

Community Trends[®]

August 2016

CONSTRUCTION DEFECT



In This Issue

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- Evaluate, Communicate, Negotiate...Litigate?
 - Construction Monitoring
 - Transition Deadlines
 - The Window Replacement Dilemma
-and more

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CAI-NJ STAFF

LARRY P. THOMAS, PCAM
CHAPTER EXECUTIVE DIRECTOR
LARRY@CAINJ.ORG

ANGELA KAVANAUGH
DIRECTOR, CONFERENCE & PROGRAMS
ANGELA@CAINJ.ORG

JACLYN OLSZEWSKI
DIRECTOR, EVENTS & EDITORIAL
JACLYN@CAINJ.ORG

LAURA O'CONNOR
DIRECTOR, MEMBERSHIP & MARKETING
LAURA@CAINJ.ORG

MARLA SERAFINO
OFFICE ADMIN & GRAPHIC DESIGNER
MARLA@CAINJ.ORG

Contact CAI-NJ

ADDRESS
CAI-NJ
500 HARDING ROAD
FREEHOLD, NJ 07728

PHONE
609-588-0030

FAX
609-588-0040

WEB
WWW.CAINJ.ORG

EMAIL
INFO@CAINJ.ORG

CAI-NJ On Social Media

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LOOKING FORWARD

LARRY THOMAS, PCAM | CAI-NJ CHAPTER EXECUTIVE DIRECTOR

Get Ready for the 2016 Conference & Expo!

As the 2016 Conference and Expo is rapidly approaching, it's time that everyone reading this article mark their calendars and start planning their day. The Conference and Expo Committee has been ardently working to make this the "must attend" event of the year. This is our biggest and most important event that is geared toward every membership group. Even if you're not a board member but reside or own in an HOA or condominium community, it's paramount that you find out as much as you can about how your most important investment is being governed and your quality of life is protected.

Over 160 industry professionals will be exhibiting and all are ready to answer any questions that you may have. This is the largest concentration of community association service providers and vendors in New Jersey.

We've moved the expo from a Saturday to a Wednesday and starting later in the day than in previous years. The committee, along with the board of directors, feel that by moving to a weekday, we will attract more managers and community leaders. All board members along with their management and maintenance teams should block out the day and attend. Again, there is something here for everyone. Managers will have access to every professional trade specialist along with every major service provider. Your community's maintenance staff will have the opportunity to speak with landscapers, pool contractors, asphalt specialists, as well as every other trade professional that services your community. Board members will be able to visit every major service provider to ask any

questions that they may have, as every exhibitor is more than willing to answer any questions that your team may have. If you're looking for a new professional to join your team, this is the place to meet with them, all under one roof. Our conference issue of *Community Trends*® will be mailed out to every member in plenty of time to allow you to map out your day and mark any exhibitor you want to chat with.

Remember, in addition to the 160 plus exhibitors, we will have an education seminar for each membership cat-

"...in addition to the 160 plus exhibitors, we will have an education seminar for each membership category along with complimentary breakfast and lunch for all attendees."

egory along with complimentary breakfast and lunch for all attendees. To make your day even more attractive, we will be giving away \$1,000 cash every hour for a total of \$5,000 in cash prizes.

There will be a lot more information in the September issue of *Community Trends*® concerning the 2016 CAI-NJ Conference and Expo. In the meantime, if you have any questions, please visit our webpage www.cainj.org or call Angela in the CAI office. ■

LEGISLATIVE UPDATE



CHRISTINE F. LI, ESQ., CCAL
PARTNER, GREENBAUM, ROWE, SMITH & DAVIS LLP.
LEGISLATIVE ACTION COMMITTEE CHAIR

Dealing with construction defects in planned residential communities has legal ramifications and complications due to the common improvements, operations, and plan of ownership which distinguish these communities. The individual home is required, under the New Home Warranty and Builders' Registration Act, to be enrolled in a new home warranty program. Accordingly, the pursuit of any defects within the home will be by the individual owner against the developer and possibly require the filing of a claim with the warranty plan in which the home has been enrolled.

The governing board of a community association is generally empowered to pursue the claims affecting the common elements of a condominium, or the common property of a community consisting of subdivided lots. Common features and amenities, such as recreational facilities and drainage basins, are scrutinized in either form of homeownership. Within a condominium, components, such as the roof and common building systems, are evaluated by the community association and its engineering professionals.

I am quick to say that I do not recall any bills which the Legislative Action Committee has reviewed in the recent past that directly address the rights of community associations when faced with construction defects; however, several bills have been proposed in response to problems experienced by community associations when market conditions or other circumstances have delayed the full buildout of a condominium or community after some of the homes have been sold and occupied by individual homeowners. The focus of the bills is not the construction defect itself and potential redress of the community association, but rather when the community association may pursue construction defect claims and the rights and remedies afforded to the association at such time.

Under the New Jersey Condominium Act (the "Condominium Act") and the Planned Real Estate Development Full Disclosure Act ("PREDFDA"), once 75% of the units have been conveyed, the developer is required to surrender control of the board to owners, other than the developer. Only then will the owners have full authority to make decisions that bind the community association. Owners do have the right to elect representatives to the board when 25% and 50% of the units have been conveyed, but the owners will not gain control of a majority of the positions on the board until 75% of the units have been conveyed.

The transition and ultimate surrender of control of the board to owners sometimes become problematic when the community has a protracted buildout period. During the time when construction continues or units are offered for sale by the developer in the ordinary course of business, the developer has the right to hold a majority of the positions on the board and generally dictate the decisions of the board.

Bills have been introduced to limit the period of time in which the developer may retain control of the board. A3646/S863 was introduced on April 16, 2016, as an amendment to the provisions governing the current gradual turnover of positions on the board under PREDFDA. As a response to extended periods of control by the developer, even though the developer may still have active construction plans or offer units for sale in the ordinary course of business, the bill gives unit owners other than the developer the right to elect all of the members of the governing board upon the conveyance of 75% of the units "within a single condominium structure, or two years after the substantial completion of a single condominium structure, whichever occurs first."

"Another bill that is intended to protect purchasers in planned communities relative to the completion of construction and potential defects is S1638."

While the amendatory language may be seen to address the frustration of homeowners as the developer continues to control the board while building or offering homes, it is an example of why the approach of "one size fits all" cannot be employed when drafting legislation, especially when it is to amend existing laws such as the Condominium Act and PREDFDA. A simple (and, admittedly, extreme) example of the untoward consequences of legislation, such as this, would be its application to a condominium proposed to consist of 100 townhouse-style condominium buildings, with each building to contain four units. Would this mean that: (1) if one building of four units was completed and three of the units (i.e., 75% of the units) were conveyed, and (2) due to circumstances beyond the control of the developer (e.g., an unforeseeable environmental condition) the construction of the second building did not begin until more than two years later, the developer should be required to surrender control of the board when it has 99 more buildings to construct? The negative impact upon the existing homeowners and the viability of the development is obvious.

Another bill that is intended to protect purchasers in planned communities relative to the completion of construction and potential defects is S1638. This bill was introduced on February 16, 2016. The bill amends PREDFDA by giving the Department of Community Affairs the power to adopt, amend, or repeal such rules and regulations as are reasonably necessary for the enforcement of the provisions of PREDFDA. The rules may compensate purchasers for failure of a developer to perform in accordance with the terms of any contract or public statement "including, without limitation, failure of the registrant to satisfactorily complete all promised common elements, such as streets, drainage, and recreational facilities, ...provisions establishing a transition procedure to ensure that associations that are no longer

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INSIDE CONNECTION

Jaclyn Olszewski | DIRECTOR, EVENTS & EDITORIAL

Represent Your Company at CAI-NJ Events

As a paying member of an organization, there is nothing worse than sending your registration form in for an event that you have attended for 10+ years, and finding out that it is sold out and you cannot get in!

You plan for these events in your calendar a year in advance, you strategically select the team who will represent the company, you budget the cost to attend or sponsor, even before the event itself is scheduled. Yet something comes up. Your email doesn't receive notice that registration is open, you are so busy at work that you thought you already registered or simply, you just forgot.

For myself as the Director of Events and Angela, the Director of Conference and Programs, who serve as the "Gate Keepers" of registration, there is nothing worse for us, than telling a loyal member that they cannot attend. This is becoming more and more of a challenge as both the New Jersey chapter of Community Associations Institute, as well as the demand for our events and programs continue to grow.

You may have noticed that so far in 2016, roughly 80% of the CAI-NJ programs and events have sold out, causing complications with registration and your marketing plans. This is both an exciting yet a troubling occurrence for the team here at CAI. The demand for our programs is greatly increasing, this year's Spring Break event had a 50%

increase in registration from 2015, prompting a move to a larger venue only one week prior. Executive Director, Larry Thomas and I spent a full day, driving the coastline at the Jersey Shore, uninvitingly stopping in at various venues that we thought would be able to accommodate our group, just days before the event was scheduled. Thankfully, we were able to change the venue last minute and allow for the additional 160 members to join us. The CA-PAC Day at the Races saw an increase of 60% in registrations, and our educational programs that Angela coordinates are seeing waitlists for each and every class!

I can assure you that we are doing everything we can to find larger venues to hold our events and we are trying to inform our members as early as possible when registrations are open, as well as when they are nearing capacity. It is with your support and the hard work that each committee puts into these events, that CAI-NJ is growing rapidly. With all these additional registrations for events, members are making connections with more and more industry professionals to grow and develop their own business. The last thing we here at CAI-NJ want to do, is limit our members' possibilities for networking opportunities.

In order to help you know when registrations for events will be opening, I have created a list of the major events

CONTINUES ON PAGE 84

Events	Time of Year Event is Held	Registration Opens
Awards Dinner	Mid-February	December
Spring Break Party	Mid-April	February
CA-PAC Day at The Races	Early June	April
Dennis R. Casale Memorial Golf Outing	Late June	Limited Due to Partner Program
Olympics	Mid- July	May
Senior Summit	Mid- July	May
Beach Party	Mid- August	June
Conference & Expo Booths	October	Early Bird at Conference
Conference & Expo Attendees	October	May

**This chart is an estimate of when registrations will open. It is subject to change.*

2016 EVENTS & EDUCATION CALENDAR

WWW.CAINJ.ORG | FACEBOOK.COM/CAINJCHAPTER | TWITTER.COM/CAINJCHAPTER

**THURSDAY
AUG 11** **ANNUAL BEACH PARTY**
Martell's Tiki Bar
Point Pleasant, NJ

**TUESDAY
AUG 23** **CAI LECTURE SERIES:
INSURANCE LOOKING AHEAD
TO 2017**
CAI-NJ Headquarters
Freehold, NJ

**WEDNESDAY
SEPT 7** **MANAGER LEADERSHIP SERIES**
Rossmoor Community Association
Monroe Twp., NJ

**THURS- SAT
SEP
8 - 10** **M-100: THE ESSENTIALS OF
COMMUNITY ASSOCIATION
MANAGEMENT**
Somerset, NJ

**WEDNESDAY
SEP 14** **THE FUTURE OF NEW JERSEYS
COMMUNITY ASSOCIATIONS**
Forsgate Country Club
Monroe Twp., NJ

**TUESDAY
SEP 20** **CAI LECTURE SERIES:
FAIR LABOR STANDARDS ACT**
CAI-NJ Headquarters
Freehold, NJ

**THURSDAY
SEP 22** **CAVL ROUNDTABLE**
The Lincroft Inn
Lincroft, NJ

**TUESDAY
SEP 27** **CAI LECTURE SERIES:
LINKEDIN**
CAI-NJ Headquarters
Freehold, NJ

**THURS-FRI
OCT 20-21** **M-350: MANAGERS AND THE LAW**
Monroe, NJ

**TUESDAY
OCT 25** **PRE-CONFERENCE
NETWORKING RECEPTION**
Garden State Exhibit Center
Somerset, NJ

**WEDNESDAY
OCT 26** **ANNUAL CONFERENCE
& EXPO**
Garden State Exhibit Center
Somerset, NJ

**WEDNESDAY
NOV 9** **ANNUAL PCAM RECEPTION**
Ocean Place
Long Branch, NJ

**THURSDAY
NOV 17** **MANAGER & BUSINESS PARTNER
ROUNDTABLE**
Chart House
Weehawken, NJ

**THURSDAY
DEC 8** **ANNUAL MEETING & CHAPTER
RETREAT**
Clearbrook Community Association
Monroe, NJ

FOR MORE INFORMATION CONTACT
EVENTS@CAINJ.ORG OR
CALL 609.588.0030

EVENTS SUBJECT TO CHANGE



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CHAPTER TRENDS

BE A PART OF THE TREND! Submit your company's or association's news, milestones and achievements to us at communitytrends@cainj.org for publication in the Chapter Trends section of *Community Trends*®.

Long Time CAI-NJ Member, Ronald L. Perl, Esq., Hill Wallack LLP, Receives a Distinguished Service Award from CAMICB for His Dedication and Years of Service on the CAMICB Board

"In his role as a public interest member of the CAMICB Board of Commissioners, Ron Perl brought a unique perspective to our Board. His commitment to professionalism in the field of community association management, his vision for the CMCA credentialing program, and his clear understanding of the responsibility of the credentialing program to the consumer brought focus and clarity to our Board deliberations. His contributions to the success and growth of the CMCA credential have been invaluable. On a more personal note, he's just a terrific, generous guy, and has been enormously supportive during my tenure with CAMICB."

— John H. Ganoë, CAE Executive Director of CAMICB



Ron L. Perl, Esq.

Courtesy CAI-NJ.

Mirra & Associates, LLC Officially Celebrates Success of New Office Building with Ribbon-Cutting Ceremony

Hillsborough, NJ — Marie D. Mirra, CPA and Mayor Frank DelCore together performed the ribbon cutting ceremony at the new office located in The Courtyard in Hillsborough, NJ on the evening of Friday, April 15th. David Kois, Toni Natale and Gene Strupinsky from Hillsborough Township were present at the event. Also, in attendance was Ms. Mirra's husband, Pat Mirra, the Mirra & Associates staff, family members and friends.

The ceremony was followed by h'orderves and a sentimental toast given by Ms. Mirra in which she expressed



Marie D. Mirra, CPA and Mayor Frank DelCore cutting the ribbon at Mirra & Associates, LLC's Ribbon-Cutting Ceremony at the firm's new office building in Hillsborough.

her sincere appreciation to everyone who participated in the celebration and her gratitude to those who supported her over the years since the inception of the Firm on May 1, 2003.

Mirra & Associates, LLC began its operations as a small public accounting firm with one employee in a small office space. Due to unprecedented growth over the years, the company has moved from two previous office locations to its current location in a new two-story, six thousand square foot, owner-occupied brick building with room for expansion and growth including a beautiful view of Duke Farms across Route 206. Upon entering into the office, the reception area is very welcoming, and includes workstations and offices on the first floor with a large conference room, kitchen facilities to be enjoyed by its employees on the second floor. Mirra & Associates, LLC is conveniently located off of Route 206 North and near Routes 287, 78, 202, and 22.

Mirra & Associates, LLC is a Certified Public Accounting firm specializing in Common Interest Realty Associations (CIRAs) founded by Marie D. Mirra, CPA and now servicing approximately 500 associations. ■



CA-PAC
*Community Association
Political Action Committee*

CALLING ALL CAI-NJ MEMBERS: CA-PAC NEEDS YOUR HELP!

The Community Associations-Political Action Committee (CA-PAC) is CAI's voice in New Jersey politics. This year we're asking every homeowner, manager and Business Partner to help make 2016 a record year for CA-PAC. We have a lot of work to do, and with your help, we can achieve our priorities which include:

FORECLOSURE REFORM

For too long our communities have been held hostage by banks that start, but won't finish, foreclosures. New Jersey leads the nation with nearly 4,000 so-called "zombie foreclosures" in which properties are abandoned by their former owners but banks don't finalize the action, leaving our communities—and our neighbors—left paying tens of thousands of dollars in delinquent maintenance fees. At CAI-NJ we say enough is enough. That's why we are working to make lenders responsible for the unpaid fees with new laws that force banks to act responsibly or allow rent receiverships. A bill to do just that came painfully close to law last year, having passed the Senate 38-0, and it is our top priority this year.

MUNICIPAL SERVICES REFORM

CAI-NJ is dedicating the next two years to revisiting New Jersey's Municipal Services Act to make sure our communities are getting their fair share back for your property taxes. Issues like fee parity for fire hydrants and fair treatment from utility authorities are at the top of our list. We are also working with CAI National to bring about common sense disaster relief law so our communities can seek the same relief as our neighbors.

FIXING PLANNED REAL ESTATE LAW

New Jersey's patchwork of condo and homeowner association laws remains in need of a 21st Century makeover, and CAI-NJ is committed to working with the legislature to get that hard work done. CAI-NJ has prepared a nine bill package that tackles everything from simply defining a common interest community to reforming the governance of elections and bylaws, and we are working closely with the legislature to get it done.

MANAGER LICENSING

CAI-NJ remains committed to recognizing the professionalism of our community managers through state licensure, and has been working with the legislature and the Christie administration on initiatives to do just that. Proposals under consideration include both licensure and registration. We remain committed to a final product that establishes a meaningful certification standard without creating an unnecessary burden.

**TOGETHER WE CAN DO THIS.
BECOME A CA-PAC LEADER AND HELP US MEET OUR GOAL TODAY!**

Your contribution to CA-PAC will make a difference!

Elected officials in Trenton make decisions impacting our owners' investment and our businesses' bottom lines.
We can no longer afford to be spectators in the political process.

NOW is your chance to participate in a big way and continue the momentum! Don't wait – contribute today!

What is a PAC? A political action committee (PAC) collects voluntary contributions from individuals and businesses who share common interests, and makes contributions to the political campaigns of candidates for office. PACs provide their members with several advantages:

- PACs multiply the leverage of individual donors. A donor who might only be able to give a few hundred dollars to a single campaign can instead give that money to the PAC, and be part of larger, more impactful contributions to multiple campaigns.
- PAC contributions are "branded" in a way that individual contributions are not. It is important for us as an industry to support the election, re-election and continued service of elected officials who understand and support our issues. CA-PAC is the best way for us to come together and do that.
- Whereas our lobbyists work with elected officials on behalf of our industry, a PAC is our way to have a say in who those officials are by insuring that the best candidates have the resources they need to run winning campaigns.

Many competing trade associations have large PACs (realtors, homebuilders, bankers) and have been raising funds for many years. We are asking you to take a step up on an annual voluntary basis – to give and raise funds for the campaigns of good candidates for New Jersey legislature.

As our industry is subjected to greater scrutiny and more burdensome regulations, your contribution is an important investment in New Jersey communities.



James Rademacher
President, CA-PAC
Community Association Political Action Committee

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For more information, contact Larry Thomas at larry@cainj.org or call 609.588.0030

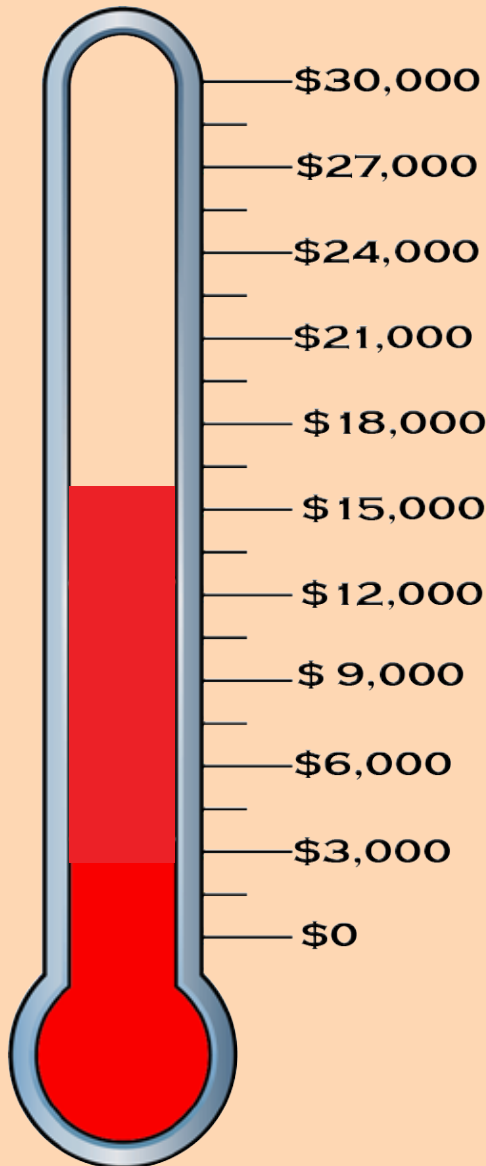
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TRANSITION:

Evaluate, Communicate & Negotiate but...should we litigate?

By Fran McGovern, Esq.
McGovern Legal Services, LLC

“Transition” is the due diligence process required by the board members’ fiduciary duty. In sum, the homeowner-elected board members must determine if the sponsor did what it was supposed to do and, if not, take action to get the deficiencies corrected. Upon assuming board control homeowner-elected board members must:

- 1) evaluate the association’s physical and financial condition;
- 2) communicate the findings to the members and the sponsor;
- 3) negotiate for repairs, money or a combination of repairs and money.

Evaluate. Due diligence begins with evaluating the association’s physical and financial conditions. These evaluations must be undertaken promptly. Delay may result in losing some or all claims due to expiration of warranties, statutes of limitation and/or the statute of repose.

Engineers, architects, accountants and other experts are enlisted by the board and the association’s attorney to ferret out deficiencies and “connect the dots”. “Connecting the dots” requires experts to:

- 1) Identify the duty – statutes, architectural drawings and specifications, building codes, industry standards, manufacturer’s specifications, etc.;
- 2) Specify how the duty was breached – for example, required building wrap was not installed;
- 3) Specify the damage – for example, moisture got behind the siding and was not shed down and out; instead the moisture damaged the substrate and structural members;
- 4) Specify how the breach caused the damage – for example, if the required building wrap had been properly installed, water that got behind the siding would have been shed down and out of the building envelope without damage to the substrate and structural members. Instead, the water was absorbed by the substrate

CONTINUES ON PAGE 16



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TRANSITION...

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and structural members resulting in rot and mold growth.

After “connecting the dots”, the association’s experts should carefully determine how much it will cost the association to fix the various physical and financial defects. This “cost to cure” report provides the board with a basis for prioritizing the deficiencies and evaluating how much the association should spend on attempting to compel the sponsor and others to remedy particular deficiencies.

Without reputable experts solidly connecting the dots and determining the cost to cure, the association has little prospect of transition success.

Assuming the experts connect the dots and accurately estimate the cost to cure, the board, its experts and counsel must finally evaluate the probability of recovery. Is there an individual or entity that has the resources to cure the deficiencies or pay the association so that it may cure the deficiencies. Is it the sponsor? Is it the sub-contractors? Is it one or more insurance companies? Typically transition is resolved with contributions by all of these but, if there is little or no prospect of recovery, the association should carefully consider other options such as self-funding repairs, obtaining a bank loan to fund repairs or phasing repairs over time while using “Band-Aid” fixes in the meantime.

Communicate. Many boards are reluctant to communicate expert findings to the membership. This is a mistake. Everyone hopes that the transition process will be smooth and

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TRANSITION...

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amicable. However, transition can be long, contentious and expensive. If the membership does not support the board, management, its attorneys and experts, half of the battle is already lost. The board must share as much information as possible with the membership during the transition process so that the members know what it going on, know why various items have not yet been fixed and know why it is important for the association to spend the time and money to see the transition process through to resolution.

Negotiate. Once the board has a comfort level with the experts' findings and recommendations, the board and counsel will negotiate with the sponsor, developer, sub-contractors and others. In most cases this negotiation results in an amicable transition agreement whereby the sponsor and other responsible entities make repairs and/or pay the association so that it may make the repairs. In exchange, the association gives the responsible entities a release and hopefully everyone lives happily ever after.

But...should we litigate? If there is no amicable resolution, should the association litigate? This is a big decision and the "cost to cure" and "viability of recovery" evaluations become that much more important. There are many times where a litigated transition is necessary. The board should not shrink from turning to the courts on behalf of itself and its members. But, before doing so, a cost-benefit analysis must be carefully considered.

CONTINUES ON PAGE 83



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Call for Construction Monitoring

By Robert N. Roop, P.E.
Lockatong Engineering

When one buys a condominium unit whether it be a new unit having just gone through transition or a resale, one doesn't know the quality of construction of the project. Perhaps there were indications of construction quality in a transition report or in association records of maintenance and repairs. Unfortunately, at that point, you are pretty much stuck with the quality of construction that was delivered by the original builder.

But what can happen if you are embarking on a major construction project on your own as an association? It would be a great idea if you could confirm the quality during construction. Is it up to building code, industry construction practice and plans and specifications developed by a professional engineer for the job? Construction monitoring is one term that applies when the work of a contractor is continually inspected to confirm the work is being done properly.

Some may think that construction monitoring is unnecessary. After all, contractors in New Jersey have to be licensed, carry insurance, obtain building permits, and perform to industry standards. In theory that's correct but unfortunately there are some contractors who don't have the requisite qualifications or certifications and they try to fly under the jurisdiction of local code officials. Then there is the issue of adequate supervision of construction crews. A busy contractor may have a limited number of supervisors moving between active jobs. That could leave your project unsupervised. There are also different skill levels of the individual crew members. Frankly,

the quality and skill level of many in the construction industry has declined. Without an independent third-party performing construction monitoring, you will be at the mercy of the quality a contractor is able to provide.

So where does it start? First, have a detailed specification with plans available for competitive bidding. A professional engineer can prepare these for you. By having a specification, all the selected contractors will be bidding on the same scope of work, with the same materials under the same working conditions. Your engineer can help by pre-qualifying contractors known to provide quality work.

Occasionally we learn of a property manager telling an association "oh you don't need to use an engineer for a specification, I have one for a roofing project that you will be able to use". That property manager is putting himself in a dangerous position. First, he's potentially practicing engineering without license, a fineable mistake. Secondly, even if that specification were a good one, it does not include the configuration and details necessary to properly define the roofing requirements for your buildings. While you may think you are saving the expense of the design specific for your project, you are really asking for trouble.

A properly prepared specification will include the details of your project. Where should specific materials be used, how are the transitions around building components to be constructed? What are the specific details about demolition, preparation, materials storage, waste disposal, facility

access, locations for dumpsters and sanitary facilities? Are manufacturer's representatives to conduct training or inspections and what warranties are to be included?

Once the contract between contractor and association is drafted and approved, the on-site construction monitoring can begin. Often, the engineer will meet with the property manager, contractor, and board members in the kickoff meeting. Site specifics can be clarified like material lay down areas, sequence of work, location for amenities and dumpsters, site supervisor responsibility, daily clean-up and many other factors that will make owners living in the construction project comfortable and able to have the maximum use of their facility.

Once the project is under way, the engineer will want to make site inspections on a regular basis. We prefer to make many inspections at the beginning of a project. This will set the standard of expectations that contractors should become comfortable in executing. At the beginning of the project when materials are delivered the engineer will want to inspect them to confirm that they are those specified for the project. Unfortunately, many waterproofing products are incompatible with each other. The engineer has specified products that are compatible so it is important that only they be on the job site. Any substitution must be approved.

Particularly in exterior renovations like window and door installation, balcony restoration, and roofing projects, execution of details according to plans and specifications is critical. As simple a task as installing a window has an incredible number of details that must be performed to perfection

if the window is not to leak. Are the building vapor and water barrier components lapped and taped properly? Is the rough opening water barrier installed too? Is there a sill pan flashing? How is the head flashing constructed? Is the water barrier and drainage plane continuous? Every single window needs to have those details constructed properly. Imagine

the same degree of attention to detail needs to be performed at every aspect of the building. An engineer on-site early in the project can set that expectation in executing the details according to the plans.

Periodic inspection will confirm that the contractor continues to perform at the standard of quality expected. Photo documentation of the process is

CONTINUES ON PAGE 22



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CONSTRUCTION...

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important too. On larger projects an association may want a construction progress report to identify how the project was completed and the standard of quality met their expectations. This can become a valuable document when an individual owner sells a unit in providing a new owner peace of mind that a construction project was completed satisfactorily and there should be no expectation of problems and costs in the future.

Those that have achieved the PE licensure tend to use the AIA document which helps track construction progress and for making progress payments to the contractor. AIA Documents G702 and G703 are

CONTINUES ON PAGE 24

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CONSTRUCTION...

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industry standards for "Application and Certificate for Payment" the contractor prepares during the progress of the job. The contractor identifies ahead of time the tasks in the project and a monetary value in each of the tasks. As those tasks are completed, even partially, the contractor submits the forms for payment. Here is where the engineer having completed progress inspections can confirm that the contractor is requesting payment only for the work that actually has been completed. The engineer reviews the payment request, work completion documentation and approves payment by the association. In this way, the payments to the contractor don't get ahead of what is actually completed. An important element in payment requests is that retainage be withheld from each payment. Typically retainage is about 10% of the payment request. This protects the association and helps keep the contractor's attention on the project.

At the end of the project, the engineer, contractor and property manager will conduct an inspection to develop a punch list. Once that punch list has been confirmed to have been completed by subsequent inspections, the contractor can make a final application for payment. Before that final payment can be made, the contractor should turn over to the association all warrantee documents, manufacturer instruction manuals, and importantly a final project approval and Certificate of Occupancy from the local code officials. Only when all of that is

CONTINUES ON PAGE 83

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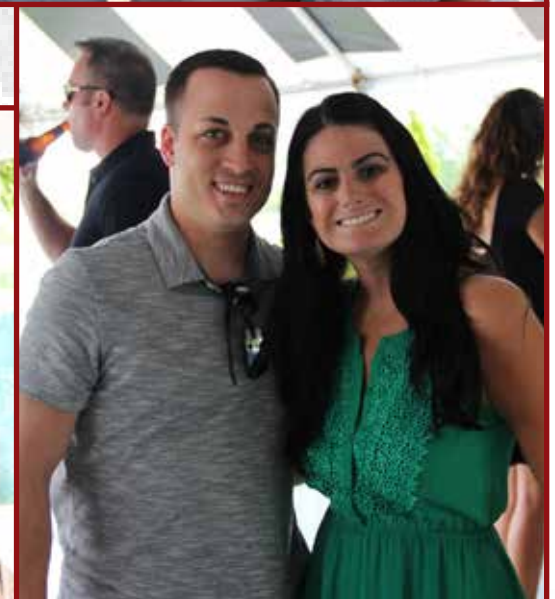
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CA-PAC held the Annual Day at The Races on Friday, June 17th at Monmouth Park Racetrack. With a record number of attendees, guests dined on an expansive buffet while enjoying the horse races. Thank you to all who attended in support of CA-PAC.





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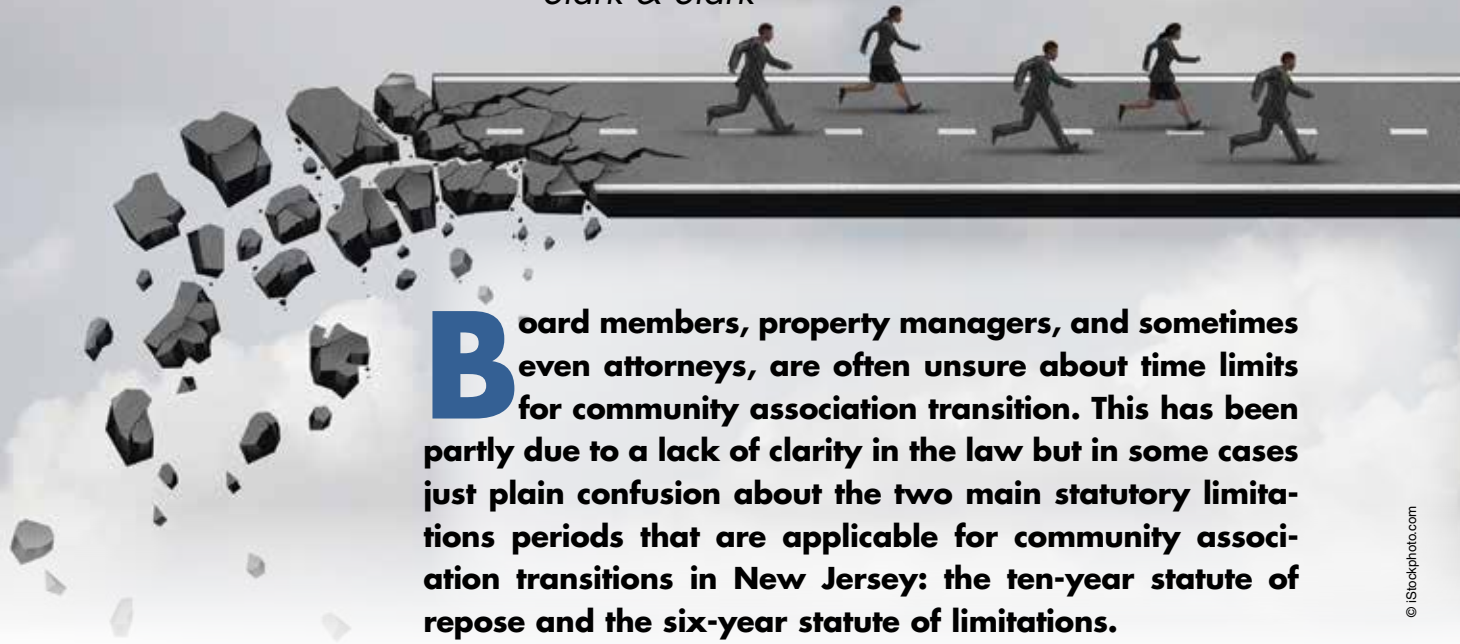


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UNDERSTANDING STATUTORY DEADLINES IN TRANSITION

By Mary W. Barrett, Esq. and Andrew Podolski, Esq.
Stark & Stark



Board members, property managers, and sometimes even attorneys, are often unsure about time limits for community association transition. This has been partly due to a lack of clarity in the law but in some cases just plain confusion about the two main statutory limitations periods that are applicable for community association transitions in New Jersey: the ten-year statute of repose and the six-year statute of limitations.

STATUTE OF REPOSE

The New Jersey statute of repose states that “no action... arising out of the defective and unsafe condition of an improvement to real property...shall be brought...more than 10 years after the performance or furnishing of such services and construction.” (N.J.S.A. 2A:14-1.1.) The statute of repose will begin to run at a specific time and allow a claim to be filed for ten years. After the repose period expires, no construction defect claim can accrue and none may be filed. The statute of repose cannot be tolled and once the ten years runs on an item, the association can pursue no further claims for construction defects against the developer and/or other parties such as subcontractors. In other words, once that ten years runs, it is “game over” for the transition claims.

Accordingly, it is critical to determine exactly when the ten-year statute of repose commences and when it will run out. The statute of repose begins to run upon substantial completion of construction. In a broad sense, substantial

completion would be the date a certificate of occupancy is issued. The underlying construction contract may define substantial completion and in that case the date would be determined by that definition. For example, the construction contract may state that substantial completion is determined when the engineer issues a written certificate so the date of that certificate would determine when substantial completion was achieved and the statute of repose would start to run from that date. Also, each trade contractor that completes its work on the project may have its own substantial completion date – either by written certificate, certificate of occupancy, or otherwise. Thus, different portions of the community and different elements of the construction may be substantially completed at different times – especially in large or phased communities - and this date will be different for different areas and contractors. The grading and drainage work will be completed early on in the construction of the community, buildings 1 through 12 will most certainly be completed at different times, the framing work

CONTINUES ON PAGE 30

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DEADLINES...

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within each of the buildings will be completed at different times, and the clubhouse roof will be completed at yet another time. Each of these might have a different substantial completion date and, therefore, be subject to a different expiration date for the statute of repose.

Determining the earliest possible substantial completion date for the project will help the association preserve its claims until specific dates for specific defects are determined. You can estimate substantial completion of a building by obtaining the first certificate of occupancy issued. Keep in mind that date will not include earlier completion dates for trades within the building (e.g., framers). If construction started after the master deed or declaration was recorded that recording date may also be a good estimate of

when the statute of repose may commence. The date of the initial grading work, if known, is a safe date to use for all building issues; however, even that date may not include substantial completion for design professionals (e.g., architects) as this work is typically completed before any shovel hits the ground. Whatever date you determine comprises substantial completion, add ten years and you will get the estimated date the statute of repose runs out. These are just rough estimates, of course. Remember that once the ten-year statute of repose period expires no claim can accrue and none may be filed on the defective construction work. In order to determine the date specific portions of the community were substantially completed or certain trades or professionals substantially completed their work, experienced legal counsel needs to be engaged early in the process to


conduct an extensive evaluation and protect the association's legal rights.

STATUTE OF LIMITATIONS

The statute of repose is not the only potential time bar to transition litigation. These cases are also subject to a six-year statute of limitations. Unlike the rigid statute of repose, however, the six-year statute of limitations has more flexibility because it can be tolled until discovery of a deficiency. N.J.S.A. 2A:14-1 provides that actions "for any tortious injury to real or personal property...shall be commenced within 6 years next after the cause of any such action shall have accrued." This means that determining when the cause of action accrues is key. New Jersey follows what is called the "discovery rule," which states that a cause of action only accrues when one knows or *should have known* of a claim.

To understand the statute of limitations and, more importantly, accrual of a claim, in the community association context you must first understand the concept of homeowner control and discovery. When a community association is first developed, the developer will appoint its own non-homeowner representatives to the association's board of trustees. The board is said to be "developer controlled" at this time. As the developer sells homes, the homeowners are entitled to gradually elect their own homeowner representatives to the board of trustees. Once 75% of the homes in a community association are conveyed to owners other than the developer, these homeowners are entitled to elect all of the members of

CONTINUES ON PAGE 32



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DEADLINES...

from page 30.

the board of trustees (except the developer may retain one seat as long as it is selling at least one home in the normal course of business). Thus, at this point the board of trustees has "transitioned" to be "homeowner controlled" and the homeowner board of trustees can make decisions for the association independent of the developer. One of the most important decisions the homeowner board of trustees will make is retaining an engineer to inspect the common property and prepare a report of any deficiencies. Once this "transition report" is finalized and presented to the homeowner board of trustees, the association is on notice of deficiencies identified in the report. This notice constitutes discovery for statute of limitations purposes.

Unlike with the statute of repose, there has been some lack of clarity in New Jersey law as to when the statute of limitations accrues and runs for a community association and litigation attorneys were left guessing what a court would decide. Should the six years start to run at substantial completion? At homeowner control? Some hybrid of the two? Attorneys for community associations have continually argued that these causes of action could not accrue, and the six-year statute of limitations could not start to run, until after homeowner control and receipt of an engineer's report. In February, the New Jersey Appellate Division ended this speculation in a case that was very favorable to community association transitions. In this case, *The Palisades at Fort Lee*

Condominium Assoc., Inc. v. 100 Old Palisade, LLC, et al., 2016 N.J. Super. Unpub. LEXIS 193 (App. Div. Feb. 1, 2016), the association was substantially completed in 2002. It reached homeowner control in 2006 and the homeowner board received its engineer's report documenting deficiencies in 2007. The transition litigation was filed in 2009, more than six years after substantial completion. The contractor defendants argued that the statute of limitations should have expired in 2008, six-years after substantial completion. The plaintiffs argued that the association still had almost a year after receiving its engineer's report to file the complaint and by waiting to file the complaint until 2009, it was filed out of time. The *Palisades* court disagreed and held that the six-year statute of limitations does not accrue until after homeowner control *and* after the association has reasonable notice of the deficiencies (i.e., receives an engineer's transition report). Importantly, once the statute of limitations starts to run the association is entitled to its full six-year limitations period (except, of course, it could not run past the ten-year statute of repose which, in the *Palisades* case would have been 2012, ten years after substantial completion).

While this is an important decision for community associations it should be noted that the case is unreported and it has been appealed to the New Jersey Supreme Court. As of press time there was not yet any word as to whether or not the Court would accept the case for review and we do not know how or if we can rely on this decision.

CONTINUES ON PAGE 34



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DEADLINES...

from page 33.

PUTTING THEM TOGETHER

Now that you understand how the ten-year statute of repose and the six-year statute of limitations work, you may wonder how the two statutory periods work together. Remember that no further claims can accrue after the statute of repose period expires. While the homeowner-controlled association may be entitled to its full six-year limitations period after receipt of the engineer's report, that is only the case if the ten-year statute of repose period will not expire for at least six years. Based on the *Palisades* case, which could still be reviewed and modified by the New Jersey Supreme Court, the ten-year statute of repose period would have expired in 2012 (ten years after substantial completion in 2002). However, six years after the homeowner-controlled association received its engineer's report in 2007 would be 2013, a year after the ten-year statute of repose expired. Thus, the associa-

tion did not have a full six years to file its complaint – it had only five years after receiving its engineer's report in 2007 - and needed to file the complaint before the ten-year statute of repose expired in 2012. This is because unlike the statute of limitations, the ten-year statute of repose is rigid and cannot be extended under any circumstance.

THE BOTTOM LINE

A community association with any construction transition claims must ensure the claims are satisfactorily resolved or that litigation is filed before the six-year statute of limitations and the ten-year statute of repose runs. Failure to do so may cause the association's claims against the developer and subcontractors to be extinguished. Most transition matters settle amicably without litigation well before these limitations periods expire but it is critical that association board members and property managers understand these concepts and work with experienced legal counsel to help preserve the association's legal rights. ■

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See Details in This Issue — pages 48-53!

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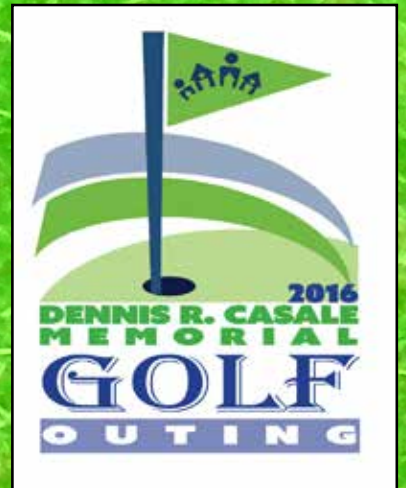
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Date: Tuesday, August 23, 2016
Location: CAI-NJ Headquarters, 500 Harding Rd. Freehold, NJ 07728
Agenda: 9:30 am-10:00 am: Registration & Breakfast
 10:00 am-11:30 am: Program
Speaker: Ryan Weiner - Brown & Brown Insurance of New Jersey, Inc.

Space is limited. Attendees are strongly encouraged to register by Friday, August 12, 2016. Pre-registration is required.

If you register for this program and cannot attend, please call the chapter office at (609)-588-0030 to cancel.

Questions? Email Angela Kavanaugh at Angela@cainj.org or call (609) 588-0030.

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THE WINDOW REPLACEMENT DILEMMA: *New Construction v. Replacement Window*

By Chris Tensen, CMCA, AMS
KPI2 Contractors, Inc.

As your development continues to age, so do the building components, including windows. Window replacement; usually considered a homeowner expense, (determined by your association documents) when replaced, if not installed correctly can significantly impact the condition of your building without anyone even knowing about it. So you have to ask the question as to what depth your association may want to become involved. Most associations rely on Architectural Control Guidelines and/or Buildings and Grounds committees to establish and maintain aesthetic continuity and ensure compliance within the Association Rules & Regulations. Should the association consider defining the correct window type and the installation means and methods required for your building type? Defining them now, will more than likely eliminate extensive "hidden and latent" building damages in the future.

In theory the goal for almost every consumer is to balance product quality vs. product cost, a delicate balance. When purchasing windows for replacement an owner has

two options; replacement windows or new construction windows. What's the difference you ask? The most significant difference is the nailing flange that is part of the new construction window. New replacement windows are always less costly than new construction windows, not only because the window is inherently different, but the installation methods are significantly different as well. \$99.00 for replacement windows sounds like a bargain, but the short term savings can in the long term, turn out to be a very costly endeavor.

Replacement windows and new construction windows can be generally defined as follows:

"New Construction Window" – are windows that will have a nail flange around the perimeter of the window that works as a flashing strip to the existing building underlayment system. When using a new construction window, it will allow for a proper flashing detail ensuring a water tight finish.

"Replacement Window" – are windows that fit into the existing window jambs. This means you leave the existing

CONTINUES ON PAGE 46



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WINDOWS...

from page 44.

frame and existing flashing in place and only remove the sashes and the side track, or in some cases the existing window is cut out of the rough opening.

As previously stated, the most important difference between the window types is the nailing flange that is part of the new construction window. During original construction, windows are installed in existing framing before any exterior building underlayment and final exterior coverings are installed, i.e. stucco, siding, stone, etc. These new construction windows are installed with a nailing flange that encompasses the perimeter of the existing frame that eliminates any potential areas of water infiltration. New Tyvek house wrap is installed over the nailing flange creating a weather proof barrier and the final exterior building component is installed.

In comparison, a replacement window can be installed by cutting away the existing nailing flange from the original new construction window, installing the replacement windows into the existing openings and leaving the existing perimeter flashing details. The new replacement window is installed, a new bead of caulk is installed at the perimeter and everyone is satisfied. The homeowner is happy as they received a cost effective window replacement and the association is happy as a homeowner just improved the value of the property.

Let's now fast forward three years from when Mrs. Smith installed new replacement windows. After several days of wind driven rain, Mrs. Smith calls management to report a leak that she is experiencing beneath her win-

dow. Management dispatches maintenance only to find out the leak is a result of caulking failure around the perimeter of the new replacement windows that were installed three years ago. Further invasive inspections reveal extensive wood rot beneath the window and down the exterior wall causing several hundred even thousands of dollars in damage to the building structure. The original flashing detail was compromised, the new caulking had failed and the association is now incurring exceedingly high maintenance repairs.

"As previously stated, the most important difference between the window types is the nailing flange that is part of the new construction window."

In some cases, depending on how the governing documents are written, the association can assess these repairs to the owner since it was a result of the failure of the window (assuming owner responsibility) that created the damages.

The installation methods and requirements for a new construction window are more extensive, more costly but if installed correctly will ensure no extensive building damage in the future. In order to properly install a new construction window, the exterior building component, whether it be window trim, siding, stucco or stone must be removed. The existing window is removed, and in the existing frame an ice and water shield weather

CONTINUES ON PAGE 76

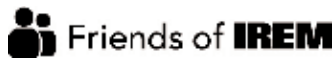


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This year the CAI-NJ Conference & Expo will be on Wednesday, October 26th at the Garden State Exhibit Center in Somerset. There will be educational seminars, created specifically for each of our member types. Attendees will also have the opportunity to visit with 167 professionals and learn about the latest trends in community association services and gather advice from the experts as well. It's an excellent opportunity to make new contacts and meet potential vendors for upcoming projects within your community.

First time ever, we will be giving away \$5,000 in cash prizes. Everyone is eligible but you must be present to win!

10:00 AM – 11:30 AM
10:00 AM – 3:30 PM

Complimentary breakfast buffet available in the food area
Trade show floor open

11:00 AM – 11:45 AM

Community Association Volunteer Leader Educational Session – Lecture Room

The One Hour Board Meeting and Beyond - This is your opportunity to get those long grueling meetings under control. Craig will demonstrate how using a timed agenda, setting up the room correctly and having an organized time for the homeowners to speak will help any board turn their monthly or quarterly meeting into a meeting homeowners will want to attend.



Presenter: Craig Huntington - President of Alliance Association Bank, a division of Western Alliance Bank. Craig is a well-respected and distinguished industry and motivational speaker. He has been presenting managerial, leadership and motivational presentations for the past 20 years and has developed a comprehensive collection of presentations on a wide range of subjects.

12:00 PM – 2:30 PM
12:00 PM – 12:45 PM

Complimentary lunch buffet available in the food area
Manager's Educational Session – Lecture Room

Batman vs. Superman: The Struggle Regarding Ethics and Confidentiality for Board Members & Property Managers

In a world where association board members are faced with issues regarding ethics and confidentiality on a daily basis, who can you turn to in order to work through these complex problems? In this battle of good versus evil, you can't rely on the Man of Steel or the Dark Knight. This program will arm you with the necessary information and discuss the relevant law in order to help you properly navigate these thorny issues.



Presenter: Jonathan Katz, Esq., - Hill Wallack LLP

Jonathan H. Katz, Esq. is an attorney and a partner in Hill Wallack LLP's Community Association Practice Group in Princeton, New Jersey. Jon concentrates his practice in the areas of community association law and litigation, representing condominium and homeowners associations throughout New Jersey.



Presenter: Terry Kessler, Esq. - Hill Wallack LLP

Terry A. Kessler, Esq. is an attorney and a partner in Hill Wallack LLP's Community Association Practice Group in Princeton, New Jersey. She concentrates her practice in the area of community association law, representing condominium and homeowners associations throughout New Jersey.



Presenter: Denise Becker, PCAM – Homestead Property Management, Inc., AAMC

Denise Becker is the Senior Vice President of Community Management at Homestead Management Services, Inc, in Hillsborough, New Jersey, responsible for community management, the oversight of community managers, new business development, and client relations and marketing.

2016 CAI-NJ ANNUAL EXPO SCHEDULE & PRESENTATIONS

1:00 PM – 1:45 PM

Legislative Update Session – Lecture Room

Representatives from New Jersey chapter Legislative Action Committee (LAC), will discuss legislative and regulatory issues affecting common interest communities in New Jersey. Topics include Municipal Services Act reform, Mortgage Foreclosure reform, Manager Licensing and Elections reform. Join us for this informative session to learn more about these important hot issues.



Presenter: Christine Li, Esq., CCAL – Partner, Greenbaum, Rowe, Smith & Davis LLP

Christine F. Li is a partner at Greenbaum, Rowe, Smith & Davis LLP, Woodbridge, New Jersey where she is a member of the Real Estate Department and Chair of the firm's Community Association and Planned Real Estate Practice Groups. Her community association practice includes general counseling, collections, and alternative dispute resolution. She is a Fellow in the College of Community Association Lawyers and the American College of Real Estate Lawyers, and a co-author of the treatise New Jersey Condominium and Community Association Law.



Presenter: George Greatrex, Esq. – Shivers, Gosnay & Greatrex, LLC

George C. Greatrex Jr. is a partner in the law firm of Shivers, Gosnay & Greatrex, LLC in Cherry Hill, New Jersey where the majority of his practice is devoted to community association law in the areas of residential and commercial planned unit developments. Mr. Greatrex and his firm currently represent 150 such associations in Southern and Central New Jersey. Mr. Greatrex received his B.A. degree from Rutgers College in New Brunswick and his J.D. degree from Temple University School of Law in Philadelphia.



Presenter: Tim Martin – MBI GluckShaw

Timothy Martin is a Senior Associate with MBI GluckShaw out of Trenton, New Jersey. Mr. Martin focuses on legislative and regulatory affairs, consults on a number of healthcare issues including patient safety, access and quality of care, mental health and addiction treatment. Prior to becoming a full time government affairs agent, he interned in both the New Jersey General Assembly and the Urban League of Lancaster County, PA. Mr. Martin earned his B.S. from Millersville University.



Presenter: Mike Pesce, PCAM - Associa-Community Management Corp.

Mike Pesce, PCAM is Branch President of Community Management Corp. an Associa company located in Clifton, New Jersey, a real estate management company focused on community associations, including condominiums, cooperatives, planned-unit developments and townhouses. Mr. Pesce previously practiced law and concentrated his practice in real estate litigation. Mr. Pesce received his B.A. from the University of Notre Dame and his J.D. from Rutgers University.

2:00 PM – 2:45 PM

Business Partner Educational Session – Lecture Room

Be a Super Hero Vendor by Meeting Your Client's Expectations. Paul will show business partners how to work effectively with management companies and understand the board management structure. Some of the key points that will be discussed are how to get your foot in the door and in front of managers and board members, how to retain your contracts and how to navigate conflicts and maintain good relationships.



Presenter: Paul Santoriello, PCAM, CMCA, AMS - President Taylor Management Company, AAMC, AMO

Paul Santoriello oversees the entire organization and is actively involved in the management services division. Having been an accountant for a Big 8 accounting firm (Deloitte Haskins and Sells) for 3 years, he possesses a strong background in all areas of financial management. During his 21 years of property management experience he has developed a broad base of knowledge regarding management of the various community association structures. Paul holds a B.S. in Accounting from the University of Delaware.

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Member/Homeowner

2016 CONFERENCE & EXPO

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50 Atrium Drive
Somerset, New Jersey 08873

10:00 a.m. - 3:30 p.m.

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Please contact Angela Kavanaugh, Director of Conference & Programs at 609.588.0030 or angela@cainj.org.

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THE 2016 CAI-NJ RECRUITER CLUB CHALLENGE... RECRUIT YOUR WAY TO A FREE TRIP TO LAS VEGAS!



Recruit at least five new CAI-NJ members and you qualify to win this year's CAI-NJ Recruiter Club Challenge. New members can be any combination of Business Partners, Managers, Community Association Volunteer Leaders, and Management Companies.

For contest details contact CAI-NJ:
609.588.0030 or membership@cainj.org

GRAND PRIZE:

A free trip* to the 2017 CAI National Conference in Las Vegas, NV

Second Place Prize: \$250 Visa Gift Card

Third Place Prize: \$100 Visa Gift Card



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Contest Rules:

1. To be eligible recruit at least 5 new members between December 1, 2015-November 30, 2016.
2. The member with the most new member recruits between December 1, 2015-November 30, 2016 will win.
3. Recruiters can only win 1 prize per year.
4. CAI-NJ may allow substitutions of prizes in certain circumstances.
5. Prize winners will be announced at the CAI-NJ Chapter Retreat in December 2016.
6. Winner(s) need not be present to win.
7. *The Grand Prize is a trip to the 2017 CAI National Conference in Las Vegas, NV. Includes airfare to Las Vegas, NV, from Newark, NJ, or Philadelphia, PA; two nights at conference hotel and conference registration.



(As of June 30, 2016)

One New Member

- Tracy Blair, CMCA, AMS, PCAM
- Robert C. Griffin, Esq.
- Erin O'Reilly, CMCA, AMS
- Cynthia Pirrera, CMCA, AMS, PCAM
- Kari Prout
- Daniel Rush
- Elizabeth Saunders, AMS

Two New Members

- Lysa Bergenfeld, Esq
- Mario Spoleti

Three New Members

- Jeffrey M. Logan

Four New Members

- Caesar Mistretta

Seven New Members

- Lawrence N. Sauer, CMCA, PCAM

Ten New Members

- Donna M. Belkot, CMCA, AMS

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Welcome

NEW CAI-NJ MEMBERS

(June 1, 2016 to June 30, 2016)

BUSINESS PARTNERS

LeClairRyan a Professional Corporation

Elizabeth L. White, Esq.

Mypropertybilling.com

Joseph Guido

Pro Group

George Demetriades

Servpro of Aberdeen/Holmdel

William Thompson

Universal Supply Company

Jerry Krohn

COMMUNITY ASSOCIATION VOLUNTEER LEADERS

Steven Levine Arbaugh

Diamond View Condominium Association

Linda Gary

Parkview Crossings at Woodbridge

Patricia Holloway

Parkview Crossings at Woodbridge

Paul E. Panepinto

Parkview Crossings at Woodbridge

David Ulman

Parkview Crossings at Woodbridge

Kenneth MacRitchie

Karen Monaghan

Marsha Travis

MANAGERS

Jonathan Whalen

Carl Gustavsen

Diversified Property Management, Inc.

Jenna Egan

FirstService Residential

Chuck Graziano, PCAM

Halcyon Management Services

2016 ANNUAL PCAM RECEPTION

SAVE THE DATE

November 9, 2016

Ocean Place Resort and Spa

1 Ocean Boulevard

Long Branch, NJ 07740

6:00 PM- 8:00 PM

Celebrate Your Accomplishments with CAI-NJ

Join us on for the Annual PCAM Gala. Enjoy a top shelf open bar, hors d'oeuvres and buffet stations.

All PCAM designates are welcome as our guest along with all CMCA & AMS designates who recieved their designation in 2015 or 2016.

This Event is Only Open to PCAM, CMCA, AMS, as well as, Ultimate, Elite and Premier Partners

More Information Coming Soon!

CAI MEMBERSHIP APPLICATION

Community Associations Institute, New Jersey Chapter
 500 Harding Road
 Freehold, NJ 07728
 Phone: (609) 588-0030 Fax: (609) 588-0040
 Web: www.cainj.org
 Email: membership@cainj.org

MEMBERSHIP CONTACT (Where membership materials will be sent):

Name: _____

Title: _____

Association/
 Company: _____

Address: _____

City/State/Zip: _____

Phone: (W) _____ (H) _____

Fax: _____

E-Mail: _____

Select your Chapter: NEW JERSEY

Recruiter Name/Co. Name: _____

CATEGORY OF MEMBERSHIP: (Select one)

- Community Association Volunteer Leader (CAVL) *Dues vary**
- Manager \$142
- Management Company \$410
- Business Partner \$565
- Business Partner Affiliate (CAI-NJ only) \$100

PAYMENT METHOD:

- Check made payable to CAI
- VISA
- MasterCard
- AMEX

Card Number: _____ Exp. _____

Name on Card: _____

Signature: _____ Date: _____

Important Tax Information: Under the provisions of section 1070(a) of the Revenue Act passed by Congress in 12/87, please note the following. Contributions or gifts to CAI are not tax-deductible as charitable contributions for federal income tax purposes. However, they may be deductible as ordinary and necessary business expenses subject to restrictions imposed as a result of association lobbying activities. CAI estimates that the non-deductible portion of your dues is 2%. For specific guidelines concerning your particular tax situation, consult a tax professional. CAI's Federal ID number is 23-7392984. \$39 of annual membership dues is for your non-refundable subscription to *Common Ground*.

Complete only the portion of the remainder of the application that applies to your category of membership.

For CAI-NJ use only:	_____ BP
	_____ CAVL
	_____ MGMT
	_____ MGR

COMMUNITY ASSOCIATION VOLUNTEER LEADER (CAVL):

Billing Contact: (if different than Association Address on left):

Name: _____

Home Address: _____

City/State/Zip: _____

Phone: (W) _____ (H) _____

Fax: _____ (Cell) _____

E-Mail: _____

***TOTAL MEMBERSHIP DUES (as of January 1, 2015)**

- Individual Board Member or Homeowner \$120
- 2nd Board Member \$210
- 3rd Board Member \$285
- 4th Board Member \$375
- 5th Board Member \$425
- 6th Board Member \$480
- 7th Board Member \$535

For 2-3 Member Board applications, please indicate below who should receive membership renewal information. Please contact CAI National Customer Service at (888) 224-4321 for Board memberships exceeding 7 individuals.

Name: _____

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City/State/Zip: _____

Phone: (W) _____ (H) _____

Fax: _____ (Cell) _____

E-Mail: _____

Name: _____

Home Address: _____

City/State/Zip: _____

Phone: (W) _____ (H) _____

Fax: _____ (Cell) _____

E-Mail: _____

****Total Membership Dues above include \$15 Advocacy Support Fee.**

BUSINESS PARTNER:

- Accountant
- Builder/Developer
- Lender
- Supplier (landscaping, power washing, snow removal, etc)
Please specify: _____
- Technology Partner
Please specify: _____
- Other
Please specify: _____
- Attorney
- Insurance Provider
- Real Estate Agent

BUSINESS PARTNER AFFILIATE:

Name of Primary Company Contact: _____

ULTIMATE PARTNER Profile

Brown & Brown Questions answered by Ryan Weiner, Senior VP



A few of their condo team members, from left to right (sitting), Jillian Macievic, Penny Verdon, Michaele Wilbert, (standing) Ryan Weiner, Connie Demerjian, Karen Paran, Jamie Valentine

Brown & Brown is an independent insurance intermediary that through its licensed subsidiaries provides a variety of insurance products and services to corporate, public entity, institutional, trade, professional, association and individual clients.

Headquartered in Daytona Beach, Florida, offices are located across the United States, with products and services offered through four major business divisions. We are listed on the NYSE as BRO.

Our corporate culture is built on vision, speed, agility and strength that allows us to thrive in the very competitive insurance environment. This unique culture has enabled us to quickly chase down new opportunities, adapt our products and services to best meet market demands, and satisfy our many and varied clients.

Our drive to be the best has made Brown & Brown one of the largest and most respected independent insurance intermediaries in the nation, with 75 years of continuous service.

What is your role in the organization? What is your background? How long have you been in the industry?

Jillian Macievic is a Vice President for Brown & Brown of Lehigh Valley and joined the team in 2007 after graduating from Bloomsburg University. She quickly earned her Certified Professional Insurance Agent (CPIA) designation, attended the first ever Brown & Brown University semester in the Northeast region in 2008, and joined the Community Association team shortly after. Her passion for insurance has grown each and every year, and she truly has become an ascending leader in the Lehigh Valley office.

Ryan Weiner is a Senior Vice President for Brown & Brown Insurance of Lehigh Valley. After graduation from the University of Richmond in 2001, he started his professional career at Brown & Brown, Inc. as a member of the Internal Auditing team out of Daytona Beach, Florida. He spent most of his time conducting financial audits of the many offices of Brown & Brown nationwide. In 2004, Ryan earned the Accredited



Jillian Macievic and Ryan Weiner, are the insurance producers and face to face relationship drivers between our office and the industry.

Advisor in Insurance (AAI) designation and began a specialty practice in the Community Association arena.

As a result of their efforts in providing the highest level of insurance and risk management services to the industry, Jillian and Ryan have developed a portfolio of over 450 Associations in New Jersey. Backed by an incredible service team, they take pride in educating their Boards and Unit Owners on all insurance matters, and handle their business with the highest level of professionalism and ethical behavior.

Is there a specific project or program that you would like to highlight?

Besides our involvement in the “selling and servicing insurance” business, we are heavily invested in the “recruiting and enhancing” business as well. One way we develop future leaders is through our own Brown & Brown University. In our formalized 13 weeks of classes, Brown & Brown veterans take younger team members under their wings. The students work through lessons, including employee benefits and property and casualty programs, led by people who have reached the top of the profession.

We know Brown & Brown University is an effective way to help people succeed. Since it was founded in 2003, the University is responsible for turning out many graduates who are among our top performers. Our producers have a passion for learning. They consistently pursue opportunities for professional development and certification, earning designations as Certified Insurance Counselor (CIC), Associate in Risk Management (ARM) and Chartered Property Casualty Underwriter (CPCU), to name just a few.

What might someone be surprised to learn about your company?

Brown & Brown has grown and expanded to the point that it is currently ranked as the sixth largest independent

insurance intermediary organization in the U.S. and seventh in the world. The company operates 195 locations in 41 states and 3 foreign offices. While of a size that provides customers access to virtually every highly rated insurance underwriting company in the country, as well many within the European insurance marketplace, Brown & Brown’s real strength is in the great flexibility it provides our brokers at the local level. Each office is operated as an entrepreneurial entity, making it possible to respond rapidly to the needs of local customers, with local knowledge.

The office in Lehigh Valley, Pennsylvania has several niche focuses, with community associations being a large one. The account management team that we have in this office is accessible, reliable, and responsive, which is a huge contributor to our success in retaining our community association customers while still having the ability to welcome new customers as well.

What trends do you see for the Community Association Industry?

As communities age, the frequency of losses will inevitably increase. Severe losses in a community will obviously impact future premiums, but the frequency of reported losses will have an equally negative impact on the future as well. In an effort to minimize future losses, most associations are taking the necessary proactive steps from a risk management standpoint.... dry vent and fireplace cleaning, water hose and water heater replacement, grilling rules and safety, etc.. The future trend however, to minimize frequency, has to do with the association insurance deductible structure.

Some associations will have no choice but to increase their master policy deductible as a result of loss history. Others will make the decision to increase the deductible in an effort to have unit owner insurance be primary for more of the responsibility of the loss. Items that are giving rise to master policy losses, are actually the owner’s responsibility to maintain, so having the personal insurance have some more “skin in the game” not only makes sense, but it improves long term loss history as well. An actively involved association insurance broker that can assist in the claims handling process with personal adjusters and units owners, will lead to a positive impact going forward as well. ■

See the complete list of Ultimate Sponsors on page 2 of this issue.

ULTIMATE PARTNER Profile

Kipcon, Inc. Questions answered by Mitchell H. Frumkin, P.E., R.S., C.G.P., President



(above) The Kipcon, Inc. team.

It is hard for me to believe that it was 30 years ago when I started Kipcon based on a dream I always had to be the owner of my own engineering firm. It all began in high school when I was taking technical drawing classes and realized that I found a passion for engineering. The dream continued when I was a sophomore at Tulane University and learned that a "kip" is a unit of force equivalent to 1,000 pounds and the company name was born with Kip Consulting eventually evolving into Kipcon. This dream is still alive at Kipcon as we continue to fulfill the vision of being on the cutting edge of community association engineering!

What is your role in the organization? What is your background? How long have you been in the industry?

As the founder of Kipcon, my role is to continue to lead the organization in providing cutting edge engineering services to the industry. I have a bachelors degree in engineering from Tulane University and an MBA from Rutgers. I have been active in the industry for 30 years and have served as President of the NJ and Delaware Valley Chapters, the Foundation for Community Association Research as well as the national organization. I have spearheaded the

development of the National Reserve Study Standards as well as the Best Practices paper on Reserves and Transition which, under my leadership, are both in the process of being updated.

Is there a specific project or program that you would like to highlight?

At Kipcon we provide all types of engineering design services and take great pride in constantly striving to improve these services. When it comes to capital replacements, we view them as the opportunity for capital improvements. Whether it is by the use of low maintenance materials or high efficiency equipment, the goal is always to evaluate aesthetics, function and long term costs. An example of how we have done this is with the development of Green Reserve Studies, which not only evaluates replacement costs but also the long term costs of maintenance and energy.

What might someone be surprised to learn about your company?

Although we are well known for our industry leading expertise in Reserve and Transition Studies, we also offer a full range of design services. Typical projects include



paving, roofing, siding and drainage for all types of facilities. We are currently the engineers for projects involving extensive structural repairs as well as complete facade replacements. Kipcon is also an equity partner with Energy Squared LLC which specializes in a full range of mechanical system upgrades and is one of the top Pay for Performance partners in the state having coordinated the capture of millions of dollars of energy efficiency incentives for our associations!

Have you or your company received any recent awards or certifications?

The thing that makes us most proud is when our staff members strive to take their professional expertise to the next level. This has recently been shown by Melissa Lathrop, who has obtained her professional engineering license, and Doug Schnorr for becoming certified in the inspection and evaluation of playground equipment. We now also have four staff members (John Steven, Brandon

Femia, Melissa Lathrop and myself, Mitch Frumkin) with their Reserve Specialist designation. In addition, I have recently taken all of the necessary educational classes to become both a mediator or arbitrator for construction defect claims.

What trends do you see for the Community Association Industry?

The community association form of homeownership continues to grow. Currently 15% of residential housing nationwide is a community association while 60% of all new housing is being developed as an association. In our geographic area it is closer to 100%! The industry has grown steadily which, from an engineering perspective, translates into an aging infrastructure that, unless maintained and upgraded on an ongoing basis, can lead associations into a financial crisis and a loss of value. The trend I see is more recognition of the importance of physical evaluations by qualified firms using Reserve Studies as the tool to do this! ■

See the complete list of Ultimate Sponsors on page 2 of this issue.

Construction Defects: The Importance of Documentation

By Walter Broome

You've had construction work completed on your property, but the work doesn't appear to be correct. What does this mean and, more importantly, what should be done to remedy the work that is already there?

The term "construction defect" has a very all-encompassing meaning and may concern multiple aspects of project development. This can be from the planning to the design to the construction of a project. Causes can emanate from the use of faulty materials, workmanship, design flaws, or a contractor not adhering to the plans or specifications.

The role of a property manager is important as they often possess essential knowledge as to the details of the process that had taken place. For that reason, careful record keeping is essential, as a significant amount of time can evolve from the time of construction until the defect is disclosed. Records that are easy to reference may be crucial in determining the outcome of potential disputes between the association and the construction contractors. Attendance at construction meetings between professionals and contractors is helpful as notes derived from such meetings can be invaluable at a later time.

If defects that were found impact the safety of the community, every precaution must be taken to ensure the well being of the residents and the preservation of the property.

The first step once a defect is found is to protect the people using the affected areas. Once placed on notice, property managers must be mindful of the liability due to this defect and of the consequences in the event of an injury potentially caused by any unsafe condition. The second step is to curtail damage to these areas and lessen the collateral damage. The third step is to evaluate the situation.

Experts will be crucial in determining what remedial measures will need to be taken. Scaffolding may need to be erected. Netting may be utilized to catch falling debris. Areas may need to be cordoned off. Common areas should be protected to minimize damage and prevent contact between the residents and contractors hired to mediate the damage.



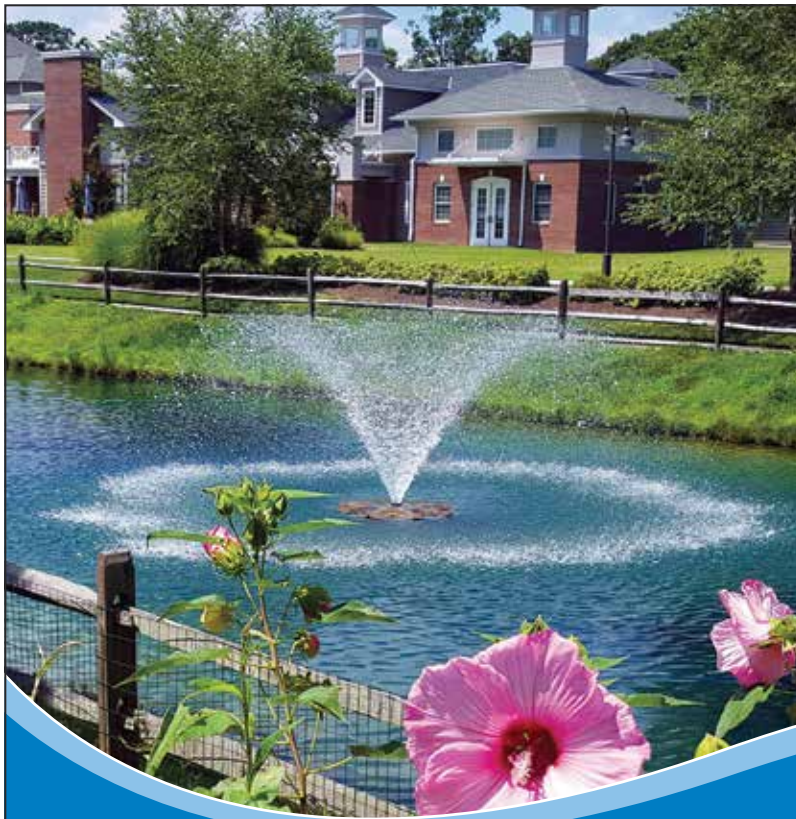
"The first step once a defect is found is to protect the people using the affected areas."

Once a defect is suspected, often a professional is hired by the association board to investigate the problem and determine its severity. The manager's assistance can greatly improve the expert's ability to find and disclose problems. To the best extent possible, the property manager should work to minimize any negative impact of the investigation or the remedial work itself on the residents.

Often a timeline will be very helpful, as mandatory statutes can determine a course of action depending on the amount of time that lapsed since the work was deemed completed. Under most circumstances, an association has six years to institute a lawsuit for construction defects under New Jersey Statute 2A:14-1.

If efforts to have the contractor remediate the problem are unsuccessful, legal action may be required. It is important that the attorney is experienced with constantly evolving construction litigation law as well as the laws covering insurance coverage for construction defects. An attorney may rely on not only the expert's reports, but the testimony from the property manager. The property manager may be deposed to testify as a witness as to their knowledge of the association's construction work. The information obtained from the manager from prior construction meetings can

CONTINUES ON PAGE 65



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MANAGEMENT TRENDS...

from page 62.

corroborate information from experts used in the case.

Contracts, construction permits, change orders, payment requisitions and authorizations, copies of checks, minutes from meetings with an architect, engineers, a project manager, contractor(s), and other experts may need to be referenced or produced during a fact finding or litigation. The amount of the Performance Bond (if utilized) should be periodically compared to the total dollar amount of the contract plus any change orders, as the Bond may need to be increased to cover all facets of work. An accurate accounting of all monies spent, not only during the initial project but afterwards, as well must be maintained to ensure that all damages are accounted for.

A property manager should maintain all certificates of insurance and copies of contractors' licenses, categorizing all relevant documents for safekeeping. For instance, if the project involves utilizing temperature sensitive materials, a daily report from a local weather service showing the hour by hour temperatures and weather conditions. This type of information may prove to be invaluable in making the association's case at a later time.

Once a construction defect is known to exist, working swiftly to mitigate and correct these defects is a top priority. By keeping accurate and comprehensive records of all construction work, a property manager will be able to help facilitate a prompt and prudent response when it becomes necessary. ■



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What is the biggest construction nightmare you have uncovered while doing a project, and how was it handled?

"I find the most frustrating of transition problems to be water penetration issues. My first experience took place nearly 20 years ago, with an association with a significant number of unit basements with substantial leaks. We went about the process in the usual way, with the association engineer inspecting, diagnosing the problem, and offering a solution. After some back and forth, the developer agreed to the specified fix, and executed it. The problem was that the agreed upon solution did not fix the problem, and the leaks continued, but now were the Association's problem, rather than that of the developer, because the developer had been released by doing what the association expert told them to. The lesson that I learned is that water problems should be viewed as a collaborative problem, and releases given only when the solution is found to work, in the real world, and not just on paper."

Michael Pesce, PCAM

Associa® – Community Management Corp.

"The worst construction nightmare I uncovered was during a repaving project. As the contractor began to mill, we discovered the builder had buried broken / unused doors and windows under the road. The additional subsurface excavation, restoration & disposal cost several thousands of dollars. This occurred just 3 years after transition had been completed."

Dan Fusco, CMCA

Associa® – Community Management Corp.

"Halfway through a full lobby renovation, the specialized tile intended for the floors, previously confirmed as shipped, was backordered by a full 6 months. It had taken the Association so long to choose the design based on that product, but there was no way that the project could sit that long. We held an emergency meeting at which our vendor offered a presentation with available alternatives. The community responded enthusiastically and positively – we were able to achieve a solid vote on a different option, and continued the renovation with a delay of only 2 days."

Alexandra Crossett

Associa® – Community Management Corp.

"A few years back two families in a townhome building suddenly experienced un-level counter tops, sloping floors and cracked tiles. The issues were serious enough to hire an engineer to do some invasive testing then.

Based on the reports received, experts proposed removing the existing foundations and properly back filling and stabilizing the soil before re-pouring the foundations. The estimated timetable of displacement was a few months. The families were moved to extended stay hotels. Furniture, flooring, appliances and all personal possessions on the first levels were removed to pods and storage facilities.

Well, during foundation removal the contractor found the concrete to be several inches thicker than normal, an indication the developer likely knew there was a drainage issue or high water table. In addition, soil had "disappeared" a foot or two below the footings. There was no sign of water or wash out so where the soil went remains a mystery.

With no guarantee the proposed stabilization and back filling would not eventually result in "disappearing soil", the engineers went back to the drawing board and specified helical piles be installed into the bedrock to shore up the sinking foundations.

These piles are hydraulically screwed into the ground and attached to an elaborate anchoring system. Some piles were driven more than 15 feet down before solid bedrock was hit.

The final timetable when all was said and done – 7 months!"

**Terry Viggiano, CMCA, AMS, PCAM, ARM,
Whispering Woods, RCP Management**



The Managers Leadership Workshop is intended to provide information and tools for managers to achieve their full potential as leaders in the community association industry. It is intended to benefit all levels from those new to the industry to management company executives and CEOs. The program will cover goal setting for a team, assessing and motivating staff, building a collaborative environment and staff efficiencies.

CONTINUING EDUCATION NOTICE:

By successfully completing this program, the New Jersey chapter of Community Associations Institute (CAI-NJ) will approve a full day of credit for this program towards the Professional Management Development Program (PMDP).

Date: Wednesday, September 7, 2016
 Location: Rossmoor Community Association
 The Ballroom
 2 Rossmoor Drive
 Monroe Township, NJ 08831

SCHEDULE:

8:30 a.m. - 9:00 a.m. Registration & Breakfast

9:00 a.m. - 10:15 a.m.

Speaker: Lisa Vitiello, CPA – Towne & Country Management
Understanding the importance of profitability and how it relates to the success of the company and the growth of the manager. Why it is necessary to meet your budget, maintain financial controls and the financial responsibility of the community manager. The session will also include the importance of the bottom line, financial management and ways in which management companies can increase their revenue.

10:15 a.m. - 10:30 a.m. Break

10:30 a.m. - 11:45 a.m.

Speaker: Robert Flanagan, Esq. – Greenbaum Rowe Smith & Davis
What is the correct process for maintaining employee records, evaluations and terminations? The steps that should be taken by employers to protect themselves against wrongful terminations and harassment lawsuits.

11:45 a.m. - 12:30 p.m. Lunch

12:30 p.m. - 1:30 p.m.

Speaker: Michael Mendillo – FirstService Residential
Leading for Success Recommendations on how the community manager can advance to an executive management role including manager characteristics such as good communication, interpersonal skills and dressing appropriately. The session will explore how to develop into a good leader or supervisor.

1:30 p.m. - 2:15 p.m. Panel Q&A

Questions? Contact Angela at angela@cainj.org or 609-588-0030

Please note: CAI-NJ only reviews CAI designations, certifications, and accreditations for validity and current status. Registrants are advised that each individual company is solely responsible for the content they provide on registration forms including all designations, certifications, accreditations and licenses by the company or the individual employee. Concerns about the validity of non-CAI designations, certifications, accreditations, and licenses should be directed to the specific company or individual in question. Removal of designations, certifications, accreditations, and licenses by CAI-NJ will only take place upon the submission of a letter written by the official credentialing and/or licensing body to CAI-NJ.

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Managers Leadership Workshop

Name: _____
 CAI Designation(s): _____
 Company Name: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____
 Fax: _____
 Email: _____

Payment Methods:

1.) Pay by check, payable to CAI-NJ.
 Mail completed form and payment to:
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 Attn: 2016 Mgr. Leadership Workshop
 500 Harding Road
 Freehold, NJ 07728

2.) Pay by credit card. Please fax to (609) 588-0040.
 Or email to angela@cainj.org or call 609-588-0030.

Cardholder Name: _____
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Register Fees:

CAI-NJ MGR/MGMT Co. Members: \$15.00
 Non-Members: \$40.00
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Community Association Volunteer Leader (CAVL) Best Practices Roundtable and Cocktail Reception

Topics:

- Preventative maintenance in aging communities
- Large improvement projects and the RFP process
- New insurance demands & cyber space
- Rent receiverships and foreclosures
- Understanding the association's financial statements and how to use them as a decision making tool
- What are the forward thinking trends for your community regarding aging in place

Attendees will have the opportunity to participate in all six roundtable topics.

Date: Thursday, September 22, 2016

Location: The Lincroft Inn
700 Newman Springs Road
Lincroft, New Jersey

Agenda: 6:00 p.m. - 7:00 p.m.: Cocktail Reception
7:00 p.m. - 9:00 p.m.: Roundtables

Space is limited. Attendees are strongly encouraged to register by Friday, September 16, 2016.

Pre-registration is required.

If you register for this program and cannot attend, please call the chapter office at (609)-588-0030 to cancel. We require a cancellation notice at least 72 hours in advance. If a notice is not received, a \$25 cancellation fee may be charged per registrant. Substitutions are permitted if you cannot attend.

Questions? Email Angela Kavanaugh at Angela@cainj.org or call (609)-588-0030.

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Community Association Volunteer Leader (CAVL) Best Practices Roundtable Discussion and Cocktail Reception

**FREE event for all Community
Association Volunteer Leaders**

Name: _____

CAI Designation(s): _____

Community Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

Email: _____

Mail completed form and to:
CAI-NJ
Attn: 2016 Roundtable Discussion
500 Harding Road
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Email to angela@cainj.org.

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Spotlight Your Community

The January 2017 issue of *Community Trends* will include a spotlight of multiple CAI-NJ member communities showcasing the wonderful world of community association living in NJ. We are looking for a variety of different types of community associations. Submissions must meet the requirements below:

Community Board Members must be members of CAI-NJ in good standing
(Managers are welcome to submit on their behalf)

Should include a description of the community (400-500 words)

Should include photos of the community (at least 300 dpi)

CAI-NJ reserves the right to edit and format the spotlight as they deem fit



Please send submissions to jaclyn@cainj.org. For questions please contact Jaclyn Olszewski at 609-588-0030.

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Legislative Breakfast



WEDNESDAY, SEPTEMBER 14, 2016

9:00 am - 9:15 am: Registration
9:15 am - 10:15 am: Networking and Buffet Breakfast
10:15 am - 11:45 am: Presentation and Q & A

Forsgate Country Club
375 Forsgate Drive
Monroe Township, NJ 08831

To register, complete the form below and return to CAI-NJ

Name/Designation 1: _____

Association/Company Name: _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

Email: _____

Please list the name, community/company and designations of additional registrants. If necessary, please attach an additional sheet of paper (i.e.: John Smith, AMS, CMCA - ABC Management Company).

2. _____

3. _____

4. _____

Join us to hear key New Jersey opinion leaders and law-makers discuss pending state legislative issues that could impact the future of NJ's common interest communities.

There is no charge to attend. Community Manager, Management Company and Community Association Volunteer Leader members and non-members only. Pre-registration is required.

Return completed form to CAI-NJ:

By Mail:
CAI-NJ Attn: 2016 Legislative Breakfast
500 Harding Road
Freehold, NJ 07728

By Fax: (609)588-0040
By Email: info@cainj.org



Questions?

Call Laura O'Connor at (609)588-0030 or email laura@cainj.org.

Pre-Registration is required. If you register for this program and cannot attend, please call the chapter office at (609) 588-0030 to cancel.

This event requires a cancellation notice at least 72 hours in advance. If a notice is not received, a \$25 cancellation fee will be charged per registrant.

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PRESENTED BY: THE CAI-NJ 2016 ULTIMATE PARTNERS





Business Partner Essentials

WHO SHOULD ATTEND? • ALL CAI-NJ BUSINESS PARTNERS & THEIR KEY ASSOCIATES

CAI-NJ is the one of two chapters in the country to be offering this CAI online course in person. This class will give Business Partners practical information and advice on working with community associations. Individuals who complete the class and pass a voluntary exam online, will earn the CAI Educated Business Partner Distinction. By successfully completing this course and receiving this distinction, you will be able to demonstrate insight regarding community association living while working with boards and managers.

Following the course, from 5:00pm to 6:00 pm, attendees will have the opportunity to network with managers participating in the M-100 class during a cocktail hour in the hotel lounge. The M-100 class is running concurrently with the Business Partner Essentials class.

WHEN & WHERE:

Thursday, September 8, 2016
2:00 pm - 5:00 pm
Registration Opens at 1:30 pm

Doubletree Hotel
200 Atrium Drive
Somerset, NJ 08873

CREDIT HOURS:

Individuals who pass the course, including the online exam, and maintain CAI membership earn the CAI Educated Business Partner distinction.

REGISTRATION FEES (CAI-NJ MEMBERS ONLY):

Members \$50 (Includes Cocktail Hour)

Class is limited to 30 attendees.

INSTRUCTORS:



Cat Carmichael, CMCA, PCAM
Senior Vice President, Pacific Premier
Bank, HOA & Property Banking



James Rademacher
Founder & CEO, Rezkom Enterprises

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Name/Designation 1: _____

Company Name: _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

Email: _____

_____ Tickets TOTAL: \$ _____

Please list the name, company and designations of additional registrants. If necessary, please attach an additional sheet of paper (i.e.: John Smith, AMS, CMCA – ABC Company).

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Payment Methods:

1.) Pay by check, payable to CAI-NJ. Mail completed form and payment to:

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500 Harding Road, Freehold, NJ 07728

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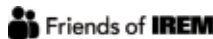
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Community Trends®

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Community Trends® is a monthly publication of the New Jersey Chapter of the Community Associations Institute (CAI-NJ). The purpose of this magazine is for the dissemination of informative and noteworthy information that is relevant to the lives of every person living in or working with community associations throughout New Jersey. *Community Trends®* should not be used to provide the kind of authoritative and comprehensive information that must be tailored to serve individual needs when legal, accounting or other professional advice is required.

CAI-NJ encourages interested persons to submit articles for consideration by the Editorial Committee. Publication in *Community Trends®* is a wonderful opportunity to write about an issue relevant to community associations, and the Editorial Committee will carefully review all submissions. When an article is published, the opinion of the author and accuracy of the facts presented in the article are not specifically endorsed by either CAI-NJ or the Editorial Committee. Neither CAI-NJ nor *Community Trends®* guarantees a placement of any submitted article, and any article can be rejected for any reason at any time by the Editorial Committee or CAI-NJ. All articles should be written in the third person.

The submission of an article by an author implies that the article is the original work of the submitting author, and the submitted article has also not been published in any other publication or on-line previously. Authors found to be in violation of these policies can be subject to discipline by the CAI-NJ Board of Directors, which may levy penalties including the following:

- A. Temporary or permanent ineligibility from authoring articles for *Community Trends®*;
- B. Temporary or permanent ineligibility for membership on CAI-NJ Committees and Work Groups;
- C. Referral to CAI National for review and possible further sanctions; and/or,
- D. Suspension of any and all chapter privileges as determined by the Board.

Authors may submit a photograph with their article. Please note that CAI-NJ has the exclusive right to refuse to publish any photograph for any reason. Permission to reprint any article first published in *Community Trends®* is subject to the single condition that all reprints must include the following ownership acknowledgment, "Reprinted from the (month) 20__ issue of the CAI-NJ's *Community Trends®*."

Community Trends®,

Robert Roop,
Editorial Chair

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WINDOWS...

from page 47.

barrier product is installed. The new construction window is then installed with the nailing fin creating a water tight seal. New Tyvek house wrap is installed overlapping the nailing fin around the perimeter of the opening. The existing exterior building component is then re installed.

To protect against this situation, the association through their Buildings & Grounds Committee and/or Architectural Control Committee should consider the following:

- 1) Creating a resolution to define the type – “New Construction Windows” the scope of work and the specification means and method for window installation.
- 2) Consider having a third party entity work on behalf of the association to inspect the window installation to ensure scope and specification compliance that was defined in the resolution
- 3) Consider having a set of approved contractors that the owners can call to install the windows within the association.

Before the association implements any resolution of policy, it should first be approved by legal counsel. To the extent possible, parameters and guidelines should be implemented to ensure proper installation and the protection of the building components.

Remember, a \$99.00 cost for a replacement windows is not always a good idea. ■

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For questions, contact Laura O'Connor, Director of Membership & Marketing at laura@cainj.org or (609) 588-0030.

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Suffix:	
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Return completed forms by email to laura@cainj.org or fax (609) 588-0040 or visit the CAI-NJ website link <http://www.cainj.org/membership/employee-contact-form/>.

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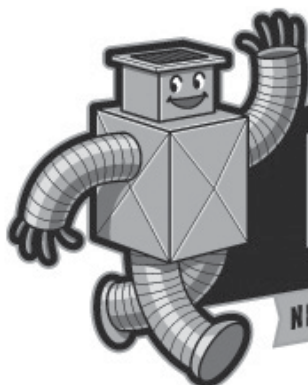


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NEW JERSEY CHAPTER
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TRANSITION...

from page 18.

If the cost to cure and probability of recovery outweigh anticipated expert fees, attorney fees and other expenses, litigation likely makes sense but if the board finds that it is more economical, certain and timely to merely fix the deficiencies itself, it may do so and sign no release. In any case, transition releases should not be signed in exchange for nominal or no consideration.

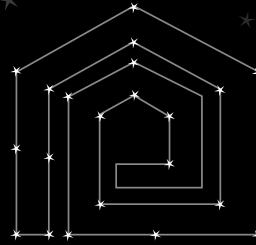
In sum transition is due diligence involving attorneys, experts, managers, board members and association members to cost-effectively resolve physical and financial deficiencies. ■

CONSTRUCTION...

from page 24.

completed should a final payment including retainage be awarded to the contractor.

Construction monitoring may be viewed by some association members and even some board members as an unnecessary expense. Nothing could be further from the truth. The peace of mind in knowing a project has been completed satisfactorily and the knowledge that the association got what it paid for are a demonstration that the board is dedicated to stewardship of the association's resources. ■



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INSIDE CONNECTION...

from page 8.

that CAI-NJ hosts, and roughly the time frame that registrations open each year. Other various programs that are not listed in the chart below include multiple Roundtables, LAC Updates, Board Leadership Development (BLD) and our new Lecture Series. These events are scheduled throughout the year and fill up fast! Be sure to keep an eye out for registration for these events.

Some options for keeping up to date with the programs include, making sure you are on our email list. If you are not receiving the emails, let us know! Check out the monthly issue of *Community Trends*® where registration forms are included as well as the monthly calendar is updated like the one on page 9 of this issue. Finally, check the CAI-NJ website regularly, as well as social media. We have updated the website recently to better suit your needs and our communications. Laura in the CAI-NJ office does a great job in always posting events and programs to our social media accounts. Make sure to follow us on the social media outlets listed on the inside cover of this issue of *Community Trends*®.

We are so excited that you are excited to attend the CAI-NJ events and programs! You as our members have played a huge role in growing the New Jersey chapter and making it the 3rd largest chapter in the country. We hope you are enjoying the plethora of programs we are hosting and we appreciate your candid feedback in making each event better than the last! ■

LEGISLATIVE UPDATE...

from page 7.

under the control of the developer have the benefit of an engineering survey of all common elements provided by the developer, have all necessary corrections made by the developer, and have a full financial accounting of association activities during the period of developer control provided by the developer; provisions authorizing board members elected by the unit owners prior to transition to represent the interests of the unit owners when such interests are adverse to those of the developer and to delegate such authority to committees of unit owners..."

Subject to certain limitations, the bill also allows claims to be filed under the New Home Warranty and Builders' Registration Act by the association, members of the board who are elected by the unit owners, or a committee appointed by such members, and by an owner or a group of owners of units whose unit(s) are affected by the claims. The scope of the bill is broad and the remedies available to the association require clarification.

Bills intended to protect the interests of homeowners, including the manner in which construction defects are to be addressed, must be drafted so as to anticipate the adverse consequences of empowering multiple parties to take disparate and, potentially, conflicting action.

I will keep you posted on the status of these bills and others as they come before the LAC. See you in September! ■

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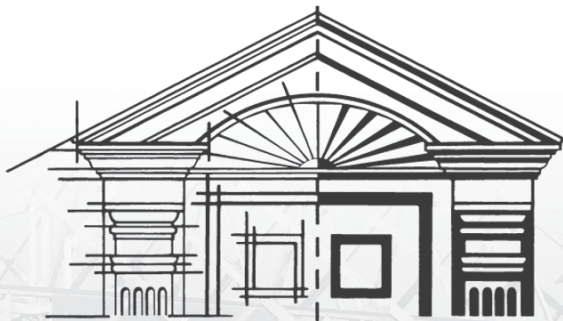
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