckets, brooms, laundry or any unsightly material should be exposed in any part of the common areas including the halls, balcony, stairway, walkway or garage.
- Garbage bags must be kept in the units until taken to the dumpster.
- Handicap parking spaces are only for temporary use of automobiles for those individuals who display the appropriate handicap markers. These spaces are not to be used as overnight or permanent parking spaces.
- Please keep hallway doors closed at all times to prevent squirrels and other critters from entering the building.
- Washing cars at Westford is prohibited.
- Entrance to your unit must be made via the front door and NEVER over the railing to your deck.
- Please do not park for long periods of time on Loomis Drive in front of the bricked area. This area should be left open for other residents to bring in groceries, packages, etc., since this is the only area without stairs.
- Please keep in mind that any object placed on your window ledge in any room can be seen from the outside.
- Please properly dispose of your cigarette butts. We routinely find them littered around the property.
- Let's keep Westford looking neat and tidy.

Unit Owner Requests

The Board of Directors have revised their policy on bill back charges to unit owners. It states that if a unit owner makes a request that requires legal assistance to determine the legality of the request of the by-laws, the cost of this legal assistance will be a billable back to the unit owner asking the request.

Every question, irrespective of how simple, leads to legal consulting a fee.

Quiet Hours

The Association has a policy that mirrors the town ordinance for "quiet hours". You are not permitted to make excessive noise after the hours of 10 pm and before 7am. These noise complaints include but are not limited to: vacuuming, construction/remodeling, loud music or tv playing, etc. Please be considerate of your neighbors and act accordingly.



Hardwood Floors

We have noticed contractors installing hardwood floors in several units. Although this is not a violation of the Association's governing documents, the owner of a second or third floor unit must be conscious of the resident below. The insulation between the unit is not enough to keep the noise of normal living, including walking, from disturbing the peaceful enjoyment of their unit. If complaints are made to the Board or the management company, you will be required to make some accommodations to alleviate the noise for having hardwood floors.

