

PA 11-195

HB6234

House	6173-6187	15
Insurance	431-463	32
<u>Senate</u>	<u>6769-6786</u>	<u>18</u>
		<b>65</b>

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2011**

**VOL.54  
PART 18  
5829 - 6187**

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THE CLERK:

The House of Representatives is voting by Roll Call.

Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber.

DEPUTY SPEAKER GODFREY:

Have all the Members voted? Have all the Members voted? If so, the machine will be locked. The Clerk will take a tally and the Clerk will announce the tally.

THE CLERK:

House Bill Number 5068 as amended by House "A".

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

DEPUTY SPEAKER GODFREY:

The Bill as amended is passed.

The Clerk will call Calendar 30, please.

THE CLERK:

On Page 33, Calendar 30, House Bill Number 6234 AN ACT CONCERNING ELECTIONS OF THE EXECUTIVE BOARDS OF DIRECTORS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND CHANGES TO THE

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COMMON INTEREST OWNERSHIP ACT. Favorable Report of the  
Committee on Judiciary.

DEPUTY SPEAKER GODFREY:

The gentleman from East Haven, Representative Albis.

REP. ALBIS (99th):

Thank you, Mr. Speaker. Mr. Speaker, I move  
acceptance of the Joint Committee's Favorable Report and  
passage of the Bill.

DEPUTY SPEAKER GODFREY:

The question is on acceptance and passage. Will you  
explain the Bill, please, sir.

REP. ALBIS (99th):

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an  
Amendment, LCO Number 7972. I ask that it be called and I  
be allowed to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 7972, which  
will be designated House Amendment Schedule "A". Mr.  
Clerk, will you please call the Amendment.

THE CLERK:

LCO Number 7972, House "A", offered by Representative  
Megna, Albis, et al.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the Chamber to summarize. Is there objection? Hearing none, please proceed, Representative Albis.

REP. ALBIS (99th):

Thank you, Mr. Speaker. Mr. Speaker, this amendment updates several sections of the Common Interest Ownership Act and it's aimed mainly at increasing transparency within common interest ownership communities.

It prohibits executive boards, members of executive boards and candidates for executive boards from accepting gifts or any items of value, which may influence their decisions.

It also includes a provision that prevents associations from entering into contracts that have hold harmless clauses, so we make sure the contracts are, in fact, responsible for any loss or damage that may be due to their negligence or willful misconduct.

Also, this Amendment establishes a hearing process for resolving disputes within the association.

Mr. Speaker, this Amendment was a joint effort from several Legislators from both sides of the aisle, and I'd especially like to thank Representatives John Hetherington, Melissa Olson, Jack Hennesy, Art O'Neill, Bob Megna, for all their help and input in the process of crafting the

underlying Bill and the Amendment, and I urge the  
Amendment's passage.

DEPUTY SPEAKER GODFREY:

I'll take that a motion to adopt the Amendment. The  
question is on the adoption of House Amendment Schedule  
"A". Will you remark further on the Amendment?

Representative Albis.

REP. ALBIS (99th):

I believe anything I wanted to say has been said  
already. If anybody has any questions, I'd be happy to  
answer.

DEPUTY SPEAKER GODFREY:

Very good, sir. It's something rate. Representative  
Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. I rise to support the  
Amendment. The Amendment, which becomes the Bill is the  
result of an extensive amount of work, certainly not the  
least of which was worked by Representative Albis and it  
represents a consensus among a number of people and I urge  
adoption. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir. Will you remark further on House  
Amendment Schedule "A"? Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker, if I may, several questions to the proponent. In line 8 of the Amendment that's before us, there's mention of an item of value. I don't see a dollar amount specified here. What is the proponent contemplating? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Albis, do you care to respond?

REP. ALBIS (99th):

Thank you, Mr. Speaker. It's my understanding that it would be any item of value. I don't think it has to be a specific value.

DEPUTY SPEAKER GODFREY:

Representative Alberts.

REP. ALBERTS (50th):

Through you, Mr. Speaker, is this monetary? Is this non-monetary? Is this an apple pie that's provided to me?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Albis.

REP. ALBIS (99th):

It could be monetary or non-monetary.

DEPUTY SPEAKER GODFREY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. In line 19 there's mention of master associations executive board. I'm not familiar with what a master association is. If the proponent could explain that I would appreciate it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Albis.

REP. ALBIS (99th):

Thank you, Mr. Speaker. Through you, I don't know the exact definition of a master association or how it's different from a regular association.

DEPUTY SPEAKER GODFREY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. Then, so could we, would the proponent consider it a friendly Amendment after this Amendment is acted on to consider changing or deleting Section 2, which refers to master associations?

Through you, Mr. Speaker.

REP. ALBERTS (50th):

Mr. Speaker, if I may.

DEPUTY SPEAKER GODFREY:

Representative Alberts.

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REP. ALBERTS (50th):

Thank you, Mr. Speaker, I think the question has been resolved to my satisfaction since we had our time out.

I do have an additional question as it relates to Section 4 if I may? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. ALBERTS (50th):

In Section 4 there is discussion in terms of a number of actions that apparently can be taken or must be taken in certain situations if an association is going to be bringing proceedings against a unit owner, and I don't believe the proponent discussed this. At least, I missed it if he did, and I'd like to get some additional information about what types of situations might involve these proceedings, if I may, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Albis.

REP. ALBIS (99th):

Thank you, Mr. Speaker. Through you, the situations could be if a unit owner is destroying property and is unwilling to pay for such damages, or any situations along those lines. If he's being disruptive to other unit owners and is causing a problem, the association can file a

complaint against said unit owner, and that would involve having a hearing and the board would hear the hearing and issue a formal response to that hearing.

DEPUTY SPEAKER GODFREY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker, and is this being addressed in this Amendment, because as a standard practice, that attention wasn't happening in different situations through the state? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Albis.

REP. ALBIS (99th):

Thank you, Mr. Speaker. Through you, at the public hearing we heard several members of the public testify that there were situations that were not being resolved, such as like I explained earlier, and we felt that this was a necessary process to help resolve such disputes.

DEPUTY SPEAKER GODFREY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. Is there anything in this language from line 65 to line 108 that would be pertinent or apply to foreclosure actions? Through you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Representative Albis.

REP. ALBIS (99th):

Thank you, Mr. Speaker, through you, no.

DEPUTY SPEAKER GODFREY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. I thank the proponent for his responses.

DEPUTY SPEAKER GODFREY:

Thank you, sir. Representative Rowe.

REP. ROWE (123rd):

Thank you. Good afternoon, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good afternoon.

REP. ROWE (123rd):

Just briefly a question. I think my questions were answered for the most part, but if we look to Section 5, the end of the strike all, beginning on line 135, it seems that this does not apply to certain buildings when there are maybe only two units that are divided by a boundary, unless the association voluntarily chooses to comply.

For what reason are those exempted?

Through you, please, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Representative Albis.

REP. ALBIS (99th):

Thank you, Mr. Speaker. Through you, this particular, or these few lines were written in response to two situations, one from a constituent of Representative Elizabeth Ritter's and one from a constituent of Senator Paul Doyle's, in which case the association consisted of free-standing units, which do not have to fall under the master plan of the association, and duplexes, which were required to fall under the insurance requirements being required to have a master plan of the association.

So what they had requested was to have the homeowners maintain homeowners' insurance for those particular units. So we are just trying to exempt duplexes from falling under a master plan of the association in those cases where the association requires the unit owners of duplexes to maintain their own homeowners' insurance.

DEPUTY SPEAKER GODFREY:

Representative Rowe.

REP. ROWE (123rd):

Okay. I think that's a good explanation and wouldn't want to run afoul of Representative Ritter and Senator

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Doyle, so I would, I think that makes sense and appreciate the response. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Rowe. Representative Larry Miller.

REP. MILLER (122nd):

Thank you, Mr. Speaker. A question to the proponent of the Bill.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. MILLER (122nd):

Thank you. I have about a dozen condominiums in my district and some are pretty big. A number of them have managers.

What happens is, the manager would go out and solicit contractors to fix the roof, and there may be 1,000 units of condominiums and the board will actually vote on who they select to repair the roof.

However, the manager of the complex kind of steers people to the board. Would that be considered a willful neglect of the building, the condominium manager in soliciting of contractors that he may get maybe a free lunch from him or some kind of gift?

Through you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Representative Albis.

REP. ALBIS (99th):

Thank you, Mr. Speaker. Through you, that particular situation, I don't believe would be covered under this clause. It is possible that the unit owners could file a complaint and be subject to the hearing process that's also described in this Amendment.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. MILLER (122nd):

Thank you. And I guess, through you, Mr. Speaker, it would be kind of difficult to find out if he had a free lunch on the outside some place via the contractor, but I appreciate your answers and I thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir. Will you remark further on House Amendment Schedule "A"? Representative Gerry Fox.

REP. FOX (146th):

Thank you, Mr. Speaker, and I would rise in support of the Amendment. I also would like to thank Representative Albis for all of the hard work and dedication that he has put into this effort, together with my Ranking Member on

Judiciary, Representative Hetherington as well as Representative Olson, and I know others.

The Judiciary Committee held a public hearing this year, and we essentially dedicated a day for condominium proposals because so many of us are impacted by condominium rules, by condominium, by the laws that affect condominiums and we have so many constituents with whom we are attempting to address their concerns.

There was one issue that is not in the final Bill, but I just wanted to make clear for purposes of legislative intent because there was one Bill that proposed, or addressed the issue of criminal liability with respect to board members.

And just so I'm clear, and I do know that with respect to the underlying, to the Amendment and the underlying Bill, and perhaps Representative Albis can just answer yes or no as to whether this is his understanding, but board members can be held criminally liable for their individual acts should they break the law, but an individual board member as a member of an association cannot be held criminally liable when he or she cannot, does not have control unilaterally of the association and how that association would take action.

And through you, Mr. Speaker, is that correct?

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DEPUTY SPEAKER GODFREY:

Representative Albis.

REP. ALBIS (99th):

Thank you, Mr. Speaker. Through you, it is my understanding that that is correct.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker, and that is mine as well. And once again, I would like to thank all of those who worked so hard on this Bill.

DEPUTY SPEAKER GODFREY:

Thank you, sir. Will you remark further on House Amendment Schedule "A"? Will you remark further on House Amendment Schedule "A"?

If not, let me try your minds. All those in favor signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, Nay. The Ayes have it. The Amendment is adopted. Will you remark further on the Bill as amended? Will you remark further on the Bill as amended?

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If not, staff and guests please come to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call.

Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the Members voted? Have all the Members voted? Have all the Members voted? If so, the machine will be locked. The Clerk will take a tally and the Clerk will announce the tally.

THE CLERK:

House Bill 6234 as amended by House "A".

Total Number Voting 148

Necessary for Passage 75

Those voting Yea 143

Those voting Nay 5

Those absent and not voting 3

DEPUTY SPEAKER GODFREY:

The Bill as amended is passed.

(Speaker Donovan in the Chair.)

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The bill has passed.

Mr. Clerk.

THE CLERK:

Madam President, turning to page 17, Calendar Number 612, House Bill Number 6234, AN ACT CONCERNING ELECTIONS OF THE EXECUTIVE BOARDS OF DIRECTORS OF CONDOMINIUM UNIT OWNERS ASSOCIATIONS AND CHANGES TO THE COMMON INTEREST OWNERSHIP ACT, as amended by House Amendment Schedule "A," LCO Number 7972, favorable report of the Insurance and Judiciary Committees.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Madam President.

Madam President, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Question is on approval of the bill.

Please proceed, sir.

SENATOR CRISCO:

Thank you, Madam President.

Madam President, members of the Circle, this bill addresses three issues. It sets, I believe, standards

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for the process of electing board members to try to eliminate any influence by vendors of the association or the main agent upon those board members. I also -- in addition, the managing agent must be -- is prevented from having a whole harmless agreement with any association to prevent disputes and problems arising from damage. And the existing law is changed to define when a unit owner may be responsible for common expenses, including items not covered by the insurance policy or the insurance policy deductible, in order to prevent expenses from being imposed on anyone other than the party who is responsible.

THE CHAIR:

Will you remark?

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President.

I rise in support of this bill. I think the objectives of the bill are -- are good. We create a system whereby the resident owners can have more trust and confidence in their elected individuals and their boards and management services, and that's what this bill goes to address is those types of issues and the elimination of hold harmless in the contract of the

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management services was a very good improvement. With that, I would urge my colleagues to support this bill.

Thank you.

THE CHAIR:

Will you remark further?

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

Through you to -- question or two to Senator Crisco.

THE CHAIR:

Please proceed, sir.

SENATOR WITKOS:

Thank you.

Through you, Madam President.

I know when we have enacted our prohibitions on gifts here in the state legislature and we had set a limit of \$10 as the limit if somebody were to give you some trivial token, is there anything in the bill that allows that to happen?

Through you, Madam President.

Is there a threshold or a dollar limit?

Through you.

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Senator Crisco.

SENATOR CRISCO:

Madam President, through you, to the -- to the Senator, I don't -- there is no cap, but the -- the practice of doing that is prohibited.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

Did I understand there was -- you said that there was no cap?

SENATOR CRISCO:

I don't --

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

I'm not aware of any, Mr. President -- I'm mean, it's the -- the -- excuse me, Madam President, through you, to the Senator, the act is prohibited so you just don't do it.

THE CHAIR:

I see.

Senator Witkos.

SENATOR WITKOS:

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Thank you.

So, through you, Madam President, to Senator Crisco, if -- if somebody were neighbors and they happened to own a landscaping company and they went through a bidding process and their company was awarded the contract to perform a function for the condominium association because of the nature or the association that the owner has with the company, would they also be prohibited from providing things on a social basis to another member of the condominium that's on the board?

Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, if it's a bidding process where bids are submitted and reviewed, I -- I don't believe that there's a problem.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

And through you, Madam President, oftentimes there's a board posted at a community hall or the

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association has a pool or -- they have a notice board so -- or right by a large string of mailboxes, and people will know that that's where you go if there's notification that there's a board meeting that's happening. Why did we change that, if that -- that's the common course of notifying the residents requiring a certified written notice?

Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, I believe in order to distinguish what the practice would be acceptable, there has to be a bid process.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

And is that bid, through you, Madam President, is that bid process only through somebody trying to get through a bid or is there anything if -- if -- is it required, I guess, if there's a problem with the management from -- somebody wants to file a complaint and there's a hearing, do all of the members or owners within the association have to be notified that

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there's going to be a hearing on the -- the board?

Through you.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, I believe that is so, yes.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

And sometimes I understand that people may make complaints whether they're valid or not, and is there any protection in the bill -- we were talking earlier about frivolous complaints. Is there anything in the bill that protects against frivolous complaints where somebody would keep continuously file because they don't like the -- the company and they want -- basically, them, thrown out?

Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, there may not be in the language, but I assume the -- the rules of the

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condominium and -- the board's decision to set up certain guidelines would take prevalent.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

Once the -- I understand the board has to send a certified notification to them and they'll have a hearing. Is there anything in the bill that requires the hearing to be recorded?

Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, I believe that's up to the specific condominium's board of directors what standards they establish.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

So would that be considered a -- if -- if -- through a board action -- would that be considered a legal proceeding?

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Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, not being a lawyer, I -- I don't believe I could responsibly answer that.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Section 5 of the bill, Subsection 2, it states that it should not apply to a building in a common interest community that has not more than two units, divided by a single horizontal or vertical boundary. If the good Senator could just explain that to me, I'm a little confused by the verbiage there.

Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, that the acoustics for some reason today are extremely difficult, and I have trouble hearing the -- the good senator. And I hope it's not my age but if he could repeat the question.

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Senator Witkos, will you repeat the question?

SENATOR WITKOS:

Certainly, Madam President.

I think we're in the same boat because I -- I --  
having a little difficulty in understanding Senator  
Crisco, as well. It's not --

THE CHAIR:

You know what? Let me ask -- excuse me for a  
minute. Can I ask the -- the two senators are having  
difficulty hearing. Can you please either lower your  
voices or take the discussion outside, please.

Please proceed and answer. Thank you.

SENATOR WITKOS:

Thank you, Madam President.

And I'll just point to the section of the bill  
that makes it maybe a little bit easier for Senator  
Crisco. It's Section 5 and it's Subsection 2, and it  
says that the provisions of the subsection shall not  
apply to a building in a common interest community  
that has not more than two units divided by a single  
horizontal or a vertical boundary, unless such --  
common interest community voluntarily chooses to  
comply. And that's a lot of legal mumbo-jumbo, and I  
don't understand what we're trying to get at. And if

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the Senator could kind of give me a layman's explanation, I'd certainly appreciate it.

Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, through you, to the Senator, basically, it limits really what units can be defined as a condominium and what these laws pertain to. As I heard the Senator correctly, that's only two units. I don't believe that, you know, in drafting of this bill, the committee wanted to make sure that they acted responsibly and didn't go beyond the boundaries of including, you know, maybe one or two units.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I guess I'm a little bit more confused now because if a condominium association only has two units, you'd think that they'd -- between the two of them, they'd be able to agree on who's going to be the contracted person. And if they're aggrieved by that -- through you, Madam President, does it state

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anywhere in the bill as to what is the size limit of the condominium complexes or what is the relationship, because if I thought of just two units, could a two-family home, in that respect now since we're only talking two units, the way I read it, divided by a single vertical line and a single horizontal line may fall within that definition. So how do we differentiate, through you, Madam President, a two-unit condominium complex from a two-family home?

Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, to the -- to the good Senator, I -- I believe the -- the laws that are on our books, you know, clearly -- and what we adopt in the past, defines what a condominium is.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

I'm sorry. I couldn't hear with the acoustics. Could he please repeat?

THE CHAIR:

Senator Crisco, could you --

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SENATOR CRISCO:

Madam President, through you, to the good Senator, I believe the present laws and the regulations on the book give clear definition, you know, in regards to what is a condominium or not, and I can't, you know, answer the exact definition of that.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I won't elaborate on -- on that portion anymore because while current law may -- may do that. The bill confuses me when they -- when I read that last section. So is there something that addresses when a person makes a complaint, not to their own individual unit, but to a common area to the board? Is there a differentiation between that whether -- and I'll give you an example, if I live in a condominium and something happens either to the front of my house, which is particular to my -- say, my front door versus where I park in a carport where that may be a common area for others to park in a carport. Is there any differentiation in the procedures as to how to file a

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complaint?

Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, through you to the Senate, I'm not aware of any.

THE CHAIR:

Senator Witkos.

Did you want that repeated again, Senator Witkos?

SENATOR WITKOS:

If -- if I may, please.

THE CHAIR:

Senator Crisco, one more time, I'm going to ask everybody, because two senators are having some problems. Could we take the conversations outside of the Chamber, please. All conversations, please.

SENATOR CRISCO:

Madam President, though you to the Senate, I'm not aware of any.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

And, through you, Madam President, is it defined in our statutes what -- I know this language speaks to an executive board member -- what happens if they count it -- they call themselves something different -- they -- a management board. Would the -- would these statutes be still applicable to them even though it's defined as executive board member?

Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, I believe whether it has been common law, would take precedent.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

So if we have a board of directors, Madam President, through you, and then we have an executive board -- so you may have more people that serve on a common board of directors, maybe -- and I'll give you for an example, you -- you have a very large condominium complex and you may have several units within each building, so each building is allowed to have one person serve on the board, so you may have a

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SENATE

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June 8, 2011

board that seeks to serve a dozen people, but then above them you have an executive board with three or four people, a president, vice president, treasurer, et cetera, would both boards be covered under the provisions contained within this bill?

Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, I believe so.

THE CHAIR:

Senator Witkos, I think he said, I believe so.

SENATOR WITKOS:

Thank you, Madam President.

And if -- how does this legislation impact them if they're not elected?

Through you, Madam President.

And --

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, through you, I -- I believe, you know, in the condominium law that the -- all the governing bodies are elected.

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THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

There -- there are never any appointments that  
serve on the board?

Through you, Madam President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Madam President, it depends upon what capacity  
they may be appointed; they may be advisory.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I thank the gentleman for his answers.

THE CHAIR:

Thank you.

Will you remark further? Will you remark  
further?

If not, Mr. Clerk, will you please call for a  
roll call vote? And the machine will be opened.

THE CLERK:

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An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Senator Maynard, would you like to vote, sir?

Thank you, sir. Appreciate it.

All members have voted? All members have voted?

The machines will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

The motion is on the passage of House Bill 6234, in concurrence with the action of the House.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The bill has been -- it passed.

Mr. Clerk, do you have --

THE CLERK:

Madam President, those are the items marked "go" by the Majority Leader.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**INSURANCE AND  
REAL ESTATE  
PART 2  
338 – 666**

**2011**

Testimony of the  
COMMUNITY ASSOCIATIONS INSTITUTE OF CONNECTICUT (CAI-CT)

Before the Insurance and Real Estate Committee

Tuesday, February 1, 2010

1:00 p.m.

**RAISED BILL NO. 6234: AN ACT CONCERNING ELECTIONS OF THE EXECUTIVE BOARDS OF DIRECTORS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND CHANGES TO THE COMMON INTEREST OWNERSHIP ACT**

**Community Associations Institute - CT**

The Community Associations Institute - Connecticut (CAI-CT) is the state chapter of a National organization which serves to promote the best practices of community association operations. We seek to foster vibrant, competent, and harmonious community associations within our state. We d Community Associations Institute - Connecticut (CAI-CT) is a local organization dedicated to the ideals and principals of CAI. Our slogan of "Building the Best Communities in Connecticut" reflects our desire to foster vibrant, competent, and harmonious community associations within our state. We do this by providing educational programs, publications, and networking opportunities for both the communities and the businesses that serve them.

Our members are Community Association Volunteer Members and Leaders, Property Managers, and Business Professionals who provide good or services to community associations. CAI-CT maintains a professionally staffed office in Glastonbury. The organization is overseen by a Board of Directors comprised of volunteer members from the various segments of our membership..

**CAI-CT supports Raised Bill No. 6234**

The prohibition of the acceptance of goods or services by members of community association executive boards is a policy which CAI has promoted for many years. We strongly encourage the adoption of conflict of interest policies for all associations. Our basic level education course, which complies with Connecticut Public Act 06-23 which states 'community association board members and their property managers shall be educated about the operations of community associations,' includes details about ethics as part of the legal and management components.

As self-governed entities, community associations rely upon the commitment and concern of those who are willing to serve as volunteers on their association's board of directors. Although this can often be a thankless job, it is imperative that board members hold themselves to high

ethical standards, as they are ultimately entrusted with the responsibility of managing the most important asset of their members – their dwellings. It is also incumbent upon the association members to hold their board members accountable by taking responsibility for being informed and working as a community to ensure their board members are representing the community's overall best interests.

As stated in CAI's Public Policies association members have the right to: "live in a responsive, competent, and harmonious community association governed by a reasonable, empathetic and impartial board of directors that treats each member with respect." Members are also responsible for: "complying with the governing documents of the community; volunteering to serve on association committees and on the board with a sense of goodwill and without any conflicts of interest; and endeavoring to continuously learn about their community association and to provide constructive input to promote the positive evolution of the community."

CAI has also produced a *Model Code of Ethics for Community Association Board Members*. (Attached you will find a copy.) It states: "Board Members should not accept any gifts – directly or indirectly – from owners residents, contractors or suppliers."

#### **Summary**

Community associations, like any institution, government or corporation should have board members who adhere to high ethical standards in order to ensure long-term health and security for association residents.

We would be happy to further discuss with you this issue, or any others affecting common interest communities in Connecticut. Please do not hesitate to contact us with any questions or concerns. I can be reached at 860-633-5692 or email: [caictkmccclain@sbcglobal.net](mailto:caictkmccclain@sbcglobal.net).

# Model Code of Ethics for Community Association Board Members

This model code of ethics is not meant to address every potential ethical dilemma encountered by a community association board member, but is offered as a basic framework that can be modified and adopted by any common-interest community.

## Board members should:

- 1. Strive at all times to serve the best interests of the association as a whole regardless of their personal interests.
- 2. Use sound judgment to make the best possible business decisions for the association, taking into consideration all available information, circumstances and resources.
- 3. Act within the boundaries of their authority as defined by law and the governing documents of the association.
- 4. Provide opportunities for residents to comment on decisions facing the association.
- 5. Perform their duties without bias for or against any individual or group of owners or non-owner residents.
- 6. Disclose personal or professional relationships with any company or individual who has or is seeking to have a business relationship with the association.
- 7. Conduct open, fair and well-publicized elections.
- 8. Always speak with one voice, supporting all duly-adopted board decisions even if the board member was in the minority regarding actions that may not have obtained unanimous consent.

## Board members should not:

- 1. Reveal confidential information provided by contractors or share information with those bidding for association contracts unless specifically authorized by the board.
- 2. Make unauthorized promises to a contractor or bidder.
- 3. Advocate or support any action or activity that violates a law or regulatory requirement.
- 4. Use their positions or decision-making authority for personal gain or to seek advantage over another owner or non-owner resident.
- 5. Spend unauthorized association funds for their own personal use or benefit.
- 6. Accept any gifts—directly or indirectly—from owners, residents, contractors or suppliers.
- 7. Misrepresent known facts in any issue involving association business.
- 8. Divulge personal information about any association owner, resident or employee that was obtained in the performance of board duties.
- 9. Make personal attacks on colleagues, staff or residents.
- 10. Harass, threaten or attempt through any means to control or instill fear in any board member, owner, resident, employee or contractor.
- 11. Reveal to any owner, resident or other third party the discussions, decisions and comments made at any meeting of the board properly closed or held in executive session.

Visit [www.caionline.org](http://www.caionline.org); write [cai-info@caionline.org](mailto:cai-info@caionline.org);  
call (888) 224-4321 (M-F, 9-6:30 ET)

Testimony Of  
David Kelman, Connecticut Condo Owners Coalition  
Before The Legislature's Insurance And Real Estate Committee  
Tuesday, February 1, 2011  
Time 1:00pm, Room 2D, LOB, Hartford

RECOMMENDED COMMITTEE ACTION: VOTE IN FAVOR of HB6234 and HB 6237

My name is David Kelman. I reside at 89 Shadow Lane, West Hartford, CT. I am a volunteer with the Attorney General's Office, Consumer Assistance Unit, as well as a member of the recently organized Connecticut Condo Owners Coalition, a group of ordinary citizens who have banded together to protect the rights of condo owners in our state.

I respectfully request your support of HB 6234 and HB 6237.

The increasing number of complaints filed with the Attorney General's Office and the Department of Consumer Protection over the past few years indicates condo owner confidence in the governance and management of their associations has eroded. We look to you to help restore homeowner trust. Read the emails sent in to your from condo owners. Read the complaints in the Attorney General's office. Some of the complainants are very serious and are of real concern.

Despite the vast body of law regulating condo communities, condo boards and property managers act as if those statutes and community bylaws don't apply to them. In my community there has been a pattern of questionable elections practices, including altering and distorting information provided by board candidates for publication to owners, property manager and board members counting ballots in private only with no non-partisan or independent panel overseeing ballot count, refusal to make absentee ballots or electronic voting available to owners, and proxy games.

I would add to the language in HB6234 that unit owners should be told that if they cannot attend meetings in which a vote is to be taken owners may mail-in or drop-off a ballot in a sealed envelope not to be opened until the ballots are counted, and to also allow electronic voting.

Each association should be required to have a dispute resolution process in place, which is published annually to owners. It is my experience that property managers condone board's actions regardless of fairness or legality and, in many instances, have reacted angrily to owner inquiries. There is often no transparency regarding elections and financial record keeping.

I would also like to see mandatory property manager training and board member training, term limits for association board members, property licensure with issuance and renewal dependent upon certification of training.

In addition, I urge incorporating the provisions of the Community Association Managers statute into the Common Interest Ownership Act, including giving the Commissioner of the Department of Consumer Protection the authority to revoke, suspend or refuse to issue a new or renewable certificate of registration, defining the services a property manager shall provide to an association, and property manager mismanagement shall be grounds for revoking or refusing to renew a manager's license. Essentially, all mandates in the Common Interest Ownership Act shall apply to community managers as well.

The Community Association Managers statutes, Chapter 400b, describe the services property managers may provide for remuneration and among them "advising the association on the overall operations of the association".

By incorporating the elements I mentioned, it eliminates the missing links in the Common Interest Ownership Act. Critical to association's effectiveness, the property manager should be held accountable for ensuring that any associations he or she manages in operating in accordance to the association's bylaws and to state law, and greatly reduces the inherent problems of runaway boards, which would reduce owner complaints. All become accountable for their actions.

Finally, I believe that there is a great need for an enforcement statute or condo complaint center to provide some needed relief to those aggrieved owners who cannot afford to hire private counsel to resolve their grievances. By incorporating bills like these into law, filters will be put into place resulting in fewer condo owner complaints.

Please vote in favor of HB 6234 and HB 6237. Thank you.

--

Random Excerpts from among Hundreds of Connecticut Condo Owner Emails  
to Legislators and/or Connecticut Condo Owner Coalition

These are serious issues, and many owners across Connecticut face the same issues. These are reasons why legislation to ensure condo law enforcement is needed.

- Board authorizing multi-million dollar loans without owner approval resulting in significant owner debt.
- Mold issues not addressed by condo board or property management. I have had to vacate due to severe water damage and mold from leaks in the new roof, which has also damaged other units as well.
- Tampering with board elections and not holding elections as required; property manager mailed out letters to owners strongly suggesting that we keep two current board members on for another term.
- Ballots with envelopes were sent out. Instead of counting ballots because property manager claimed they were running out of time at the annual meeting, property manager said he would simply announce the winners who, by the way, were the very same people he had strongly recommended. No count or any kind of validation.
- Board members that have sat on the board in some cases for 10 years or more playing the proxy game to keep the same people together and keep out any newcomers; These proxies have allowed the Board to control a majority vote at the annual meetings.
- Neither board nor property manager providing owner access to association records (in violation of state law).
- Not publishing meeting minutes, not distributing them to owners (in violation of state law).
- Tacking a four year roofing project and turning it into a 10-year project costing unit owners an additional \$1.1M
- Not engaging in a formal or equitable bidding process for major capital expenditures over \$100,000.
- Board not disclosing detailed accounting for project cost overruns.
- Board and managing agent refusing to hear owner concerns or complaints.

- Board refusing services or repairs to unit owners who express dissenting concerns or questions relating to association matters.
- Board does not following bylaws or state law.
- Board holds meetings without unit owner notice, and abusing the use of Executive Sessions.
- Board president eliminating the Building and Grounds Committee because he had a personality conflict with the committee chairman.
- Board, without notifying all the owners or obtaining a vote of approval from the owners, filed a lawsuit against the developer, the builder, and the Building Department. The Board has spent in excess of \$250,000 on this matter before going to trial.
- Board failed to respond (twice) to written questions concerning the Budget.
- We are a freestanding unit with no other condos. The declarant cannot find anybody to help him build any other units so he trying to fine us to death and make us pay unreasonable lawyer fees.
- In an association meeting In December, we were Informed that the association broke a contract that they had with the landscapers, and thus the landscapers turned around and filed an intent to sue the association costing owners \$15,000 to work out the problem. Owners had to pay a \$1,000 special assessment fee.
- President of the Board is a tyrant. She took out a \$2 million dollar loan and we were accessed, even the elderly owners who don't know how they will pay. She did improvements that weren't needed and didn't do those that were needed. She paid a contractor in full up front and he never showed up. She fired members of the Board that didn't agree with her and replaced them with people that would. We were finally able to elect a new Board member that was able to get enough votes to vote her off. It took hiring a lawyer and asking a policeman to attend the meeting.
- I have been a Waters Edge time-share owner since its inception in 1986. I attend as many of the annual owners meetings as I can. These meetings are a joke! The board does what it wants to do, and the owners have nobody that can help them.
- The Water' Edge Ownership and Board of Directors (many of whom own the facility) are looking to eliminate our access to the property. This has been done even though numerous timeshare owners have voiced their opposition.
- My husband is the president of a condo association and had experienced problems of misappropriated funds from three property managers.
- It is nearly impossible for owners to get a new issue onto the agenda for discussion.
- Currently, there is no agency in the State of Connecticut responsible for enforcing the condominium statutes.
- An Ombudsman for common interest communities could be a critical selling feature for future S.M.A.R.T. housing development and attract new residents to Connecticut, which would benefit Connecticut's tax roles. The S.M.A.R.T. program provides strong incentives for high-quality, affordable housing, and gives developers access to an efficient, fast, and consistent development process.

##

## Memorandum:

To: Insurance and Real Estate Committee  
From: Ann Pecora Diamond  
Subject: Submission of Documents in Support of HB-6234 and HB-6237  
Date: January 30, 2011

Attached is a cover letter and 25 pages of copies of documents that I present as evidence of the problems that now exist with the election of officers and the conducting of business in Connecticut condominiums.

I had hoped to present this information in person and to testify at the committee's hearings on these matters, but the prediction of more bad weather on February 1, 2011, has prevented me from doing so. I would be willing, however, to testify at some later date, if that would be helpful or is necessary.

If there are any questions about these documents, please feel free to contact me directly.

Thank you.



Ann Pecora Diamond

Ann Pecora Diamond  
 596 Prospect Street  
 Apartment C3  
 New Haven, Connecticut 06511-2113  
 (203) 562-4408

Insurance and Real Estate Committee  
 Room 2800, Legislative Office Building  
 Hartford, Connecticut 06106  
 January 29, 2011

RE: Support for HB 6234-An Act Concerning Elections of the Executive Boards of Directors of Condominium Unit Owners' Associations and Changes to the Common Interest Ownership Act and HB 6237-An Act Concerning Insurance Required Under the Common Interest Ownership Act

Dear Committee Members:

I wish to document with this letter the history of my personal experience with the nomination process of members to the Board at Prospect Gardens Condominium Association. The enclosed documents represent emails and reports I have prepared and have exchanged with my Board and members of this condominium during the past year. They focus on my attempts to become a member of our Board.

By way of background, I can report that for years the entire process by which members have been elected to our Board has been completely secret and under the direct control of the president of the Board. For most of the past 20 years that person was the same person. When he wasn't actually president, he was treasurer of our Board. On a few occasions, his wife was either president or a chair of one of our most important committees. So, one way or another, these individuals and their very small group of friends have maintained a disproportionate amount of control and influence over the rest of us.

At one point I tried to have this person removed from the presidency, but there are only 24 units in my condo and that means the politics are too close for most people to feel comfortable actually holding another person accountable. I was not successful. In addition, I received a great deal of hostility in retaliation for my efforts. There is a sense here that it is OK for our Board to act as if they are entitled to great privilege and influence while not being obliged to be responsive or accountable to the rest of us. Accordingly, for most of our history the president chose the Nominating Committee and they in turn either reinstated him or someone he approved. Whenever I challenged the lack of openness and inclusion of the rest of us in this process, I was ignored. When I pointed to the CT. law, the bylaws and Robert's Rules, I was ignored.

Finally, in 2008 we our bylaws were rewritten and updated. This began to open up the process and provided for an opportunity for my voice to be heard...somewhat. Last year I just decided to take action myself and I announced my own candidacy for office; in the nearly 30 years I have lived in my condo I have never been asked to serve on the Board--this in the face of complaints by Board members that "no one wants to serve." (The truth is that they had difficulty finding people to serve among their small, hand-picked pool of candidates.)

As soon as I announced my candidacy (Oct. 20, 2009), our current president made a statement that any "civil" person could hold this office. My suspicions that that was code to justify excluding me were supported when I later learned from other residents that he and his supporters went around, telling people that I wasn't civil. They also went around collecting proxies to vote ballots, which is not allowed by the law, our bylaws and Robert Rule's of Order. In any case, I was not elected and the person elected to the Board has perpetuated the established practice of holding business in secret in spite of my repeated complaints that this is unlawful. In addition, he is an architect who insists on making decisions about maintenance issues for which he is not qualified (such as those concerning our 100 year old tile roof) and in direct conflict with the best practices recommendations of the American Institute of Architects. (I have warned him of the huge liability risks he is taking; but again, I have been ignored....)

I did not attempt to run this year for office, because the same president is in office and the Board had already decided among themselves that they wanted to extend the term of the person who stepped in to fill a vacancy on the Board last year. This year they didn't even bother with a Nominating Committee or announcement of any sort. Instead they announced at the Annual Meeting that anyone who wanted to make a nomination from the floor could. I protested that that excluded those who were not in attendance. Eventually, they did circulate requests for nomination and a ballot; but it was all done very haphazardly and in a way that confused many of our residents.

Our Board consists of people who are not willing or able to understand the proper procedures for running an organization like this condo. As a result, they waste resources, act unfairly and end up addressing issues that relate only to themselves and their friends without any sense of the greater good or a long-range plan for the entire building. This kind of incompetence and mismanagement is destructive to not only our way of life, but also to the well being of our financial investment in this real estate.

Those of us living in condominiums desperately need legislation that will provide guidance and safeguards for the running of these communities. To avoid doing this will only threaten the well being of this form of real estate. I am including among my documents a summary of the expenditures of my condo for the period from 1/2010 through 11/2010. I prepared this document after going through every bill, receipt, estimate and contract on record in our managers office. I distributed hard copies of it to every member of our association and I attended the "budget workshop" at which we were supposed to work on this coming year's budget. Not one word was mentioned about this report or the recommendations and issues I raised in it. I was completely ignored and the budget that was proposed was fashioned by two people in private and without input or review of the rest of us.

I do not understand the thinking of developers and attorneys who oppose legislation that will address the many problems we as condo owners face. It not only is patently self-serving, but it is short-sighted. People are beginning to move out of condo and to avoid them, because they are badly run. If developers want to be able to sell their new properties, then they should support our efforts to make them well-managed and democratically run communities. If attorneys want to profit only from the conflict that exists in condo, then they may find that they are actually parasites who are living off their hosts and threatening the very existence of the organisms they need to survive.

Everywhere I go and speak to condo owners I hear of horror shows of incompetence, petty greed and abuse of power. If left unchecked, condos will no longer be the appealing real estate option they now are. No American wants to live in a corrupt, third world dictatorship right here on USA ground.... I firmly believe that if condominiums are not given the kind of help and legal support we need to be run properly they will gradually become more and more dysfunctional and destructive of people's financial investments. No one wants to live in a snake pit of mismanagement, waste and ill-will....

Thank you.

Very truly yours,

  
Ann Pecora Diamond

Excerpt from email Ann P. Diamond sent on

On Tue, Oct 20, 2009 at 3:58 PM to Chris Kiehl:

And for the record, I wish to announce my interest in being included either in the leadership of the Landscaping Committee or on the Board. My interest in the gardens is well documented. As for the Board, I have lived here nearly 30 years and in that time I have never been asked to serve on the Board. At the same time all the other residents, who have lived here as long as I have, have had this opportunity--in one case one unit has been represented on the Board for 20 years. In support of my wish to be considered for a leadership role I offer the Board, the Nominating Committee and any individual resident any information about my training, experience and views you wish to have. I have a great deal of experience in the fields of science, communication and management. I have served on several local Boards and am devoted to equal representation of individuals in whatever organization or community to which they belong. I would also point to my past history of accomplishments here at the PGCA, including the settlement with our neighbors to the south over their garbage problems, the resolution of the conflict with St. Francis, the improvements to the landscaping--which before I got involved no one much cared about, my work as Block Watch captain, etc. It is my experience that in this day and age there are many, many ways to include people, to solve problems, to resolve conflicts and to advance a cause. I look forward to a better future for all...

Note: The Board disbanded the landscaping committee soon after I sent this email.... they even attempted to prevent me from caring for plants I had paid for.



### Nominating Committee Announcement

Thursday, November 12, 2009 11:40 AM

From: "Patti and Chris Kleit" <thekleits@gmail.com>

To: a.p.diamond@att.net, aellimplaw@yahoo.com, aguntermann@snet.net, joseph.t.smith@yale.edu, marc.rubenstein@yale.edu, norman.shemitz@gmail.com, patricia.pierce@yale.edu, szhang@genetics.med.harvard.edu, Tinfantolino@aol.com, "Billie" <pyrzyk@sbcglobal.net>, "Carol Lee" <caboyer@rci.rutgers.edu>, "Cathy Pameland" <cathypam@yahoo.com>, "Eugenio Culurciello" <eugenio.culurciello@yale.edu>, "Herbert and Ruth Kaufman" <herbert.kaufman@yale.edu>, "Joseph Smith" <jts42@email.med.yale.edu>, "Kleit, Patti" <patti.kleit@reg5.k12.ct.us>, "Marge Funk" <marjorie.funk@yale.edu>, "Mary Alice Frankenger" <maf33@sbcglobal.net>, "Mary Shemitz" <mary.shemitz@gmail.com>, "Peg Oliveira" <pegoliveira@aol.com>, "Stephen August" <augustdad@snet.net>, "Vicki Morris" <vicki@ferguson-cox.com>, "Walter Frankenger" <marewalt@sbcglobal.net>, "Zhaoxia Sun" <zhaoxia.sun@yale.edu>

Good morning.

As I mentioned in a previous email, I would like to invite you all to participate in PGCA activities in 2010. We all have a great many commitments and demands on our time, but the community we share requires us to spend some energies ensuring we maintain it for our shared benefit and enjoyment.

One way to do so would be to actively serve on the PGCA Board or a Board-sponsored committee. It need not be time consuming, and many hands, as they say, make light work. I know my own experience on the Board reminds me how lucky I have been to be working alongside such strong and supportive colleagues as Zhaoxia and Walter who have always looked after the interest of the Association and its members.

As for qualifications of those volunteering, I think there are few, but they are important. We need individuals who work collaboratively and civilly, and have an interest in working inclusively with a broad constituency of PGCA members to make our community a pleasant place to live.

For the coming year, Norman Shemitz will chair the Nominating Committee. I have asked Norm to please form a committee with one or two other members of the community, and to reach out to everyone to inquire as to their interest. I have asked Norm to please interview those interested in order to identify interest and best fit, and make recommendations in keeping with the PGCA by-laws. If you would reach out to Norm to let him know of your interest, he can schedule some time to meet with you.

I do hope you will all consider serving. Please contact Norm at your earliest convenience, and thank you for your consideration in this important matter.

Best regards,

Chris

---

The Kleits  
596 Prospect Street / Unit B3  
New Haven, CT 06511

From: Patti and Chris Kieft

Page: 1/1

[mailto: (2009)]

From: Patti and Chris Kieft <thekiefts@gmail.com>  
 David Pecora <dypecora@yahoo.com>, Norman Shemiltz <norman.shemiltz@gmail.com>, patti.kieft@reg5.k12.ct.us, marewait@sbcglobal.net, dianna.kholodar@gmail.com, caboyer@cl.rutgers.edu, jts42@emall.med.yale.edu, szhang@genetics.med.harvard.edu, fereshteh.amanat-kowssar@yale.edu, peretto@bellsouth.net, marc.rubenstein@yale.edu, aguntermann@snet.net, michelepecora@yahoo.com, mary.shemiltz@gmail.com,  
 To: gpoltras@wmmhotchkiss.com, jenvickery400@hotmail.com, wmorris@krjda.com, vicki@ferguson-cox.com, zhaoxia.sun@yale.edu, patricia.pierce@yale.edu, maf33@sbcglobal.net, Tinfantolino@aol.com, augustdad@snet.net, kyoungsoo.lee@yale.edu, pegoliveira@aol.com, marjorie.funk@yale.edu, pyrzyk@sbcglobal.net, aellmptlaw@yahoo.com, augustmom@snet.net, cathybam@yahoo.com, herbert.kaufman@yale.edu, eugenio.culurciello@yale.edu, a.p.diamond@att.net  
 Subject: Re: nominating meeting  
 Date: Wednesday, December 9, 2009 4:19:47 PM

For the record, I won't serve with people who can't have a civil conversation with other members of the community, can't behave themselves or don't mind their manners.

You can be the smartest, most well educated and articulate person in the world, but if you can't find a horseshoe in a plate or hash or simply act like a jerk or don't do what you say you are going to do at every opportunity you get, I won't spend a second of my life dealing with you.

I have remained involved here because I haven't been faced with Board colleagues or committee leaders who fall into this category. Each and every person I have worked with in a leadership capacity in the PGCA have been civil, focused on what's best for the PGCA and always wanting to get best value for the work being done here. And for the most part, I can say the same thing about the vast majority of people who live in our community.

If my focus on being a good citizen and having a functional relationship with the women and men who I serve with disqualifies me to be a Board member or contributing in any way with this community, so be it. I will not waste my life with even a few angry, bickering, people and I wouldn't ask the very fine people I have had the privilege of serving with to do so either.

In January you can nominate whomever you want, regardless of who the Nominating Committee recommends. I have set forth a criteria, and if you disagree with it I strongly recommend you put forth everyone you think should be doing the work for which Board members are so unhandsomely rewarded.

I used to serve on a Regional School Board and we would joke that the politics were so mean because the stakes were so small. At times I think it had nothing on this place!

Happy Holidays!

Chris

On Wed, Dec 9, 2009 at 2:26 PM, David Pecora <dypecora@yahoo.com> wrote:

As property owners and occupants of our community it is obvious that it is to our interest to see that it be run as well as possible. Unfortunately many communities are having similar problems in achieving satisfactory goals usually because of lack of enough professional help.

Professionalism is best defined as placing duties and responsibilities above self interest. Unfortunately,

contemporary society places political correctness above duty with horrible results.

This is why I believe that in seeking volunteers to run our affairs we should seek people who have trelevant experience who should "stick to business" and not worry excessively about "civility". I am confident that most educated mature people like those who live at Prospect Gardens would prefer efficient management above all, especially when prices are soaring and incomes are decreasing.

Ann Diamons is exceptionally well suited. We are fortunate that she volunteered her services. She has Degrees from Syracuse University, UCLA and Columbia University. She has performed research, and held admionistrave positions at Yale.

Why she wishes to volunteer I cannot understand in view of the treatment she has received form some of the present administrators at P.G. However as aproperty owner I feel obligated to propose her formally from the Floor if necessary as a candiate for election to the Board.

Incidentally, I wish to thank Mr. Kielt for the good work he has done.

Above all I am sure many fellow members of our community have talents which we can use, even if they do not excel in civility.

David V. Pecora

From: norman shemitz <[norman.shemitz@gmail.com](mailto:norman.shemitz@gmail.com)>  
 To: Sent: Wed, December 9, 2009 12:41:59 PMalfred  
 <[aguntermann@snet.net](mailto:aguntermann@snet.net)>; mary alice <[maf33@sbcglobal.net](mailto:maf33@sbcglobal.net)>; amy  
 <[aelimpitlaw@yahoo.com](mailto:aelimpitlaw@yahoo.com)>; bibi <[fereshteh.amanat-kowssar@yale.edu](mailto:fereshteh.amanat-kowssar@yale.edu)>; bill <[pyrzyk@sbcglobal.net](mailto:pyrzyk@sbcglobal.net)>; carol lee  
 <[caboyer@rci.rutgers.edu](mailto:caboyer@rci.rutgers.edu)>; cassel <[peretto@bellsouth.net](mailto:peretto@bellsouth.net)>;  
 catherine <[cathypam@yahoo.com](mailto:cathypam@yahoo.com)>; dianna  
 <[dianna.kholodar@gmail.com](mailto:dianna.kholodar@gmail.com)>; David Pecora <[dvpecora@yahoo.com](mailto:dvpecora@yahoo.com)>;  
 eugenio <[eugenio.culurciello@yale.edu](mailto:eugenio.culurciello@yale.edu)>; Herb/Ruth Kaufman  
 <[herbandruthkaufman@sbcglobal.net](mailto:herbandruthkaufman@sbcglobal.net)>; jen  
 <[jenvickery400@hotmail.com](mailto:jenvickery400@hotmail.com)>; joseph <[jts42@email.med.yale.edu](mailto:jts42@email.med.yale.edu)>;  
 steve&judy <[augustdad@gmail.com](mailto:augustdad@gmail.com)>; marc  
 <[marc.rubenstein@yale.edu](mailto:marc.rubenstein@yale.edu)>; Vicki Morris <[Vicki@ferguson-cox.com](mailto:Vicki@ferguson-cox.com)>; Walt <[marewalt@sbcglobal.net](mailto:marewalt@sbcglobal.net)>; marjorie  
 <[marjorie.funk@yale.edu](mailto:marjorie.funk@yale.edu)>; Peg Oliveira <[pegoliveira@aol.com](mailto:pegoliveira@aol.com)>;  
 prish <[patrica.pierce@yale.edu](mailto:patrica.pierce@yale.edu)>; patti.kielt <[req5.k12.ct.us](mailto:req5.k12.ct.us)>;  
 soolee <[kvounqsoo.lee@yale.edu](mailto:kvounqsoo.lee@yale.edu)>; szhang  
 <[szhang@genetics.med.harvard.edu](mailto:szhang@genetics.med.harvard.edu)>; thekielts@gmail.com; tony



Re: nominating meeting

Wednesday, December 9, 2009 12:41 PM

From: "norman shemltz" <norman.shemltz@gmail.com>

To: "alfred" <aguntermann@snet.net>, "mary alicia" <maf33@sbcglobal.net>, "amy" <aellmptlaw@yahoo.com>, "bibli" <fereshteh.amanat-kowssar@yale.edu>, "bill" <pyrzyk@sbcglobal.net>, "carol lee" <caboyer@rci.rutgers.edu>, "cassel" <peretto@bellsouth.net>, "catherine" <cathypam@yahoo.com>, "dianna" <dlanna.kholodar@gmail.com>, "David Pecora" <dypecora@yahoo.com>, "eugenio" <eugenio.culurciello@yale.edu>, "Herb/Ruth Kaufman" <herbandruthkaufman@sbcglobal.net>, "jen" <jenvickery400@hotmail.com>, "joseph" <jts42@email.med.yale.edu>, "steve&judy" <augustdad@gmail.com>, "marc" <marc.rubenstein@yale.edu>, "Vicki Morris" <Vicki@ferguson-cox.com>, "Walt" <marewalt@sbcglobal.net>, "marjorie" <marjorie.funk@yale.edu>, "Peg Oliveira" <pegoliveira@aol.com>, "prish" <patrica.pierce@yale.edu>, pattl.kdelt@reg5.k12.ct.us, "soolee" <kyoungsoo.lee@yale.edu>, "szhang" <szhang@genetics.med.harvard.edu>, thekietis@gmail.com, "tony" <tinfantolino@aol.com>, "william" <wmorris@krjda.com>, zhaoxia.sun@yale.edu, "ann" <a.p.diamond@att.net>, christofer.a.coates@accentura.com

Correction!!!!!!!!!!!!!!!!!!!!

Meeting is MON. DEC.14 !!!!!!!!!!!!!

On Wed, Dec 9, 2009 at 10:57 AM, norman shemltz <[norman.shemltz@gmail.com](mailto:norman.shemltz@gmail.com)> wrote:

Greetings:

Your nominating committee announces an open meeting and invites all interested members to attend. The purpose of the meeting is to determine who is willing to serve on the PGA Board and to talk to all members about the need to serve the community.

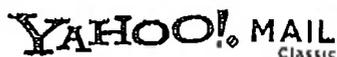
The guidelines that Chris stated last month are as follows:  
"we need individuals who work collaboratively and civilly, and have an interest in working inclusively with a broad constituency of PGA members to make our community a pleasant place to live"

The meeting will be in B6 @ 8:00 pm, Mon. Dec.15.

All are welcome,

Sincerely,

Vickie Morris  
Ruth Kaufman  
Norman Shemltz



Statement of Candidacy to be Voted on at the January 20, 2010, Annual Meeting

Tuesday, January 19, 2010 8:25 AM

From: "a.p.diamond@att.net" <a.p.diamond@att.net>

To: "Patti Kleit" <patti.kleit@reg5.k12.ct.us>, "Walter Frankenberger" <marewait@sbcglobal.net>, "Dianna Kholodar-Smith" <dianna.kholodar@gmail.com>, "Carol Lee" <caboyer@rcl.rutgers.edu>, "Patti and Chris Kleit" <thekleits@gmail.com>, "Joseph Smith" <js42@email.med.yale.edu>, "Sheng Zhang" <szhang@genetics.med.harvard.edu>, "Blbi Amanat-Kowssar" <fereshteh.amanat-kowssar@yale.edu>, "Cassel Hines" <peretto@bellsouth.net>, "Marc Rubenstein" <marc.rubenstein@yale.edu>, "Al Guntermann" <aguntermann@snet.net>, "Mary Shemiltz" <mary.shemiltz@gmail.com>, "Jennifer Vickery" <Jenvickery400@hotmail.com>, "Gary Poltras" <gpoltras@wmmhotchkiss.com>, "Vick Morris" <vicki@ferguson-cox.com>, "William and Vicki Morris" <wmorris@krjda.com>, "Zhaoxia Sun" <zhaoxia.sun@yale.edu>, "Patricia Plerce" <patricia.plerce@yale.edu>, "Mary Alice Frankenberger" <maf33@sbcglobal.net>, "Tony Infantolino" <Tinfantolino@aol.com>, "Steve August" <augustdad@snet.net>, "Soo Lee" <kyoungsoo.lee@yale.edu>, "Peg Oliveira" <pegoliveira@aol.com>, "Marge Funk" <marjorie.funk@yale.edu>, "Norman Shemiltz" <norman.shemiltz@gmail.com>, "Billie" <pyrzyk@sbcglobal.net>, "Amy Limpitlaw" <aellmpitlaw@yahoo.com>, "Judy August" <augustmom@snet.net>, "Cathy Pamelard" <cathypam@yahoo.com>, "Herbert and Ruth Kaufman" <herbert.kaufman@yale.edu>, "Chris Coates" <christofer.a.coates@accenture.com>, "Eugenio Culurcillo" <eugenio.culurcillo@yale.edu>, "David and Dorothy Pecora" <dvpecora@yahoo.com>

### Statement of Candidacy by Ann Pecora Diamond

While a long-term resident of PGCA, who has never served on the PGCA Board, I have been an active member who has worked over the years to improve the quality of life and to resolve problems and conflicts for the betterment of our community. I wish to continue these efforts as a member of our Board.

I am retired with years of experience in management, as well as the design and production of large, complex events; knowledge of old buildings and facility management;\* responsibility for the production of newsletters and publications; and work in biomedical and biochemical research. Most especially, I am interested in working to address concerns over the maintenance of our building and property, as well as communications and relations among our members. We have many talented and intelligent residents from whom we can learn much for our mutual benefit.

Some of my specific goals are:

- to clarify and *standardize policies and procedures*, in order to facilitate efficiency, transparency, fairness and responsiveness to members' concerns and needs
- to publish a list of all *Board meetings and minutes* of all committee meetings
- to set aside the *first half hour* of each Board meeting to provide all residents with an opportunity to meet with the Board directly on issues of their concern
- to develop procedures for dealing with *conflict and disputes*
- to establish *job descriptions and procedures* for those functioning in advisory positions to the Board\*\*
- to circulate a series of timely *surveys* – rather than depending solely on attendance at meetings – to gather a sense of the community on issues that come before the Board

- to provide the community throughout the fiscal year with periodic *updates on the expenditure of funds*
- to establish a *welcoming committee* to greet new members and to help them settle into our community, etc.
- to make certain that the interests and concerns of owners and residents of units on the *3<sup>rd</sup> floor* and those who *do NOT have garages* in the back of our building receive fair and equal representation

\* I served on the Yale School of Medicine's Committee, charged by Dean Leon Rosenberg to identify and prioritize the programmatic and facility/renovation needs of the School. As a result, I also oversaw the production of the prize-winning case statements for the marketing and explanation of these needs in two major capital campaigns for the School and one for Yale-New Haven Hospital, which resulted in millions of dollars of donations to both institutions. To a lesser degree I also worked on these matters at the University level.

\*\* I am trained by the federal government in job classification and have experience in doing this.



Re: The nominating process

Wednesday, January 13, 2010 12:11 PM

From: "Patti and Chris Kleit" <thekleit@gmail.com>

To: a.p.diamond@att.net

Cc: "David and Dorothy Pecora" <dypedora@yahoo.com>, "Walter Frankenger" <marewalt@sbcglobal.net>, "Dianna Kholodar-Smith" <dianna.kholodar@gmail.com>, "Carol Lea" <caboyer@rdi.rutgers.edu>, "Joseph Smith" <jts42@email.med.yale.edu>, "Sheng Zhang" <szhang@genetics.med.harvard.edu>, "Bibi Amanat-Kowssar" <fereshteh.amanat-kowssar@yale.edu>, "Cassel Hines" <peretto@bellsouth.net>, "Marc Rubenstein" <marc.rubenstein@yale.edu>, "Al Guntermann" <aguntermann@snet.net>, "Mary Shemitz" <mary.shemitz@gmail.com>, "Jennifer Vickery" <jenvickery400@hotmail.com>, "Gary Poltras" <gpoltras@wmmhotchkiss.com>, "Vicki Morris" <vicki@ferguson-cox.com>, "William and Vicki Morris" <wmorris@krjds.com>, "Zhaoxia Sun" <zhaoxia.sun@yale.edu>, "Patricia Pierce" <patricia.pierce@yale.edu>, "Mary Alice Frankenger" <maf33@sbcglobal.net>, "Tony Infantolino" <Tinfantolino@aol.com>, "Steve August" <augustdad@snet.net>, "Soo Lee" <kyoungsoo.lee@yale.edu>, "Peg Oliveira" <pegoliveira@aol.com>, "Marge Funk" <marjorie.funk@yale.edu>, "Norman Shemitz" <norman.shemitz@gmail.com>, "Billie" <pyrzyk@sbcglobal.net>, "Amy Limpitlaw" <aellimpitlaw@yahoo.com>, "Judy August" <augustmom@snet.net>, "Cathy Pamelard" <cathypam@yahoo.com>, "Herbert and Ruth Kaufman" <herbert.kaufman@yale.edu>, eugenio.culurciello@yale.edu, "Eugenio Culurciello Patti Kleit" <patti.kleit@regS.k12.ct.us>

Sorry I haven't been able to speak with Norm on this issue, Ann. Nothing has been secret, I simply have been inundated with both personal and professional demands on my time and they have my priority at the current time and at least until after January 18th.

As far as I know you and William are the two candidates identified by the Nominating Committee. There may be others that are nominated from the floor on the 20th. I expect we will hear from Norman on the 20th as to both your candidacies, that you both will have an opportunity to explain your interest and experience in serving. We will then allow other nominations from the floor, allow time for discussion and have a vote. A paper ballot would be what I expect also, but only because I think that makes sense organizationally. I disagree with your concerns about "intimidation and ill-will" but feel a paper ballot just makes the counting easier. — I need to follow up with Gary about this.

Hope this helps.

Chris

On Wed, Jan 13, 2010 at 8:11 AM, <a.p.diamond@att.net> wrote:

Dear Chris:

Given that the annual meeting on the 20<sup>th</sup> is rapidly approaching, I would be grateful if you would respond to a few issues, to ensure that I am given an equal opportunity in participating in the election process for our Board:

1. Norm clearly stated at the Nominating Committee meeting that this process would be open and that there would be no "secrecy" involved. Since I have heard nothing from anyone since that meeting and since I was led to believe that William and I would be treated equally, I would like to know what has happened and where I stand in this process.

2. If my candidacy has not been underwritten by this Committee, I would like to know against what criterion and on what authority I have been measured and found lacking. If, on the other hand, I am being included, I would like to know why William and I haven't been asked to submit statements of candidacy; and why a ballot with these statements hasn't been circulated, as was discussed at the meeting on December 14.

3. I would like to know what provisions will be made for handling the voting on two (or more) candidates at the annual meeting. I feel strongly that we should be allowed to cast individual paper ballots, as is the custom in most organizations where there is a choice among candidates for any position. Voting by a show of hands could lead to intimidation and ill-will.

Thank you.  
Ann

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The Klelts  
596 Prospect Street / Unit B3  
New Haven, CT 06511



2010 Elections

Tuesday, February 2, 2010 9:55 AM

From: "a.p.diamond@att.net" &lt;a.p.diamond@att.net&gt;

To: "Patti Kiehl" <patti.kiehl@reg5.k12.ct.us>, "Walter Frankenberger" <marewalk@sbcglobal.net>, "Dianna Kholodar-Smith" <dianna.kholodar@gmail.com>, "Carol Lea" <caboyer@rci.rutgers.edu>, "Patti and Chris Kiehl" <thekielts@gmail.com>, "Joseph Smith" <jts42@email.med.yale.edu>, "Sheng Zhang" <szhang@genetics.med.harvard.edu>, "Bibi Amanat-Kowssar" <fereshteh.amanat-kowssar@yale.edu>, "Cassel Hines" <peretto@bellsouth.net>, "Marc Rubenstein" <marc.rubenstein@yale.edu>, "Al Guntermann" <aguntermann@snet.net>, "Mary Shemitz" <mary.shemitz@gmail.com>, "Gary Poltras" <gpoltras@wmmhotchkiss.com>, "Jennifer Vickery" <jenvickery400@hotmail.com>, "William and Vicki Morris" <wmorris@krjda.com>, "Vicki Morris" <vicki@ferguson-cox.com>, "Zhaoxia Sun" <zhaoxia.sun@yale.edu>, "Patricia Pierce" <patricia.pierce@yale.edu>, "Mary Alice Frankenberger" <maf33@sbcglobal.net>, "Tony Infantolino" <Tinfantolino@aol.com>, "Steve August" <augustdad@snet.net>, "Soo Lee" <kyoungsoo.lee@yale.edu>, "Peg Oliveira" <pegoliveira@aol.com>, "Marge Funk" <marjorie.funk@yale.edu>, "Norman Shemitz" <norman.shemitz@gmail.com>, "Billie" <pyrzyk@sbcglobal.net>, "Amy Limpitlaw" <aellimpitlaw@yahoo.com>, "Judy August" <augustmom@snet.net>, "Cathy Pamelard" <cathypam@yahoo.com>, "Herbert and Ruth Kaufman" <herbert.kaufman@yale.edu>, "Chris Coates" <christofer.a.coates@accenture.com>, "Eugenio Culurciello" <eugenio.culurciello@yale.edu>, "David and Dorothy Pecora" <dvppecora@yahoo.com>

### PGCA 2010 Election

Congratulations to William on his election to the PGCA Board. I wish him well.

It was noted at the Annual Meeting that this year's election of the next Board member was an historic event, because it was the first time that we had a choice between two candidates. Several members indicated that this was a positive change and one they hoped would become the norm from now on. I agree wholeheartedly.

And while we have made greater progress toward the goal of increased participation in the governance of our community, there are a few matters I wish to raise in the hopes that they will bring us even closer to the objectives of fairness and inclusion.

First of all, when the nominating process was announced there was a statement made about the qualifications for this position. There is no provision in our Bylaws for any qualifications to be placed on a member's right to serve on the Board. (There is a statement in our Rules that a member of a committee can be dismissed for showing a lack of "respect" toward another member; but that only covers the event after a person has joined that committee—not before.) The right to serve on our Board is clearly up to the greater membership alone and without qualifications or pre-stated conditions....

In a like manner, it was reported to me that several individuals directly involved with this process were "behind the scenes" questioning my "civility" and, thereby attempting to influence my election. While I believe in free speech and have no problem with people discussing anything in private, I do believe that any serious charges against my suitability to serve—especially when systematically disseminated—should (in any organization claiming standards of fair-play) have been publicly voiced; and I should have been given the

opportunity to respond. For example, I had no problem with Walter's challenge to me at the Annual Meeting. I just think that the more sportsmanlike approach to that would have been to have asked me before the meeting to address that question in an open forum, such as via a public email.

As for the process itself, I am pleased the Nominating Committee adopted my suggestion to include both William's and my names on the ballot. In addition, not only was my suggestion agreed upon, but also it was agreed that each candidate would be asked for statements of our candidacy and a ballot with our names would be included with the announcement of the Annual Meeting, when it was later distributed. This plan actually played out less smoothly and completely than was initially indicated.

Other issues to think about are the composition and purpose of the Nominating Committee. For example, there has never been any clear discussion or presentation on how this group is to be organized and to operate. How individuals are chosen to chair or to serve as members is not clear and does not appear to be open to everyone. Also, while I did request, at the time of the meeting, that minutes be taken, none were taken or published. Without minutes of all our meetings differences in recollection can arise. Finally, there is the question of conflict of interest. Like most organizations we, too, need some clear understanding of "fair representation," in order to avoid situations in which one unit has greater influence over the interests and conduct of others.

In addition, I found comments at the Annual Meeting about how difficult it is to find people to serve on the Board astonishing, given the fact that several of us have never been asked to serve. I believe more people would participate, if the process were more open, transparent and fair.

So, my recommendation for the future is: Do away with the Nominating Committee. All that is needed is a call from the Board for those willing to serve on the Board. If there are no takers, then convene a committee to solicit candidates. So long as anyone is willing to serve, there should be no need for a committee. Once one or more candidates have identified their interest in serving, ask them each for brief statements about their background and reasons for seeking this position. Circulate those statements along with a ballot at the time announcements are sent out for the Annual Meeting. Make certain there are provisions for secret absentee ballots.

This process both provides members with timely and useful information, and allows those who cannot attend the meeting to vote and to have a voice. Proxies in most organizations are not meant to take the place of secret absentee ballots. If this process is left open until the actual Annual Meeting, it will obviate the need for nominations from the floor at the Annual Meeting, and will give everyone an equal opportunity to participate.

For years the process by which the nomination of members to our Board has been handled *in camera*. I have never understood this, since it is unnecessary, undemocratic and overly

restrictive. Openness and Inclusion of Input from many members leads to greater participation, greater Interest and a diversity of opinion and experience from which we all can only benefit.

So, while I think we have made progress, I offer these comments in the hopes that—in the spirit of our new Bylaws—we are engaged in a process by which we shall evolve into a community marked by greater inclusion, efficiency and happiness.

Thank you.

Prospect Gardens Condominium Association  
Annual Meeting  
January 20, 2010

Chris Kiehl called the meeting to order at 7:45 pm.

**A. Roll call:**

Sign in sheet was used for roll call. Chris Kiehl verified that everyone present had signed in.

Board members in attendance: Chris Kiehl, Walter Frankenberger and Zhaoxia Sun.

Notes taken by Zhaoxia Sun, secretary.

Condominium owners in attendance: 20 of 24 owners were present.

In attendance: A2, A4, A5, A6, A8, B2, B3, B5, B6, B8, C1, C3, C6, C7 and C8

By proxy: A1, A3, A7, B1, B7

Gary Poltras from Hotchkiss also attended the meeting.

**B. Proof of notice of meeting:**

Notice was sent via postal mail and was accepted.

**C. Approval of minutes for 2009.**

Herbert Kaufman moved to approve the minutes. Walter Frankenberger seconded. The minutes was accepted unanimously.

**D. Officer's report**

Chris Kiehl summarized missions accomplished in 2009. His report is attached.

Ann Diamond inquired how the need of work was assessed. She commented that damage in her unit was not repaired.

Gary responded that a unit in question would first be evaluated by a contractor. If still unclear, another contractor would be brought in.

Ann commented that repair done two years ago did not solve the problem. She further asked what is the quality control mechanism after the work is done.

Chris responded that roof leaks on the third floor was a recurring problem. He used the leak in Jen Vickery and Peg Oliveira's unit as an example: Jen reported a leak, at the earliest possible time, contractor was brought in to examine the problem, i.e. whether it was a skylight or roof problem. Chris commented that the only reports he received last year were Margie Funk's report about roof and Jen and Peg's report on leaks.

Gary commented that Ann's problem was brought up last fall.

Chris noted that he was not aware of that problem, but would address it similarly as other reports.

Ann inquired about how the Maintenance Committee worked and commented that there should be a to-do list. Chris responded that board-meeting minutes reflected the list of projects. If unit owner did not find an item in question on the list, they should contact the board.

**E. Budget Ratification**

Copies of the 2010 budget were available at the meeting.

Walter commented that this budget was similar to the one presented at the workshop. The common fee and assessment had remained steady for the past 4 years and would likely continue to be so in the next two years. Reserve was going up steadily every year, in expectation of an estimated cost of 38K for recovering the roof over the garage in 2011.

Walter noted that the new items on the budget were costs for benches and tree replacement.

Chris inquired whether second opinion on tree replacement was being sought. Walter confirmed that it was.

Chris asked whether the budget format was changed as suggested by Steve August. Walter and Steve confirmed that it was.

Amy Limpitlaw inquired the reason why 4K was budgeted for lighting upgrade last year but was not spent.

Gary responded that the 4K was budgeted for replacing ballasts in the courtyard. Carl from Hotchkiss was able to find parts for these ballasts.

Chris noted that since the ballasts were not failing, the board took a look at the expense and decided not to replace them at this point.

Ann commented that the first time she was aware of the garage roof project was at the workshop. She questioned whether it should be carried out while leaks on the 3<sup>rd</sup> floor were not fixed. She suggested that the leaks on the third floor should take precedent over the garage roof.

Margie Funk asked what the problem of the garage roof was. Gary responded that wood underneath was rotting.

Steve August moved to approve the budget as presented tonight. Mary Alice Frankenberger seconded. The budget was approved unanimously.

#### F. Election of Board Members

Chris commented that Walter's term was up and therefore a board seat was open.

Norman Shemitz, the chair of the nominating committee, reported the result of a recent committee meeting. In addition to the members of the committee (Ruth Kaufman, Vicky Morris and Norman Shemitz), Margie Funk, William Morris and Ann Diamond participated in the meeting. Both William Morris and Ann Diamond volunteered for the board position. The committee nominated both as candidates.

Chris asked whether there were any nominations from the floor and there were none.

Bibi Amanat asked whether the rule of 3 board members could be changed, because she was interested in voting for both.

Chris responded that we should discuss this issue under "new business".

Walter asked Ann that since she had not spoken to 5 families in the complex in several years, how she would perform the duties of a board member.

Ann responded that she would serve with professionalism. She commented that all of us had the right to choose with whom to socialize with and that was a separate issue from serving on the board professionally.

Gary collected paper ballots.

Bibi's ballot was invalidated because she voted for both candidates.

Gary announced that William received 15 votes and Ann received 4.

Chris announced that William would assume the vacancy that Walter left and he thanked the candidates for their participation.

#### G. Old Business

None.

#### H. New Business

Bibi proposed to increase the number of board members.

Herbert Kaufman noted that article 12, section 12.1 of the bylaw stipulated the procedures for amending the bylaw. Chris read the relevant passage and noted that amendment to the bylaw had to be proposed in a special meeting initiated by the board.

Jen noted that an odd number of board members was preferred for voting purpose. Walter noted that in the past, there was a shortage of people volunteering for board positions.

Jen noted that because of the new bylaw, the nominating process was slightly different this year. It was more open and fostered more interest for people to participate.

Ann commented that the bylaw required minutes for all meetings. She also commented that the bylaw stipulated that people could participate in all activities even if they did not attend committee meetings.

Steve asked Gary that since we had to replace the garage roof, would it make sense to put in a deck simultaneously.

Gary responded that it was a good idea and he would ask the contractor whether it is structurally possible to do so.

Steve further asked that if it was possible to clean furnaces communally.

Gary responded that it was a great idea and can cut cost significantly.

Chris noted that this issue would be followed up.

Chris thanked members of the social committee, maintenance committee, nominating committee and landscaping committee for their services.

Chris moved to adjourn this meeting. Norman seconded and all were in favor. The meeting adjourned at 8:48 pm

Board members convened immediately after the annual meeting to appoint new officers. The board unanimously agreed that Chris Klolt would serve as the president, William Morris would serve as Treasurer and Zhaoxia Sun would serve as Secretary.

Limitations on condo Board

1. Section 22 which repeals the former Section 47-245 now states: "(b) The executive board may not: (4) Determine the qualifications, powers and duties or terms of office of executive board members."

2. Our bylaws: Article XXI, Executive Board, Section 21.3- Executive Board Limitations: The Executive Board may not...determine the qualifications, powers and duties or terms of office of Executive Board members....

3. All committees are open to everyone.

4. All actions of the Board and committees are to be recorded for everyone's information in minutes.

5. Nominations are not meant to be secret...

I submitted this document and brought up these points at the Annual Meeting of Prospect Gardens Condominium Association on January 13, 2011.

### Comments on PGCA 2010 Expenditures

Being retired and after years of wondering what was actually behind the list of items on our budget sheets I decided to do take advantage of the spare time I have and do a little investigating. With Gary's assistance I have gone through all the files in the Hotchkiss office that pertain to our 1/10-10/10 bills, estimates, contracts and correspondence with our attorneys.

The following is a summary of the expenditures I found of most interest; while comprehensive, it is not meant to be complete. Also, I am not a CPA and am not entirely certain I interpreted all these entries correctly, so I look forward to the discussion at the Budget Workshop at which any questions can be answered and ambiguities clarified. I also will present at the end of this document my personal suggestions for future budgets and expenditures.

These items are not listed in any particular order. I have listed them by a descriptive title, followed by the date of the bill and then its amount. I have attempted to lump together like items to make it possible to get some sense of how much is being spent in total on each project, repair or item. Where relevant, I have attempted to identify the units for which work was done and to give a brief explanation of it.

I've added my editorial comments in italics. The items in red represent places where I believe we could save money in the future or where money appears to have been spent either ineffectively or inefficiently this year. Others may have a different perspective. Again, I look forward to discussing these issues and others at the coming Budget Workshop.

In general, I suggest we set priorities and establish fiscal practices that ensure that we make progress in the restoration and renovation of this building, that we keep up with emergency repairs/routine maintenance and that we become proactive in upgrading systems that will bring us the best value for our money in the future. Our common charges are very high. Our building is old and in need of costly work. Without good, long-range planning and prudent spending we will not make the progress we all need and want.

#### 2010 Expenditures

• Repairs to Outdoor Lighting:	11/30/09	\$148.00
	01/24/10	\$386.90
	02/08/10	\$ 26.50
	03/28/10	\$174.90
(trim around light sensor)	07/22/10	\$ 76.13

*(We keep pouring money into this system that is outdated, costly to run and works badly. Doesn't it make more sense to replace it with either solar or a more efficient system? There are tax breaks for solar technology for the next 5 years. Also, why weren't the landscapers called to trim the ivy before it got so overgrown that we needed the 7/22/10 service call?)*

- Smoke Alarm System: 11/20/09 \$397.50  
02/08/10 \$ 26.50  
05/17/10 \$371.00  
08/20/10 \$397.50

*(Is there a \$40.00/month phone charge associated with this service? What are we paying for? According to Clark Howard there are much less expensive monitoring arrangements available.)*

- Replacement of batteries in Smoke Detectors: 06/27/10 \$50.75  
*(Don't we have a centralized smoke alarm system? Why are we still using the battery-operated ones? Shouldn't they be dismantled and the batteries removed?)*

- Landscaping: 11/25/09 \$160.00 wreaths  
\$180.00 pruned branches from trees later removed  
\$120.00 pull poison ivy  
06/20/10 \$540.00 "pull poison ivy" (I suspect this includes the ivy, although a great deal of poison ivy was pulled also.)  
07/01/10 \$550.00 mulch  
\$725.00 trim ivy

*(Rather than continue to waste money on pulling out poison ivy, which only ends up stimulating its growth, how about spraying it, so we don't have to do this again and again? I bought and have the spray Jake recommended 3 years ago to kill the poison ivy.)*

- Removal of 5 trees along south side and 1 along the Highland side of building:  
*(Note: There is no documentation that this expenditure was described in detail, discussed openly or specifically approved by a majority of the PGCA membership, as required by our bylaws and CT statutes. What sense does the removal of these trees make, when it means we are going to have to spend thousands at some later date to landscape the south side of the building and the alley?)* 04/13/10 \$3180.00

- Repairs to the Roof:  
*(Note: There is no detailed documentation or breakdown of the costs of this work. There is no information on the number of workers, their hourly charges, the kind and cost of materials, the charges for rentals of the lifts, etc. There is a narrative description of this project, but it too lacks specific, detailed and descriptive information. This violates the recent amendments to the CT condo statutes and begs the question of what was actually done. We have a guarantee by this contractor, but without a full written description, it is meaningless.)\*\**

07/13/10 \$12,375.00  
08/20/10 \$ 2,650.00 (narrative documentation)  
09/24/10 \$10,000.00 ("interior damage repair" a.k.a. "Skylights & Roof Replacement")  
09/20/10 \$ 725.00 ("5 chimneys waterproofed" sealed\*\*)  
10/19/10 \$ 2,000.00 ("misc roof repair")  
09/20/10 \$ 3,425.00 ("flat roof repair")

- Replace Carpeting on Backstairs: 10/15/10 \$1421.46
- Install Kick Stands on 2 Doors: 08/19/10 \$101.50
- Repair Hot Water Heater Duct: 08/30/10 \$304.50 (plus materials)
- Replacement of light bulbs:
 

10/29/09	\$ 49.75
11/21/09	\$ 99.50
594 & 596 01/20/10	\$ 99.50
Highland 01/12/10	\$ 74.63
"Light walk thru" 02/25/10	\$ 99.50
598 basement 03/20/10	\$ 74.65
"Front spiral light" 04/22/10	\$ 74.65
596 & 598 05/07/10	\$152.25
07/12/10	\$ 76.13
Garage 6 08/01/10	\$ 76.13
"Repair hallway lights" 09/24/10	\$ 114.20
- Sweep and Clean basement: 1/10/10 \$398.00
- Cleaned and Emptied Rental Apt: 08/15/10 \$530.00
- Repairs to Outer Doors:
 

12/24/09	\$ 99.50
02/11/10	\$ 74.63
06/27/10	\$ 50.75
07/20/10	\$ 76.13
09/23/10	\$101.50

*(The doors still do not close. We need, at some point, to replace them.)*
- Set up chairs for Annual meeting: 1/18/10 \$ 99.50
- Shut off Water for 600: 2/10/10 \$ 74.63
- Repair Mailbox (magazine box?): at 600 11/22/09 \$ 99.50
- Charges related to specific units:
 

11/06/09	A-4	(investigate leak)	\$ 99.50
01/08/10	C-5/C-6	(plugged drain)	\$174.90
04/13/10	C-4	(roof leak repair)	\$180.00
- Sprinkler System:
 

05/17/10	\$188.68
(set timer) 06/12/10	\$ 95.40
(set timer/repairs) 07/16/10	\$163.24
(repairs) 08/17/10	\$168.54

*(I know how to set these timers. We don't need to pay someone to do that.)*

- Pest Control/sprayed for ants: 03/05/10 in the "kitchen, bathroom, basement, living room and foyer of A-8" \$90.10  
04/21/10 (600-where?) \$49.75  
(Aren't individual owners responsible for their own pest control?)
- Spray for bugs around entire building: 04/14/10 \$291.50  
(Spraying for bugs/ants once is a waste. I've been working on trying to balance the bug population in our gardens, so that they will control their own populations naturally and without the need to spray. Spraying only sets this process back.)
- CPA (no description of "services rendered": 04/30/10 \$485.00
- Cleaned Drains: 03/29/10 (outside) \$249.10  
05/18/10 ("snaked shower drain...") \$164.30
- Repair "Back Gutter": 08/15/10 \$126.88
- Repair drain and replace strainer "apartment" (?rental apartment): \$124.38
- Repair Sink in Laundry Room: 07/15/10 \$101.50
- Reimbursements to units owners in A-5 and B-8 for social expenses: 1/13/10
- John's trash removal: \$495.00/month. Are we getting recycling or not?
- Gas bill: two or three a month. Do we pay for gas in the rental apartment?
- Sewer and waste water usage: runs about \$1000/month
- Hotchkiss charges for: management (\$700/month); phone (?around \$40.00/month); cleaning of halls (\$503.50; \$436.70, etc. to a subcontractor); collecting trash from back halls (\$796.00/month); out-of-pocket expenses like light bulbs, batteries, ice melt and scoops for entrances which cost \$108.44 for materials and \$74.63 for Carl's labor); etc.(Note: visits by Carl are charged @ \$49.75/hr.); office expenses; postage (between \$25 and \$30.00 per month); coupon books and labels \$288.00; "annual report filings"? \$200 (I suspect this means to the Secretary of State).
- New Gas Meter (? For rental apartment): 05/11/10 \$250.00
- Install New Faucet (?where/why): 04/17/10 \$248.75
- "Clean Carpet at 598" 11/18/09 \$ 49.75
- Carpet Cleaning all front halls: 07/15/10 \$736.70
- Patch Sidewalks: 05/10/10 \$203.00 (plus materials)
- "Re-caulk outside 598": 05/12/10 \$253.75 (plus materials)  
(Reported not to have worked, because the wood is rotten.)
- Welding of Broken Parking Lot Drain Cover: 06/27/10 \$238.50  
(Why wasn't the roofer held responsible for this, since the lift cracked it?)
- Replace two Sanitary Sewer Grates: 10/12/10 \$657.20

Do we have Fidelity Insurance and the other insurance that we are now required by law to carry?

### Suggestions

1. **Entrance Captains:** If one person in each entrance would take charge of changing light bulbs that burn out in their entrance and in the basement under their unit, we could save a lot.
2. **Smoke Detectors:** If we don't need the battery-operated units, why don't we pull out the batteries from all the hallway smoke detectors?
3. **Detailed and certified estimates along with engineering consultation:** Why aren't we requiring detailed information on charges of labor, materials and rentals, etc. from all contractors? Why aren't we hiring contractors who are certified and/or practicing professional standards set by trade organizations whose guidelines are tested and well-established? Why don't we have a detailed master plan for restoring the roof and exterior of the building? We now have no impartial means by which we can evaluate our contractors' expertise or work except when it fails.

Given that I have 30 yr old leaks in my unit, rotted window frames, 4 skylights that need to be replaced and brickwork that is "melting," in spite of thousands of dollars of "repairs," I am frustrated by the lack of effective, competent resolution of these problems. Every year we throw huge sums of money at the roof and yet the areas around my unit still aren't fixed.

I suggest that we hire an engineer who specializes in the restoration of old buildings to look over our roof, exterior walls and chimneys in order to develop a comprehensive restoration plan. Then we can hire reliable experts who will not only repair the roof, but who also will be respectful of the age and heritage of this building, those of us who live here and our surrounding grounds. (This year's workers from American Heritage made a mess, broke off limbs from our pine trees, crushed the Highland lawn, cracked the parking lot drain cover, littered the grounds with cigarette butts, dumped garbage all over, scraped and painted without drop cloths, left heating guns on unattended, stacked tiles on plants, and used the gardens as an urinal-and that is only what I actually witnessed...Also, the estimates called for copper flashing; we got lead.)

4. **Establish a hierarchy of priorities for projects and repairs:** When buildings need to be restored experts recommend that in addition to having an overall plan, the top priority should be "sealing the envelope" of the building. That means for us that we need to repair the roof; repoint the brickwork; replace rotten exterior wood, repair gutters and drains properly before we do work on the interiors. As this year's expenses demonstrate, we have not followed this convention.

Once our building is water tight, we could focus on upgrading the electrical system so that we can begin to save on our utility bills, since they are our greatest fixed expense. This could be accomplished by installing motion detectors on the lights in the halls and basement and by upgrading the exterior lights to solar or more efficient systems than the ones we now have.

If we want to make progress and actually begin to move beyond our current list of constant expenses, we need to hold off on cosmetic painting and non-essential projects like replacing carpeting. (The exception to this would be the restoration required to repair units under the roof that have been damaged from the leaks in the roofs. That work should be scheduled to take place upon the completion of the repairs and after reasonable assurance that they have been effective.) Eventually, the hallways need to be completely renovated by stripping off the paint, replacing the hallway windows and the exterior doors, replacing the carpeting, redesigning new mailboxes/waste receptacles, upgrading the intercom system and installing protective wall treatment.

If we replaced the concrete walkways and the parking lots surfaces with brick or concrete tiles, we wouldn't have to worry so much about their cracking or being broken, since it is very easy and inexpensive to pop out a few broken tiles. They also can tolerate more weight than our current surfaces. The walkways can be designed to look perfect all the time, not patched and broken like they now do.

The south side of the building desperately needs to be landscaped and the alley needs a dressed surface on which to walk. (Crushed stone would be neat, easy to walk on and not subject to damage by machinery. It also is less expensive to install than concrete or tiles.)

Then when we are flush with money and have accomplished all that needs to be done it would really nice to create a recreational center on the deck over the garages, etc....Our past practice of patching and repairing rather than restoring and renovating is just being penny wise, pound foolish. We haven't made progress.

5. Landscaping: I am willing and able to save money in several aspects of this area. Also, we could benefit in the long-term, if we invested in beneficial nematodes, as grub control rather than treat for this every year. In a like manner, if we used compost tea on the lawn we wouldn't need to fertilize or to water as often. Several large shrubs need to be sprayed for fungus several times over the coming spring. There are other similar organic approaches that can be cost effective in the long run.

Given that in the past 2 years, 10 newly purchased shrubs (representing between \$500 and \$1000) have died from lack of proper watering, we need to address the question of whether or not we are going to apply standard gardening practices here. This is not an issue for the landscapers.

6. Bugs and Chemicals: If we work on increasing the biodiversity on our property many of the problems we have with unwanted bugs will be resolved. Spraying chemicals only as a last resort, as with the poison ivy, promotes biodiversity and over all health in the gardens. Working with nature ends up being much more cost-effective and satisfactory in the long run.

7. Bar Heavy Machinery and Trucks from the Front Parking Lot: For years no heavy equipment or trucks were allowed in the parking lot. It is not designed to handle that kind of weight. Since this restriction has been lifted, the pavement has cracked badly, the drains have

collapsed and the drain covers have been broken. That will only continue, so long as we continue to ignore the reality of how fragile this surface is.

8. **Coupons and Labels:** Do we really need these? Can't there be an option to pay these fees on line?

9. **Interior Painting:** How is it that hallways were painted this year when the interior restoration work that is needed on the 3<sup>rd</sup> floor units was not done? In addition, there is so much paint on the woodwork of the hallways, that it just peels off in a few years. The hallway of 596 was just painted and all the wallpaper and ceilings touched up three years ago....The roof leaks over the 596 hallway and the ceilings will continue to peel until that is resolved first.

10. **Our Bylaw:** With the passage the new amendments to the existing CT condo statutes our current Bylaws are out of date. At some point they will need to be revised. In the meantime we are required by law to comply with the new laws. I have heard rumors that we don't have to do this, because the laws are "in flux." This is incorrect. With the exception of the possible addition of an Office of Ombudsman to oversee complaints by condo owners there is no pending legislation on condos. Even if there were, that would not preclude our obligation to follow the laws already on the books.

#### Reference Information

\*\*From research on the Internet on "melting" brickwork found in C-8 and C-3, etc.:

"When bricks are manufactured they are fired at the end of the process which creates the hard outer shell, much like the crust on bread. When the crust crumbles away (spalding) exposing the soft middle the brick will continue to slowly crumble away. Sealer may stop the crumbling for a few weeks and poly, for a bit longer, but it will also yellow the bricks and look terrible. Once bricks start crumbling like that the only permanent solution is to scrape the mortar away and replace the entire brick, preferably using another old brick. (old bricks were much softer than bricks made today). Also use lime based mortar, which is much softer than the cement based mortar used today. One of the most common reasons that spalding happens is that a batch of bricks were not properly fired. It can also happen from paint or polyurethane on brick. Bricks need to breath (sic), to take in moisture and air and release moisture and air. When they are sealed with things like paint and poly moisture will stay inside the brick for much longer and reduce the life of the brick."

Note: This was also the advice and the plan of action proposed by Dahill. It is not what we got. In fact, we got much less for our money with American Heritage. They worked (I would argue incorrectly) on 5 chimneys, replaced only 2 skylights and did patching on the roof and walls for \$31,175. Dahill's estimate for \$74,975 plus the cost of replacement bricks included the replacement of those 2 skylights, plus the replacement of the 4 in my unit. It also included the use of copper flashing and extensive work on the roof and all 12 chimneys....The math says it all....Dahill would have done restoration; we got patching....

Submitted, December 2010

by

Ann Pecora Diamond

## Addendum to Narrative Budget

The following represents a summary of the PGCA expenditures for November 2010 which I did not have available at the time I submitted the first summary. As with my previous document, I've added my editorial comments in italics. The items in red represent places where I believe we could save money in the future or where money appears to have been spent either ineffectively or inefficiently this year.

- Interior Painting: "594 rear hallway" 11/02/10 \$1,988.00  
"Front entry stairwell 596" 11/11/10 \$ 992.00
- Lighting Repairs:
  - "Replaced photo cell on garage #6 wall light" 09/30/10 \$115.00
  - "Relocated photo cell in court yard to location not impeded by ivy" 09/30/10 \$230.00
  - "Made emergency repairs to hall circuit due to roofer cutting feed to back hall. Also needed to relocate light in back stairwell" 10/31/10 \$360.00  
*(Did we receive any reimbursement from the roofer on this expense?)*
  - "Repaired light fixture at entry #7. New ballast was needed" 10/31/10 \$165.00
  - "Replaced bad photocell in light fixture outside old superintendents apartment" 10/31/10 \$115.00
- Plumbing: "remove existing copper pipes feeding four boilers due to several pin-hole leaks in the copper pipes;" "installed new copper pipe and fittings" 10/20/10 \$328.10  
*(Aren't we each responsible for the upkeep of our own furnaces?)*
- Landscaping: "additional work, install 3 new shrubs" 11/01/10 \$240.00  
*(These were to replace the three Rhododendrons on the front bank that were installed just over a year ago. I did not have responsibility for watering the original plants.)*
- Back Hall Carpeting ("Highland St side of building") 10/28/10 \$1,315.46
- "Reimbursement for bathroom repairs" (to B-8) 11/05/10 \$ 8,350.00

*(Note: Apparently, this is the result of poor workmanship by a previous contractor hired by PGCA. Attempts are being made to get some of this money back from that contractor.)*

Note: There is an invoice to Gabe Martinez for \$132.50. There is no explanation for this; and I don't know who that person is, so I can't provide any information on it.