

# Community Trends<sup>®</sup>

April 2016

## AMENITIES

Photo by Jacek Nienajado.

### In This Issue

- Stay Fit and Quiet
- Be an Amenities Mod Squad
- ....and more

NEW JERSEY CHAPTER  
**community**  
ASSOCIATIONS INSTITUTE





NEW JERSEY CHAPTER

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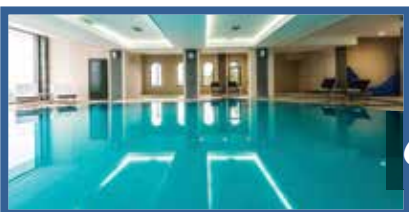
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## First Day of Spring 2016 arrived on March 20th...

With that comes the thoughts of us spending our free time outside enjoying the weather, our hobbies and other leisure activities. In this edition of *Community Trends*®, the articles included deal with "Amenities." In certain communities the amenities are the focal point of the community and are the social gathering location. Others see them as only budget expenses and obligations that are required to be provided to homeowners. In either case, it's important that all amenities be maintained, kept safe and available to homeowners. Please enjoy the articles.

As mentioned in last month's column, our Future All Star Team also known as, "F.A.S.T.," held their first meeting which included a lot of interaction, discussion and excitement amongst the attendees. Please keep an eye out for future F.A.S.T. events and initiatives. Also, please "Like" the F.A.S.T. group on Facebook. If you would like more information on how to get involved with F.A.S.T., please contact either Jackie or Laura at our chapter office.

At our recent Awards Dinner on February 25th, I had the pleasure of introducing our new program, The Jules C. Frankel Manager Educational Assistance Program in honor of the late Jules C. Frankel from Wilkin & Guttenplan. Jules was a long time member of CAI and was a key figure in the success and growth of our chapter. President in 2000, Jules was always an advocate for manager education and training.

The Jules Frankel Manager Education Assistance Program was developed to assist CAI-NJ chapter member managers in the common interest community industry with their educa-

tional and professional development goals. It provides the opportunity to any CAI-NJ, CMCA or higher manager in good standing to apply for a financial scholarship. CAI-NJ will provide reimbursement per course for the 200 or 300 level courses. If you would like more information regarding this new program, please contact Larry Thomas.

We recently held our Community Association Legislative Update Programs throughout the state. Each were informative and educational to all the attendees. Thank you to our

***"Our chapter staff has been busy preparing for many upcoming events in which we anticipate selling out of attendance..."***

NJ Legislative Action Committee for volunteering their time to host and present each program.

Our chapter staff has been busy preparing for many upcoming events in which we anticipate selling out of attendance, I would encourage you to register early! Please take a look at the upcoming events and education calendar on page 7.

Enjoy the warm, sunny weather and all the benefits of spring 2016. ■



# LOOKING FORWARD

LARRY THOMAS, PCAM | CAI-NJ CHAPTER EXECUTIVE DIRECTOR

Thanks to everyone that attended our recent Annual Awards Dinner on February 25th. It was a wonderful evening and went off without a hitch. I have worked with several non-profit organizations in the past and I've found that our volunteers are the most dedicated professionals I've ever come across. This was evident by the outstanding job of the Awards Dinner Committee. Led by Kari Prout and Theresa Heinzemann, CMCA, this committee set their goals at the first meeting of the annual retreat in December. From there, all of their meetings were on point and task focused. All of the committee members brought something to the table and no one was shy about offering suggestions. Jackie, from my office, also played a key role in working with the committee to realize their objectives. The Board Liaisons, Gabe Vitale and Larry Sauer, attended the meetings and assumed the roles as liaisons perfectly. They let the committee run themselves and added advice and direction when requested.

I am sure that you have noticed that we have put together an extensive educational program lineup for 2016. Angela and the entire staff, along with suggestions and input from all of our members have created events that are either geared towards a particular membership group or have an appeal to all of our members. The board of directors has agreed that these events be either "low cost or no cost," thus affording any member the opportunity to attend. I am asking that all community board members not only allow their management team to attend, but insist that they attend. These events will keep

your management team current with industry and legislative changes. We all know that these are changing times and any information that we can get to help us govern our communities is invaluable. One very important event that is geared to all of our members is the upcoming "Cyber Threat" seminar. The information presented here will be helpful in keeping your community's assets protected from cyber theft or fraud. Information concerning this seminar can be found on page 64.

***"I am asking that all community board members not only allow their management team to attend, but insist that they attend."***

Please read Chris Li's Legislative Update on page 8. Several of our initiatives are moving in a positive direction. I receive weekly calls from our elected officials asking for information or input on legislation that affects community living. Chris, along with the Legislative Action Committee, are a very committed and educated group of industry professionals dedicated to supporting or opposing legislation that could touch all of our residents and professionals that have an interest in New Jersey community living. Included in Chris's article is a breakdown of two very important favorable court decisions. ■

# 2016 EVENTS & EDUCATION CALENDAR

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

**WEDNESDAY**  
**APR 6** **NORTH JERSEY LAC UPDATE**  
Crystal Point  
Jersey City, NJ

**THURSDAY**  
**APR 7** **MANAGER/BUSINESS PARTNER ROUNDTABLE**  
Forsgate Country Club  
Monroe Twp., NJ

**TUESDAY**  
**APR 19** **CAI LECTURE SERIES: DON'T LEAVE MONEY ON THE TABLE**  
CAI-NJ Headquarters  
Freehold, NJ

**THURSDAY**  
**APR 28** **SPRING BREAK PARTY**  
McLoones Pier House  
Long Branch, NJ

**THURSDAY**  
**MAY 19** **CYBER SECURITY SEMINAR**  
Stonebridge Community Association  
Monroe Twp., NJ

**THURS- FRI**  
**JUN 2&3** **M-206: FINANCIAL MANAGEMENT**  
Monroe, NJ

**THURSDAY**  
**JUN 8** **BOARD LEADERSHIP DEVELOPMENT WORKSHOP**  
CAI-NJ Headquarters  
Freehold, NJ

**TUESDAY**  
**JUN 17** **DAY AT THE RACES**  
Monmouth Park  
Long Branch, NJ

**THURSDAY**  
**JUN 23** **MANAGER/ BUSINESS PARTNER ROUNDTABLE**  
Sea Oaks Country Club  
Little Egg Harbor, NJ

**TUESDAY**  
**JUN 28** **DENNIS R. CASALE MEMORIAL GOLF OUTING**  
Forsgate Country Club  
Monroe Twp., NJ

**THURSDAY**  
**JUL 14** **SENIOR SUMMIT**  
Renaissance at Manchester  
Manchester, NJ

**TUESDAY**  
**JUL 19** **CAI LECTURE SERIES: SECURITY, HOW TO KEEP YOUR COMMUNITY SAFE**  
CAI-NJ Headquarters  
Freehold, NJ

**WEDNESDAY**  
**JUL 20** **CAI-NJ OLYMPICS**  
Thompson Park  
Monroe Twp., NJ

**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**  
TBD

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

**THURSDAY**  
**SEP 22** **CAVL ROUNDTABLE**  
TBD

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

FOR MORE INFORMATION CONTACT [EVENTS@CAINJ.ORG](mailto:EVENTS@CAINJ.ORG) OR CALL 609.588.0030  
EVENTS SUBJECT TO CHANGE

# LEGISLATIVE UPDATE



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

In the past few months, the Legislative Action Committee of CAI has been part of amicus curiae efforts which advanced the rights of community associations both in New Jersey and nationally.

For those who may not be familiar with the expression, “amicus curiae” means “friend of the court” in Latin. An amicus curiae is someone who is not a party to a case and offers information that bears on the case, but who has not been solicited by any of the parties to the case to assist a court. In both cases in which CAI participated as amicus curiae, legal briefs were filed on behalf of CAI to ensure that the broad legal effects of the court decisions would not depend solely on the parties directly involved in the case.

At the outset, the expertise and commitment to the community association industry of the law firm of Stark & Stark, in the preparation of briefs and the legal argument of both matters must be acknowledged. Christopher Florio, Esq., a shareholder of the firm, is a member of LAC-NJ. CAI was represented by Gene Markin, Esq., and John Randy Sawyer, Esq., on the *Palisades* matter discussed below. Timothy P. Duggan, Esq., represented CAI in the *Rones* decision, also discussed below.

## ***The Palisades at Fort Lee Condominium Association, Inc. v. 100 Old Palisade, LLC***

On February 1, 2016, the Appellate Division of the Superior Court of New Jersey determined that the “discovery rule” tolls the six year statute of limitations within which a condominium association must file suit relating to construction defect claims. The appellate court had reversed and remanded the trial court’s grant of summary judgment in favor of various subcontractor defendants based on the statute of limitations. The appellate panel ruled that the condominium association’s construction defects claims did not begin to

accrue until the individual unit owners had full control of the association’s board and the governing board had sufficient facts upon which to assert actionable claims, regardless of when the project had been substantially completed.

In *Palisades*, no defects were disclosed in the Public Offering Statement or engineering report that was registered by the New Jersey Department of Community Affairs. Initially, the unit owners could not have known about the defects because the association did not yet exist or it was under control of the sponsor. When the unit owners took control of the association, they engaged an engineer to perform an investigation to prepare an engineering report to evaluate the condition of the premises after a series of leaks were detected. The association then asserted claims based upon the contractor defendant’s defective work.

Prior to trial, the contractor defendants moved for summary judgment based upon the statute of limitations. By court order, the motion was granted, dismissing the plaintiff’s claims. The plaintiff moved for reconsideration but was denied. The Appellate Division of the Superior Court of New Jersey determined that the “discovery rule” deferred the limitations period until the engineering report was supplied because that is when the board determined that a claim existed.

This decision is important to community associations because it affirms the application of the discovery rule to construction defects claimed by the association. Despite the relevance of the date of substantial completion of construction, an association’s claims will not accrue until unit owners have control of the board and sufficient facts upon which to timely assert any claims for damages.

## ***In re: Rones***

On February 16, 2016, the U.S. District Court for the District of New Jersey held that liens filed by condominium



**“This decision is important to community associations since it affirms the application of the discovery rule to construction defects claimed by the association.”**

associations are protected from modification because of the Bankruptcy Code provision known as the Anti-Modification Clause.

The U.S. Bankruptcy Court had determined that condominium assessment liens were eligible to be stripped off as wholly unsecured liens, despite being classified as security interests in Chapter 13 cases. On appeal, the U.S. District Court of New Jersey held that the New Jersey Condominium Act provides a limited priority for an association lien for delinquent assessments, which elevates that portion of the lien above more senior claims. The Court concluded that “[t]he Bankruptcy Court erred in treating the Association’s lien as a ‘wholly unsecured’ claim which could be stripped off (either in whole or in part); instead this Court finds that the lien was partially secured by a security interest in the debtor’s principal residence.” The case was remanded to the Bankruptcy Court.

Condominium associations, which had secured unpaid assessments by recording a lien against the unit owner prior to the bankruptcy filing, now have the *Rones* decision to counter efforts of condominium owners who file Chapter 13 bankruptcy petitions to avoid the payment of delinquent common expense assessments. It should be noted that, because of the limited priority that is granted by the Condominium Act, the decision only applies to condominium associations and not to other forms of community associations in New Jersey.

## Challenges To Super-Lien Priority

In New Jersey and in many other States, community associations have a limited super lien priority for unpaid com-

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# INSIDE CONNECTION

Laura O'Connor | DIRECTOR OF MEMBERSHIP & MARKETING

Many of your communities have wonderful amenities such as swimming pools, parks or tennis courts that offer benefits to your residents. You may not realize that CAI-NJ membership also has many amenities and so in keeping with this month's *Community Trends*<sup>®</sup> theme I am going to elaborate on the "Amenities" of your CAI-NJ membership.

Did you know that all CAI-NJ members are encouraged to submit content for *Community Trends*<sup>®</sup>, CAI-NJ's award winning magazine? This is particularly beneficial to our Business Partner and Manager/Management Company members who can use this opportunity to reach our members and demonstrate their expertise in their fields. This is an invaluable way to get the word out about your company that is underutilized by our membership.

CAI-NJ is proud to offer our homeowner members Alternative Dispute Resolution (ADR) Mediation Services, a program mandated by state law, at a substantially discounted rate of \$375, a \$125 savings for each mediation. Many communities require several mediations each year resulting in significant savings for our member communities.

Education is always a primary goal of our chapter and CAI-NJ strives to make it as easy as possible for our volunteer homeowner members by offering our Board Leadership Development Workshop at no additional cost for all CAI-NJ members in good standing. CAI-NJ members can even request to host the training if they can guarantee a group of twenty participants.

This year CAI-NJ has launched the new Community Academic Institute Lecture Series. Five interesting sessions will be held at the CAI-NJ Headquarters office conveniently located in Freehold, NJ throughout the year. Each session will be free for CAI-NJ members to attend.

CAI-NJ knows that our managers need continuing education credits to keep up with their industry certifications. We want to make this as easy and convenient as possible

for our members. Many free educational programs are offered throughout the year at different locations regionally to provide our manager and management company members with opportunities to obtain these credits.

The most exciting effort demonstrating CAI-NJ's commitment to supporting education this year was the launch of the Jules C. Frankel Manager Education Assistance Program (MAP). The MAP was developed to assist our Manager members in furthering their educational and professional development goals by providing the opportunity to any CAI-NJ Manager member in good standing to apply for a scholarship. CAI-NJ will provide a fifty (50%) reimbursement per course to select managers for any of the 200 or 300 courses offered by CAI.

***"As you can see CAI-NJ provides our members with many amenities and we are always working hard to offer new and improved member services."***

As you can see CAI-NJ provides our members with many amenities and we are always working hard to offer new and improved member services. Please remember to take advantage of your membership throughout the year. Be sure to "Like" us on Facebook at Community Associations Institute of NJ and follow us on Twitter at @CAI-NJCHAPTER so you don't miss anything and can help us to grow our chapter by spreading the word as you talk with your boards, managers and vendor colleagues. If you know someone that should be a member please refer them to me at [laura@cainj.org](mailto:laura@cainj.org) or invite them to join you an event. ■

# 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](mailto:communitytrends@cainj.org) for publication in the Chapter Trends section of *Community Trends*®.

## Nicole Skaro Joins Alliance Association Bank

Alliance Association Bank announced it is pleased to welcome Nicole Skaro to the company expandable national sales team.

Skaro joined the Alliance Associations Bank team as a Business Development Officer/Vice President with a focus primarily on the State of New Jersey. She has a strong understanding of the community association industry and the specific needs of management companies, individual

managers, and community associations. Skaro is heavily involved in community association industry volunteer efforts, recently receiving awards for her leadership role in both the New Jersey and Pennsylvania regions. She currently takes on a leadership role in FAST (Future All-Star Team), organized through CAI-NJ. Her involvement in the

organization and interaction with the managers provides her with insight into the specific needs throughout the state.

With New Jersey having a variety of urban, suburban, rural/farmland, high-, mid- and low-rise buildings, and age restricted communities all in a variety of economic stability, it is vital that the specific needs of the client are understood to ensure the best possible service and solutions. Skaro, being a New Jersey native, has a complete understanding of the state, the industry and best practices.

Nicole Skaro has spent 9 years in the community association industry with an involvement in presentations/seminars,

committee involvement and outreach. She prides herself on her dedication to her clients and her determination to deliver superior customer service. She believes strongly in building a relationship with her clients and assisting them throughout the entire process.

Alliance Association Bank (AAB), a division of Western Alliance Bank, is designed to provide a dynamic portfolio of financial services to the homeowners associations (HOAs) and Community Management industry.

## Mary Grill Earns CPM® Designation from IREM

Hillsborough, NJ – Mary L. Grill, CMCA, CPM of Homestead Management Services, Inc., headquartered in Pine Brook, NJ, has earned the Certified Property Manager® (CPM®) designation from the Institute of Real Estate Management (IREM®), an affiliate of the National Association of Realtors®. The CPM® designation is awarded to real estate managers who have met the Institute's stringent requirements in the areas of professional education, examination and experience and has been cited in independent studies as the most important designation to consider in the hiring process. CPM® Members must also abide by a rigorous IREM® Code of Professional Ethics that is strictly enforced by the Institute.

Grill, who joined Homestead Management Services in June of 2014, is a community association manager who also has the Certified Manager of Community Associations (CMCA) designation through Community Associations Institute (CAI). Grill is on the Executive Committee of IREM and is chair of both the Directory Committee and ARM Committee for IREM and has served on the Annual Beach Party Committee for CAI-NJ. ■



Nicole Skaro





**Friday, June 17, 2016**

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Gates open at 11:30AM

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For more information, contact Jaclyn Olszewski at 609-588-0030 or [jaclyn@cainj.org](mailto:jaclyn@cainj.org)

**2016 CA-PAC DAY AT THE RACES REGISTRATION**

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Company Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

Email \_\_\_\_\_

**Additional Attendees:**

2.) \_\_\_\_\_

3.) \_\_\_\_\_

4.) \_\_\_\_\_

Please make checks payable to CA-PAC

Questions? Contact Jaclyn Olszewski at (609) 588-0030 or [jaclyn@cainj.org](mailto:jaclyn@cainj.org)

Mail completed form to:  
CAI-NJ Attn: CA-PAC Day at the Races  
500 Harding Road  
Freehold, NJ 07728



**CA-PAC**  
Community Association  
Political Action Committee



**CA-PAC**  
*Community Association  
Political Action Committee*

**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

# 2016 CA-PAC Contributors

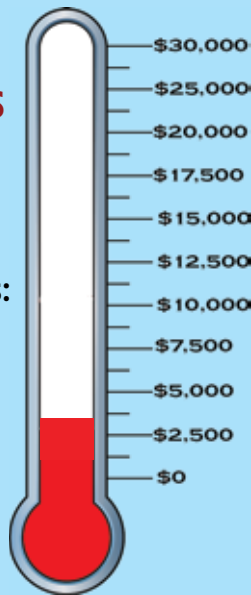
(as of 2/29/16)

**Total Contributions:**

\$3,729

**Annual Goal:**

\$30,000



### Individuals

Jeffrey Cirkus, CMCA, AMS, PCAM  
Denise Lindsey Becker, CMCA, AMS, PCAM  
Debbie Pasquariello  
Larry Sauer, CPM, CMCA, PCAM

### Associations

Clearbook Community Association  
Horizons at Woods Landing HOA  
Penny Layne Condo Association  
Renaissance HOA  
Summit at Neptune Condo Association

### Firms

Community Management Corp  
DW Smith Associates, LLC  
FWH Associates, LLC  
Homestead Management  
Rezkom Enterprises, Inc.  
Stark and Stark



## 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!**

## 2016 CA-PAC CONTRIBUTION FORM

Participation Levels:  
(Please check one)

- Business Partner: \$250.00-\$500.00  
 Management Company: \$500.00  
 Individuals: \$25.00  
     (Managers, Board Members, Homeowners)  
 Community Associations \$ \_\_\_\_\_  
     (Suggested contribution of \$1 per unit)  
 Other \$ \_\_\_\_\_

Please make your CORPORATE or PERSONAL CHECK payable to CA-PAC. Return your completed contribution form along with your payment to:  
CA-PAC  
500 Harding Road  
Freehold, NJ 07728

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Occupation: \_\_\_\_\_ Employer: \_\_\_\_\_

Work Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Email: \_\_\_\_\_

DO NOT INCLUDE MY NAME OR COMPANY ON THE LIST OF CA-PAC CONTRIBUTORS.

The New Jersey Election Law Enforcement Commission requires us to collect and report the names, mailing address, occupation, and name of employer of contributors whose contributions exceed \$300 in a calendar year.

Contributions to CA-PAC are not deductible for federal income tax purposes. Contributions are not limited to suggested amounts.

CA-PAC will not favor nor disadvantage anyone based upon the amounts of or failure to make PAC contributions. Voluntary political contributions are subject to limitations of ELEC regulations. CA-PAC contributions are not considered payment of CAI dues.

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

# Sound and Your Fitness Facility

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



You have just had a hard workout in your association's fitness room. It is a great facility and so convenient. If constructed properly, no problems. If not, owners near the fitness area may hate you.

The problem is sound transmission. Such as the rhythmic cadence of the treadmill or the sudden impact of the free weights hitting the floor. If the developer and architect have not designed the room's walls and floors with sound reduction in mind, those noises will be heard.

Some simple acoustics: sound is a pressure wave that travels through air, liquids or solids. Longer wave lengths are lower pitch sounds. They are higher energy and more difficult to dampen. Short wave lengths are higher pitch. When that free weight hits the floor, it vibrates the floor slab. The vibration wave propagates through the structure, reaches the ceiling of the room below and sets the air vibrating as a wave that travels into the room below and to the occupant's ears. Essentially the ceiling is acting like the diaphragm of a music-producing loud speaker and heavy metal is *not* your neighbor's favorite music.

Transmission through walls is the same. Noise in the fitness room generates the sound wave; the wave hits the walls, travels through the wall to the other side where it sets

the air to vibrating in the adjacent unit.

So how do we stop that transmission? During original construction it is relatively easy to construct double studded walls. Two sets of wall studs, not lined up stud to stud, with dry wall on the occupied sides. Add some sound absorbing insulation (a denser material than fiberglass thermal insulation) for even more noise reduction. It's important to remember the details. Sound waves are sneaky — Like water finding any opportunity to leak through a roof. Sound waves will find any crevice or break in the sound proofing to get past the insulation. These are called "flanking paths" and include ducts, pipes or any other devices passing through or around the sound proofing. Special caulks need to be applied at wall to floor

*Some simple acoustics: sound is a pressure wave that travels through air, liquids or solids.*

CONTINUES ON PAGE 18



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## **SOUND & FITNESS...**

from page 16.

and wall to ceiling joints. Electric outlets and data connections get special treatment too.

Sound proofing floors is a little more difficult. In high rise constructions, floors are often concrete slabs. In some cases the bottom of the slab is the ceiling of the unit below. For that construction, one technique is to build a platform floor on top of the slab. Isolate the sleepers from the concrete with sound absorbing mats. There are also specialized mat products to place on top of the floor to absorb sound. Remember, the new floor should have a gap around the perimeter so the floor does not touch the walls: another application for acoustic caulks.

If the floor/ceiling assembly is wood frame with joists and dry-wall for the ceiling surface, there are more options. Resilient channels can separate the joists from the dry-wall and limit sound transmission. Add some sound absorbing insulation between the joists. There are many other options.

If your association is in transition from sponsor to individual owners, have your transition engineer determine from the plans the Sound Transmission Class (STC) of the wall, floor and ceiling assemblies in the fitness room. STC measures air borne sound. The higher the rating the better. These ratings are measured in the laboratory so they are only indicative of the performance that will be achieved in the field. Actual performance testing will yield a lower STC rating. For impact sound transmis-

*CONTINUES ON PAGE 20*

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## **SOUND & FITNESS...**

from page 18.

sion there is a similar rating: Impact Insulation Class (IIC).

In New Jersey, the Uniform Construction Code specifies "wall, floor, and ceiling assemblies separating dwelling units including those separating town house units shall provide air borne sound insulation for walls and both air borne and impact sound insulation for floor, ceiling assemblies." STC and IIC ratings are specified to be a minimum of 45. While a 45 STC and IIC rating won't be adequate for a fitness room, assemblies with ratings well into the 60s or even 70s have standard designs that can be constructed with readily available building products.

If your association is converting a space to a fitness room or just frustrated with the performance of the one you have, there are many products commercially available to apply to walls and ceilings. Consult a professional to help you improve your noise reduction performance. Look for all those "flanking paths" that defeat even the best constructed assembly and specify the products that provide the aesthetics and fire rating that best meets your needs.

Many of the building product manufacturers publish online manuals that are very instructive and show how various wall and floor assemblies perform. Google "sound rated assemblies" to find them. ■

*Robert N. Roop is a Professional Engineer with over 40 years of experience in providing engineering services. He is responsible for the process and execution of all engineering projects at Lockatong Engineering. The firm's focus is comprehensive investigations and design of buildings and associated property.*





# COMMUNITY ACADEMIC INSTITUTE 2016 LECTURE SERIES

DON'T ACCEPT STATUS QUO – DON'T LEAVE MONEY ON THE TABLE

TUESDAY, APRIL 19, 2016  
CAI-NJ HEADQUARTERS, 500 HARDING RD.,  
FREEHOLD, NJ 07728

FREE EVENT FOR ALL CHAPTER MEMBERS

### PROGRAM HIGHLIGHTS

- Why a one size fits all approach to recovery of all association delinquencies may not be beneficial.
- Understanding the strategies available to collect owner delinquencies and how to manage the cost.
- How an accountant can assist to make “cents” out of your financials and accounting for collections.
- Preventative maintenance – How spending more will save you more.
- Contract review – What to look for and how to compare “apples to apples.”
- Financing Capital Projects – Ways to structure loan repayments and corresponding special assessments.
- Understand the “Dollars & Cents” involved. Are you getting what you paid for?
- What’s included? Hidden costs or termination fees.

**Date:** Tuesday, April 19, 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  
**Speakers:** Bonnie Bertan - Association Advisors  
 Joe Chorba, CPA - Wilkin & Guttenplan, PC  
 Angela Morisco, Esq. - Becker & Poliakoff

Space is limited. Attendees are strongly encouraged to register by Friday, April 8, 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.

### COMMUNITY ACADEMIC INSTITUTE - 2016 LECTURE SERIES REGISTRATION FORM

Name/ Designation: \_\_\_\_\_

Company/Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

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](mailto:angela@cainj.org) or call (609) 588-0030

CAI-NJ Members: FREE  
Non-Members: \$25

#### Payment Methods:

1. Pay by check, payable to CAI-NJ. Mail completed form to:  
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Freehold, NJ 07728
2. Pay by credit card. Please fax to (609) 588-0040  
or email: [Angela@cainj.org](mailto:Angela@cainj.org)

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**CONTINUING EDUCATION NOTICE:**  
By successfully completing this program, the New Jersey Chapter of Community Associations Institute (CAI-NJ) will approve a half day of credit for this program towards the Professional Management Development Program (PMDP).

For CAI-NJ Office Use Only  
Exp: \_\_\_\_\_





# WINTER WONDERLAND

THURSDAY, FEBRUARY 25, 2016

THE PALACE AT SOMERSET PARK







Stephanie Wiegand, Esq.; Theresa Heinzmann, CMCA;  
Nicole Skaro; Larry Sauer, CPM, CMCA, PCAM;  
Jeff Schiffman



Glenn Massulo, CMCA, PCAM; Mitch Frumkin; Tim Martin;  
Raquel Seguinot



Deana Luchs, James Rademacher, Jack McGrath



Kari Valentine CMCA, AMS; Larry Thomas, PCAM;  
Nancy Hastings, CMCA, AMS, PCAM



Eric Eggert; Ray Barnes, CMCA, AMS, PCAM; Adam Kurdyla;  
Edward Mackoul; Jeff Logan; Gary Gleitman



Graceanne Welsh; Cynthia Pirrera, CMCA, AMS, PCAM;  
Liz Napoletano; Daniel Reilly



Tara Cabalar; Martin Cabalar, Esq.; Steve Mlenack, Esq.



Rich Casselli, Ross Catanzarite; Dean Catanzarite





Larry Thomas, PCAM; Theresa Heinzmann, CMCA; Stephanie Wiegand, Esq., Nicole Skaro, Kari Prout; Lauren Vadenais; Bridget Davis; Dori Novick; Jackie Olszewski



Edward San George; Burke Hammond; Brian Keenan; Michael Flippin, CMCA, AMS, PCAM



Eleni Giannikopoulos; Patricia McGlone, Esq.; Cheryl Rhine; Leann Phil



Jean Bestafka; Denise Becker, CMCA, AMS, PCAM; Larry Sauer, CPM, CMCA, PCAM; Nancy Hastings, CMCA, AMS, PCAM; Deana Luchs; Donna Belkot, CMCA, AMS; Loren Lightman, Esq.; Fran McGovern, Esq.; Jennifer Nevins; Ken Sauter, Esq.



Karen Miller, Melissa Volet, Esq.; Tana Bucca, Esq.; Erika Befumo; Chuck Shaw; Carol Nickerson



Brian Weaver, CMCA, AMS, PCAM; Ken Sauter, Esq.



## 2016 Awards Committee

### Chair

Kari Prout

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Richa Casselli  
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Theresa Heinzmann,  
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# Congratulations to the Award Winners

**Speaker of the Year**  
Paul Santoriello, PCAM

**Business Partner of the Year**  
Rezkom Enterprises, Inc.

**Hall of Fame**  
Christine Li, Esq.

**Author of the Year**  
Joseph Chorba, CPA

**Recruiter of the Year**  
Carol Nickerson

**Friend of the Chapter**  
Senator Ronald L. Rice

**Committee Chair of the Year**  
Nicole Skaro

**Candice Bladt Community  
Manager of the Year**  
Raymond Barnes, CMCA, AMS,  
PCAM

**Presidents Award**  
Angela Kavanaugh

**Committee of the Year**  
2015 Golf Committee

**Outgoing Presidents Recognition**  
Kenneth R. Sauter, Esq.

**Jerome M. Fein Distinguished  
Service Award**  
Jules C. Frankel, CPA

Speaker of the Year



Author of the Year



Committee Chair of the Year



Committee of the Year



Business Partner of the Year



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Candice Bladt Manager of the Year



Jerome M. Fein Distinguished  
Service Awards



Hall of Fame



Friend of the Chapter



President's Award



Outgoing President's Award







## THANK YOU SPONSORS!

### Outgoing President's Recognition

Hillcrest Paving & Excavating

### President's Award

FWH Associates

### Friend of the Chapter

Access Property Management

### Business Partner of the Year

McGovern Legal Services, LLC

### Hall of Fame

The Falcon Group - Engineering, Architecture & Energy Consultants

### Jerome M. Fein Distinguished Service Award

USI Insurance Services

### Candice Bladt Community Manager of the Year

Cowleys Pest Services

### Committee of the Year

Rezkom Enterprises

### Author of the Year

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# Amenities: Keeping Them Modern

By Brian Weaver, CMCA, AMS  
Wilkin Management Group, Inc.

*"...there is a trend toward paying more for a smaller condo that boasts a lifestyle with amenities and conveniences..."*

At one time or another, most of us have spent at least some time in a chic, modern hotel with well-groomed doormen, knowledgeable concierge and hotel staff greeting us by name. The lobby, as the central point, boasts modern décor and multiple restaurants bearing the names of today's most prestigious chefs. On one side of the hotel, soothing background music leads to a Miami style gym and spa. Outside, an infinity edge

pool is lined with private cabanas, a contemporary style lounge, and a back drop of the clear blue ocean. While there, one feels like a distinguished king until the morning of checkout, at which time reality quickly sets in that the experience just enjoyed came with a hefty price tag. As one dodges the valet in an attempt to save the last five dollars in their wallet from a weekend of spending, one quickly realizes that their kingly status has instantly been diminished to that of a pauper. During the long and lonesome walk to the far corner of the parking lot for your car that the valet attendant once brought to you, one justifies that the less expensive, non-ocean front, economy hotel without any services or amenities may not have been so bad.

And so it is with community association living. All things being equal in two adjoining communities, the community with the amenities and services comes with a price tag.

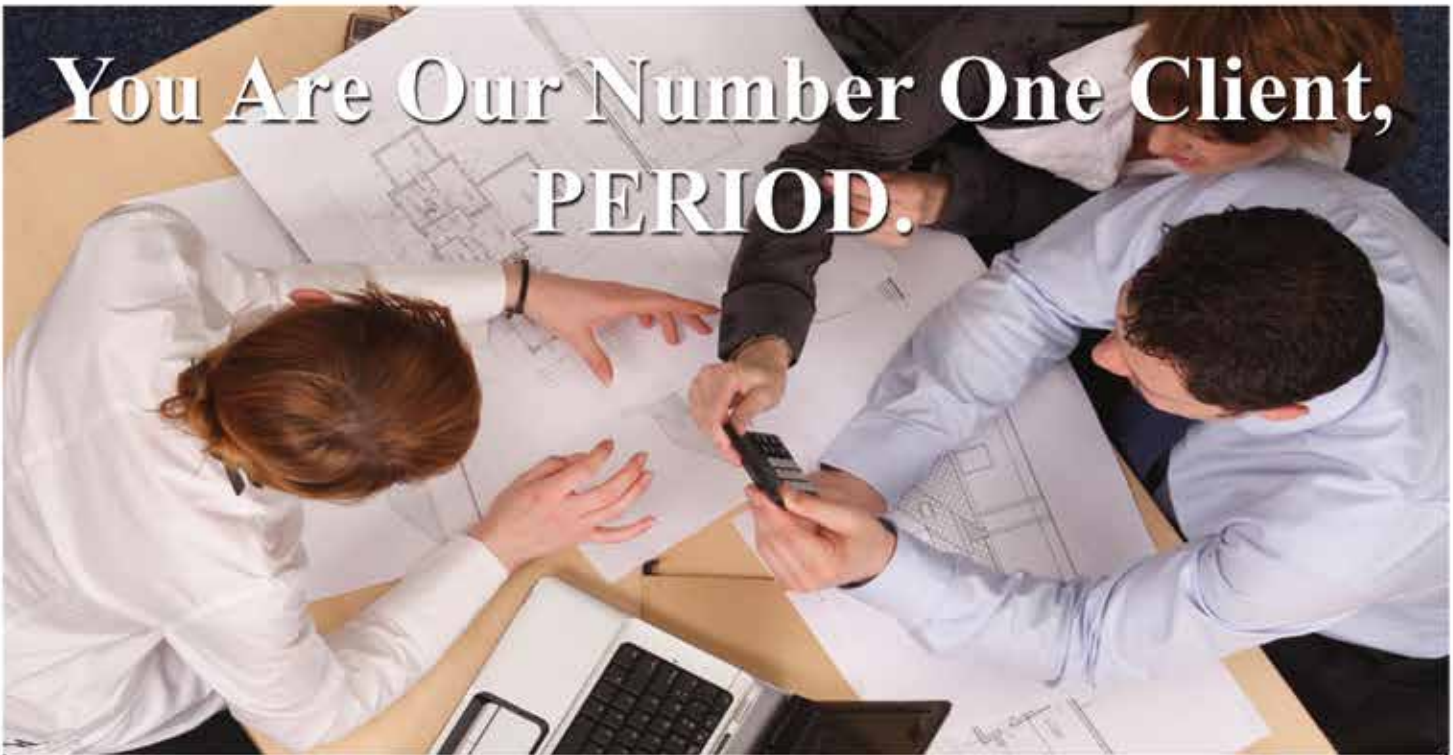
It is true that in today's real estate market, there is a trend toward paying more for a smaller condo that boasts a lifestyle with amenities and conveniences versus a larger home that has none of these. Understandably, developers are aware of this and are willing to add the amenities and services if these help the sales process. But, in the end, it is the association that must continue to properly plan for and fund the ongoing maintenance and replacement of such amenities. And how many associations are properly funded for all of these reserve expenses?

While a hotel can rapidly change the nightly rates to account for a change in the amenities and services offered, an association does not have that same luxury. What association replaces their clubhouse furniture with the

CONTINUES ON PAGE 30



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### MODERN...

from page 28.

latest decor, purchases modern gym technology, changes the landscaping, and updates the pool furniture every two years? Generally, these are often pushed off until they have exhausted their useful life (and sometimes two useful lives). In the hotel industry, amenities and services are used to drive higher occupancy and revenue. Unfortunately, in association living, the discussion is generally about keeping dues low and cutting back on services and amenities. A slight raise in maintenance fees can become a hornet's nest, irrespective of the justification. Community association amenities that were modern ten years ago may now be considered obsolete and dated. Multiple aged and deteriorated tennis courts once considered an asset to the community, may now be viewed as a liability serving the interests of only a handful of owners. Certain gym equipment may lie broken in the corner for a period of time until enough owners complain causing a decision to be made to replace it. And in some rare instances, certain boards discussed and decided that closing the pool for the season was the best way to keep the maintenance fees down.

Understanding that dues must be manageable for the membership, the focus of our conversations needs to be adjusted. Discussions should be focused on increasing property values by modernizing existing amenities and services instead of ignoring them. The return on the investment by increasing real estate values over a

CONTINUES ON PAGE 33



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## MODERN...

from page 30.

period of years far outweighs the couple of hundred dollars that may have saved in keeping an associations dues artificially lower.

If you have spent any time working with community associations, you have worked with both new and old communities. The aged communities have the challenge of staying relevant and competitive. Case in point: A few years back, I managed a very affluent community in Bergen County that was approaching 25 years old. With tennis courts in disrepair, a clubhouse still with original furniture. Containing this smell becomes unrepresentable. The community may have roadways that are cracking throughout with landscaping that is unsightly. As you can imagine this begins to snowball. The goal is to bring your vision, determination and willingness together along with the board's.

The board must not make the same mistakes of past boards apathy and fail to follow a reserve plan, but be willing to take the bull by the horns and accomplish a complete property overhaul. When changing is on the agenda you may have a meeting of standing room only especially when the board is looking to make an assessment of \$2,000, \$4,000 \$8,000 or \$15,000 per owner assessment that would be payable over several years. The intensity in the room will be palpable. There may be screaming, name calling, anger, etc.. But a determination beforehand, that one of the best solutions to the anger is to allow one of their own, that lives

*CONTINUES ON PAGE 34*



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## **MODERN...**

from page 33.

in the community, and supports your and the board's vision, the opportunity to get up and speak. This will allow them to further describe the vision of these improvements and what it would mean for the community itself and the resale value of his home. No longer would this community be considered the tired community, instead, potential buyers and appraisers would overtime see a freshly paved, newly painted community and a new clubhouse redone. The landscaping will be maintained with other amenities replaced overtime. Quickly, despite fluctuating real estate markets, homes within the community will realize the return on investment.

One cannot expect to replicate the lifestyle of the modern chic hotel in their community association without also expecting to pay for it. This expense is for both the immediate enjoyment and continual modernization of the amenities. When this is clearly understood and properly planned for year after year, modern amenities are then a very good thing. When this is not clearly understood and not properly planned for year after year, amenities unattended to can be perceived as a curse. In conclusion, if your community has amenities, it is in your best interest to keep them modern. Then, they will be viewed as an asset rather than a liability. ■

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# ULTIMATE PARTNER Profile

## The Falcon Group, Engineering, Architecture and Energy Consulting

Written by Andrew Amorosi, R.S.



Courtesy CAI-NU

*Principals, left to right, Andrew Amorosi, R.S., Anthony Volpe, P.E. and William Pyznar, P.E.*

The Falcon Group, a team of highly-skilled professionals, offers full-service engineering, architectural, energy consulting and capital reserve services to Community Associations.

The Falcon Group's Civil Engineering Division has extensive experience in land development, roadway reconstruction design, retaining wall design, drainage analysis and design. The firm also has extensive experience in foundations, basement water conditions, soils, erosion, sanitary and storm water collection matters.

The experience of our architectural and structural divisions includes building water infiltration detection and waterproofing designs, parking garages, low slope and steep slope roofing designs, façade repair and replacement designs, deck and balcony design, fire separation requirements, etc. In short, we are the industry's building, roofing and façade experts.

The Falcon Group has extensive experience in the preparation of Capital Reserve Studies and Transition/Engineering Reports for Community Associations. We

have five (5) accredited CAI National Professional Reserve Specialists (R.S.), as well as one Professional Reserve Analyst (P.R.A.). Our capital reserve reports are realistic, accurate and site specific to each client.

Our Energy Division's expertise comes from the knowledge and experience of its engineering experts specializing in energy systems for new and existing buildings. Our projects are executed using Certified Energy Managers, Professional Engineers, Certified Building Commissioning Professionals, and LEED Accredited Professionals. At Falcon, we firmly believe that reducing energy consumption gives way to a brighter, sustainable way of life that should carry into future generations.

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

I am a principal owner in the company and along with my 2 partners, we oversee the daily operations of the firm

but still each provide personalized design and inspection services for many of our clients. One of the 3 principals is typically involved in each project to ensure that our clients are properly serviced. Falcon will be celebrating our 20th year in the industry in 2017. We have provided services to thousands of clients over the years. Today, we still serve some of the same clients we had in 1997, our first year. Client service is very special to us and the repeat business, reputation and client satisfaction we experience is truly second to none.

### **Project Highlight:**

The Falcon Group was hired to design, bid and provide construction management services for a 19 story luxury high-rise. The project included restoration of exterior, curtain-wall steel structures, replacement and upgrading of exterior insulation and replacement of the non-draining EIFS system with a draining system.

***“As the communities and buildings continue to age, we see a great need for proper capital planning...”***

As a result of original construction defects, the entire exterior facade had to be reconstructed. Original estimates through litigation included displacement of all residents and removal and replacement of the exterior panel wall assemblies with an estimated cost in excess of \$10M.

Falcon was able to design a program to complete the work while allowing all residents to remain in the apartments with minimal disturbance, saving over \$5M on the project cost and allowing the building to be awarded monies from the NJ Board of Public Utilities Pay for Performance program to assist in paying for the energy related upgrades.

### **What might someone be surprised to learn about your company?**

The Falcon team likes to give back to the community and has been involved with many charities: Greater Plainfield Habitat for Humanity, CASA, Wounded Warrior, Make-A-Wish, Special Olympics, Breast Cancer Resource Center, Alzheimer’s Association, Children’s Lightning Wheels, Paralyzed Veterans of America, American Legion, National Multiple Sclerosis Society, Amanda Styles Cirelli Foundation and Rocco’s Children, along with volunteer efforts at The Community Food Bank and St. Luke’s Children’s Hospital.

### **What trends do you see for the Community Association industry?**

As the communities and buildings continue to age, we see a great need for proper capital planning, including master plans for replacements and improvements to ensure the stability of the communities and/or buildings for the next 100 years. We have seen some associations kicking the can down the road in terms of the capital planning and the results of that can be a physical and financial nightmare for that association. There are issues/conditions that come into play for older facilities that most associations may not be aware of and should be planning for. We are making our clients aware of these through our services, as well as value engineering solutions. We are designing a software called “FalconVision” that will revolutionize that type of planning. ■

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





# ULTIMATE PARTNER Profile

## Wilkin & Guttenplan, P.C.

*Wilkin & Guttenplan, P.C.  
at its office in East  
Brunswick, New Jersey.*



Courtesy CAI-NJ.

Wilkin & Guttenplan is a full-service accounting and consulting firm based in East Brunswick, NJ. Founded in 1983 by Edward Wilkin and Edward Guttenplan. The firm offers services in accounting and audit, business valuations, estates and trusts, taxation, litigation support and a full range of commercial services. In addition to real estate, we also serve middle-market and closely-held businesses, international companies conducting business in the U.S. and other countries, life science and pharma companies, and not-for-profit organizations.

We specialize in servicing Community Associations and have been active participants in CAI, on both the regional and national level. We have held positions ranging from Chapter President to Chairman of the National Accountants' Committee. Our clients receive leading edge advice and insight based on our application of industry best practices, encompassing operational trends, IRS rulings, and the regulatory environment. Most importantly, however, founders, Wilkin and Guttenplan, have always believed that the key to continuing successful client experiences is the identification of future leaders, who are encouraged to develop themselves and expand their capabilities. Two of these individuals, Carol Koransky and Mohammed Salyani, have joined Ed Wilkin and Ed Guttenplan as

practice leaders for the firm's New Jersey CIRA (Common Interest Realty Association) Practice.

### **What is your role in the organization? What is your background?**

Carol Koransky and Mohammed Salyani are both Principals of Wilkin & Guttenplan and colead the New Jersey CIRA Practice. Carol has over 20 years of experience serving community associations and cooperatives, having joined the firm in 1993 after having worked with both Wilkin and Guttenplan at a previous firm. Since then, she has provided audit, compilation, review, and consulting services to her clients. In addition, Carol is in charge of all internal continuing education within the firm. Mohammed has 15 years of experience, having joined the firm in 2001, and is the current Secretary on the CAI Board of Directors. In addition to providing CIRA clients with audits, compilations, and reviews, he often performs consulting services and agreed-upon procedures including fraud detection, forecasting and transition reports for sponsors and management companies. Both Carol and Mohammed are highly active in education and training programs within the community association industry, having presented numerous seminars on a myriad of topics and challenges board members and property managers face.

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

Education is one of the cornerstones of Wilkin & Guttenplan's client service and community association involvement. We provide numerous educational webinars, seminars, and courses to board members and property managers throughout the year on topics such as understanding financial statements, budgeting, taxation, and replacement funding. We offer a variety of classes that are CAM ICB approved for fulfilling continuing education requirements for the CMCA certification and continually add to our course catalogue. We issue a quarterly newsletter, *Community Property Advisor* (CPA), which is a resource for board members, building and property managers, associations and cooperatives. Additionally, one of the most highly sought after and requested education tools we provide is our CIRA financial survey. This survey, published every three years, covers financial results of hundreds of New Jersey condominiums, homeowners association and Co-Ops in areas such as maintenance fees, replacement fund levels and assessments receivable balances. It is meant to provide associations with benchmarks and a frame of reference for future planning. Lastly, we are especially proud of the New Manager Education Assistance Program offered by CAI, which was named in honor of our dear friend and late shareholder of the firm, Jules Frankel.

## What might someone be surprised to learn about your company?

As a firm, we are truly committed to our people, first and foremost. We believe that attracting and retaining the best and brightest talent ensures that our clients enjoy an elite level of service and support. In fact, our staff has always been our number one priority; the family atmosphere in the firm has been cultivated since Ed Wilkin, Ed Guttenplan and Jules Frankel shared a single, small office! Though this may have been born out of a lack of space, what began with the three of them has grown and matured into a company culture full of respect, mentoring, training, and teamwork. That culture and unique work environment has branded the firm one of the best accounting firms to work for, which means star employees tend to stay with the firm and team continuity translates into strong relationships with clients.

Courtesy CAI-NJ



Principals Carol Koransky, CPA and Mohammed Salyani, CPA.

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

We were recently named one of the Best Places to Work in New Jersey in 2016. We are very proud to have received this award for the last eleven years (since its inception), including earning the top spot in 2007. Additionally, the firm was named a 2015 Best Place to Work for Millennials and was the only New Jersey company to earn this distinction. The firm has also been selected as one of the best accounting firms to work for in the country since 2008 by *Accounting Today Magazine*, earning the top spot in 2010. On individual levels, numerous Partners and Managers in the firm have won CAI Speaker of the Year and Author of the Year – including this year's Author of the Year, Joseph Chorba. We are also lucky enough to have two CAI Hall of Fame members – Ed Guttenplan and Jules Frankel.

## What trends do you see for the Community Association industry?

We see urbanization as one of the most universal trends in the community association industry, not just in New Jersey, but across the nation. The increase in high-rise building development and occupation on the Gold Coast exemplifies this trend, while already-urbanized areas are being targeted for rehabilitation and gentrification. As more and more people are moving to areas closer to metropolitan hubs, we will continue to see a changing economic landscape. High-rise dwellers pay more in association fees. In fact, unit prices overall and living expenses will continue to increase, with demand for luxury amenities at affordable prices following suit. These developments open the door for rapid growth for community associations, as owners want the perks and benefits of suburban, community living in urban locations. ■

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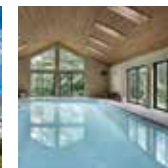
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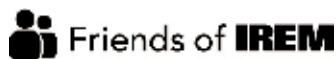


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## Help CAI's Amicus Effort

The CAI Amicus Program is looking for your help. For years, CAI has participated in New Jersey court cases involving significant community association issues. We do this through our "Amicus" or "Friend of the Court" Program. With the court's permission, CAI files briefs in court cases advocating the interests of our members. CAI has successfully appeared in a number of important New Jersey cases, including *Twin Rivers*. It is important for our members to let CAI know when they are involved in, or become aware of, a lawsuit which may have an impact of general concern to the industry. We can only participate and have our views expressed when we know about these cases when they first arise. So, this is an important request on behalf of both the National and Chapter Legislative Action Committees to please advise the Chapter office of any litigation involving community association issues of potential importance to the entire industry. For any such notices, please contact Larry Thomas, PCAM at (609) 588-0030 or at [larry@cainj.org](mailto:larry@cainj.org). ■

**THE WEBSITE OF CAI-NJ HAS A NEW LOOK —  
CHECK IT OUT!**

Visit [www.cainj.org](http://www.cainj.org)...





## Write for Community Trends®

CAI-NJ and the Editorial Committee are always looking for new articles to publish in Community Trends.®

One of CAI's major strengths is the willingness of its volunteer members to contribute their time and share their knowledge and experience. Nowhere is that willingness more important or more noticeable than in the area of CAI publications.

Our own chapter magazine is an example of this sharing by our members. Everything that is printed, despite the diversity of the subject matter, has the same goal: to share with other CAI members information that will help them better serve the community.

All articles are reviewed by the Editorial Committee. We recommend that articles contain no less than 500 words, but no more than 1,500 words. Articles should be written in third person, eliminating the use of "I", "we," "me," "my," and "our." CAI retains the right to edit articles to conform to content space requirements.

If you are interested in submitting an article for possible inclusion in Community Trends®, please contact Jaclyn Olszewski at 609-588-0030 or [jaclyn@cainj.org](mailto:jaclyn@cainj.org)

View the guidelines for submitting an article at <http://www.cainj.org>

### Upcoming Themes:

- June: Senior Summit (Due May 3rd)
- July: Budgeting & Reserves (Due Jun. 3rd)
- August: Construction Defect (Due Jul. 3rd)
- September: LAC Issue (Due Aug. 3rd)
- October: Conference & Expo (Due Sept. 3rd)
- November: Safety & Security (Due Oct. 3rd)
- December: Serving Communities Better (Due Nov 3rd)



The New Jersey Chapter of Community Associations Institute  
Cordially Invites you to the  
**2016 CAI-NJ Annual Conference & Expo**  
*Marvel at the Opportunities with CAI-NJ*



**2016 CAI-NJ Pre Conference  
Networking Reception**

Tuesday, October 25, 2016

Registration: 5:30 p.m.

Reception: 6:00 p.m. - 8:00 p.m.

Garden State Exhibit Center  
50 Atrium Drive  
Somerset, NJ 08873

**For more information call:  
Jaclyn Olszewski (609) 588-0030**

***Sponsorship Opportunities Available***

**2016 CAI-NJ**

**Annual Conference & Expo**

Wednesday, October 26, 2016

Conference: 8:30 a.m. - 3:00 p.m.

Garden State Exhibit Center  
50 Atrium Drive  
Somerset, NJ 08873

**For more information call:  
Angela Kavanaugh (609) 588-0030**

Sponsored By:



Sponsored By:



# 2016 CAI-NJ Annual Conference & Expo FLOOR PLAN

Wednesday, October 26, 2016  
Garden State Exhibit Center  
50 Atrium Drive, Somerset, NJ 08873



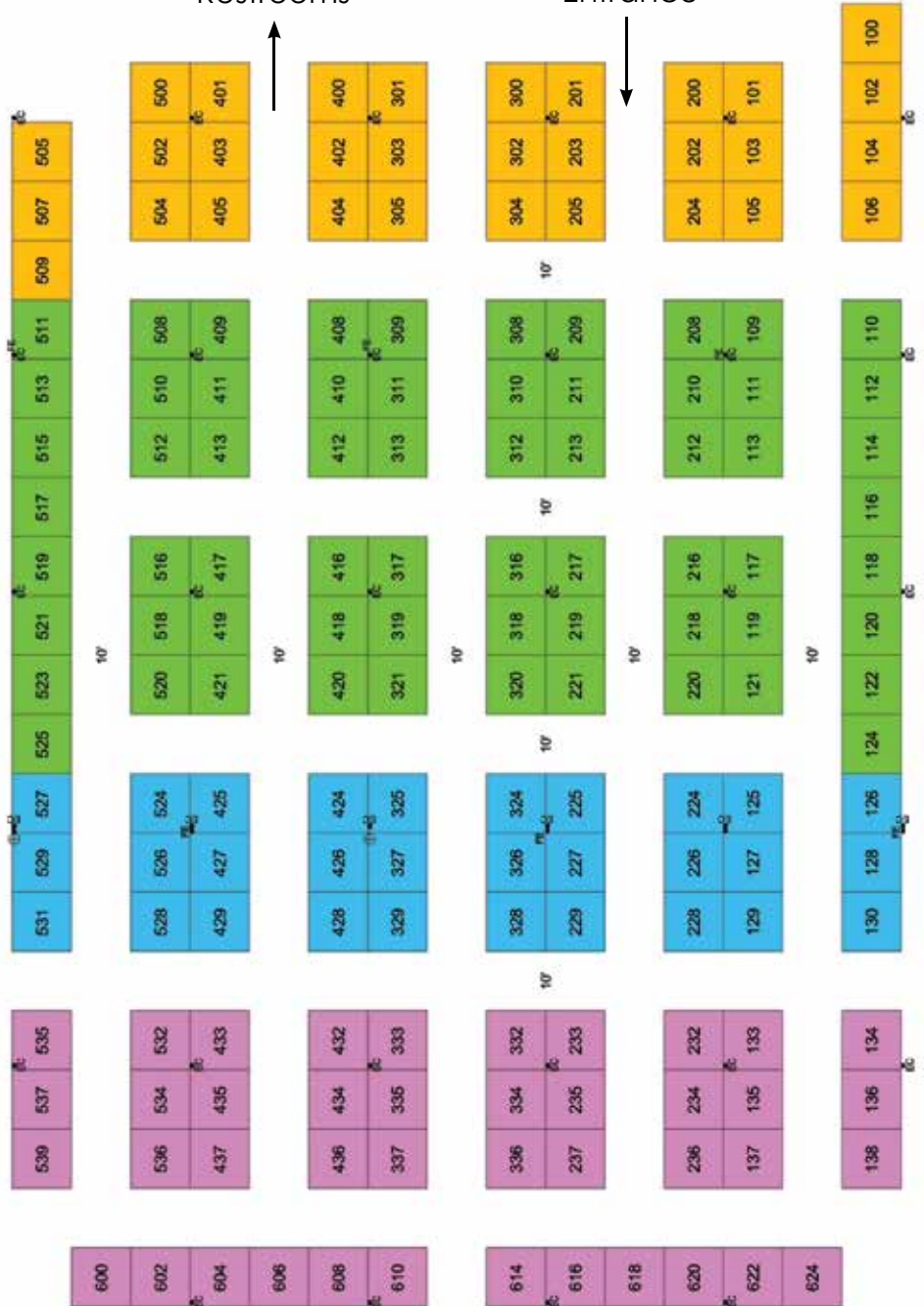
Breakfast/Lunch Area

Restrooms

Entrance

Key:

- Super Booths
- Premium Prime Booths
- Prime Booths
- Standard Booths



Sponsored By:



2016 CAI-NJ Annual Conference & Expo
BOOTH RESERVATION FORM
Wednesday, October 26, 2016
Garden State Exhibit Center
50 Atrium Drive, Somerset, NJ 08873



Please type or print all information below:

Company Name: \_\_\_\_\_
(Print exactly what you want to appear on your exhibitor name sign.)

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

Email: \_\_\_\_\_ Website: \_\_\_\_\_

Authorized Company Representative: (Please print) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

(PLEASE SIGN CONTRACT ON REVERSE SIDE.)

Exhibitor will be responsible for any and all notification and distribution of their door prizes. CAI-NJ will not be responsible for announcing the door prize winner nor will it be responsible for distribution of such prizes. Except for emergency announcements, no commercial announcements will be made. CAI-NJ will not be liable for any damages relating to non-performance of any exhibitor. By signing the Booth Reservation Form, exhibitor agrees to the terms and conditions of the 2016 Contract for Exhibit Space.

2016 Exhibit Booth Choices:

- (SB) Super Booths: Member \$1,450 Booth# Non-Members: \$1,950 Booth#
(PP) Premium Prime: Member \$1,250 Booth# Non-Members: \$1,750 Booth#
(P) Prime Booth: Member: \$1,150 Booth# Non-Members: \$1,650 Booth#
(S) Standard Booth: Member: \$1,050 Booth# Non-Members: \$1,550 Booth#

Attendee Mailing Labels: \_\_\_\_\_ x \$150.00 = \$ \_\_\_\_\_
(Available to exhibitors only.) Sets Total

Ultimate & Elite Partners receive a complimentary Standard Booth at the 2016 Conference & Expo (check if applicable).

I am an Ultimate Partner I am an Elite

Private Party Policy: All hospitality suites and hosted events must be reserved and paid for through CAI-NJ. Hospitality suites and hosted events are not permitted during official conference activities. Non-exhibiting suppliers are not permitted to host events the evening before or the day of the official conference.

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. CAI-NJ advises that for training, marketing or other purposes, the Conference & Expo may be recorded, videotaped and/or photographed. By attending this event, I consent to the use of my image by CAI-NJ and agree to waive any claim for the use of my image, including without limitation, the appropriation of my image for commercial purposes or the invasion of my privacy.

Payment Information:

Payment by Check

Mail form with check payable to:
CAI-NJ
Attn: 2016 Conference & Expo
500 Harding Road
Freehold, NJ 07728

Questions: Contact Angela Kavanaugh at (609) 588-0030 or email expo@cainj.org.

Payment by Credit Card

Please fax your signed application with payment to (609) 588-0040 or email angela@cainj.org.

\$ Booth + \$ Attendee Mailing Labels = \$ Total

Visa Mastercard Discover American Express

Cardholder Name: \_\_\_\_\_

Card Number: \_\_\_\_\_

Exp. Date: \_\_\_\_\_ Security Code: \_\_\_\_\_

Cardholder Signature: \_\_\_\_\_

Cardholder acknowledges receipt of goods and/or services in the amount of the grand total shown herein and agrees to perform the obligations set forth in the cardholder's agreement with the credit card issuer.

(For CAI-NJ Use Only):

EXP: \_\_\_\_\_





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2016 CAI-NJ Annual Conference & Expo
**ADDITIONAL BOOTH REPRESENTATIVE REGISTRATION FORM**

Wednesday, October 26, 2016
Garden State Exhibit Center
50 Atrium Drive, Somerset, NJ 08873



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Please type or print company name in block letters exactly as it should appear on name badges and advertising or signage.

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

E-mail: \_\_\_\_\_ Website: \_\_\_\_\_

Authorized Company Representative (Complimentary, included with booth): \_\_\_\_\_

Please list the name, company and designations of all attendees. (Example: John Smith, AMS, CMCA, PCAM, Conference & Expo Property Management) Attach additional forms if necessary. The cost of each additional booth representative is \$25.00. Ultimate Partners receive unlimited booth representatives at no charge.

- 1. \_\_\_\_\_ 5. \_\_\_\_\_ 9. \_\_\_\_\_
2. \_\_\_\_\_ 6. \_\_\_\_\_ 10. \_\_\_\_\_
3. \_\_\_\_\_ 7. \_\_\_\_\_ 11. \_\_\_\_\_
4. \_\_\_\_\_ 8. \_\_\_\_\_ 12. \_\_\_\_\_

# of Additional Reps \_\_\_\_\_ x \$25.00 = \$ \_\_\_\_\_ Total

I am an Ultimate Partner and receive unlimited booth representatives at no charge (check if applicable).

Private Party Policy: All hospitality suites and hosted events must be reserved and paid for through CAI-NJ. Hospitality suites and hosted events are not permitted during official conference activities. Non-exhibiting companies are not permitted to host events the evening before or the day of the official conference.

PAYMENT OPTIONS:

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Mail form with check payable to:

CAI-NJ

Attn: 2016 Conference & Expo
500 Harding Road
Freehold, NJ 07728

Questions: Contact Angela Kavanaugh at (609) 588-0030 or email expo@cainj.org.

Payment by Credit Card

Please fax your signed application with payment to (609) 588-0040.

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Cardholder Name: \_\_\_\_\_

Card Number: \_\_\_\_\_

Exp. Date: \_\_\_\_\_ Security Code: \_\_\_\_\_

Cardholder Signature: \_\_\_\_\_

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# COMMUNITY SPOTLIGHT: 77 Hudson

By Vincent Rapolla, CMCA, AMS • Photographs by Jacek Nienajadlo

The 77 Hudson luxury high-rise building resides in the Historic Jersey City Paulus Hook area, steps away from restaurants, shopping, schools and landmark parks. Conveniently located at the Jersey City waterfront with the New Jersey Exchange Place PATH, Light Rail Station, buses and ferry service to Manhattan just footsteps from your door.

Upon arrival one cannot help but notice the 49 floor blue and green glass design of the building. When you look up at the glass façade, you see the reflection of the sky!

You enter into a dramatic 22-foot-high lobby that echoes the building's exterior glass curtain wall with beautiful blue stone floors and teak walls. A navy blue stainless steel sculptural element houses the concierge while acting as a modern centerpiece for the lobby. You are graciously greeted by our concierge who can provide you with exquisite services from calling a cab, making a reservation at your favorite restaurant to laundry and car wash.

77 Hudson caters to all that life demands, including a children's playroom, an indoor parking garage, dog park, outdoor swimming pool, hot tub, barbeque grills, fire pit, state of the art fitness center, yoga room, sauna, steam rooms resident lounge, our own "Click Café" with catering facilities, a game room, virtual golf, a business center and much more!

Imagine waking up and taking in the breathtaking Manhattan skyline



*"77 Hudson caters to all that life demands..."*

and the splendor of the Hudson River, with panoramic views of the George Washington Bridge to the glistening waters of NY Harbor and the majestic Statue of Liberty. The unique facade of 77 Hudson affords you the opportunity to end your day with a stunning twilight

panorama so thrilling you'll never want to close your eyes and sleep.

The distinctive open kitchens are designed for entertaining. Their sophisticated, contemporary design includes a sleek, steel vent hood, glass and stainless steel upper cabinets, cantilevered open shelves,



stone counter tops and full height back splashes, stone-clad islands for dining, and elegant custom designed signature faucets. The cabinets, designed and fabricated in Italy by dada, are quality crafted with integrated lighting and European hardware. ■







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“Community Spotlight” is a section in *Community Trends*® featuring member communities.

We will shine the spotlight on a common interest community in New Jersey by publishing photos of the community’s best features — landscaping, recreation facilities and grounds, clubhouse, lake, etc.

For more information on being featured in the “Community Spotlight” contact CAI-NJ at (609) 588-0030 or email: [jaclyn@cainj.org](mailto:jaclyn@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](mailto: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



Sponsored by:



#### 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 February 29, 2016)

- Lysa Bergenfeld, Esq. - 1
- Tracy Blair, CMCA, AMS, PCAM - 1
- Cynthia Pirrera, CMCA, AMS, PCAM - 1
- Lawrence N. Sauer, CMCA, PCAM - 1
- Elizabeth Saunders, AMS - 1
- Mario Spoletti - 2
- Jeffrey M. Logan - 3

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# Welcome

NEW CALNJ MEMBERS

(February 1-29, 2016)

## BUSINESS PARTNERS

### Alpine Painting

Mr. Dave Scaturro

### Cooper Pest Solutions

Ms. Allison Berg

### Frank A. Macchione t/a Paving Plus

Ms. Ann Marie F. Macchione

### Frontier Tree Company, Inc.

Mr. Kevin Slavin

### High Class Electric, LLC

Mr. Carlos J. Rocha

### Horticultural Services LLC

Mr. Hector Milian

### John Perez, Attorney at Law

John Perez, Esq.

### Magic Roofing & Siding, Inc.

Mr. Luis Sanchez

### ServiceMaster by Replacements

Ms. Farah Kirshiteyn

## COMMUNITY ASSOCIATION VOLUNTEER LEADERS

### Oak Ridge At Hanover

Ms. Jean Balestra

## MANAGERS

### Ms. Lisa Alfano

2000 Linwood Ave. Condominium Association Inc.

### Mr. Chris Robert Antonacci

Association Advisors

### Ms. Nancy Varga

Clearbrook Community Association

### Jessica L. Dziegrenuk, CMCA

FirstService Residential

### Ms. Alyssa Zboyan

Premier Management Associates

### Ms. Karen Arena

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### Ms. Mary Ellen Hillery

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### Ms. Liz Caputo

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### Terri Reddell, CMCA

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 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: \_\_\_\_\_

Home Address: \_\_\_\_\_  
 \_\_\_\_\_

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: \_\_\_\_\_



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**CONTACT:**

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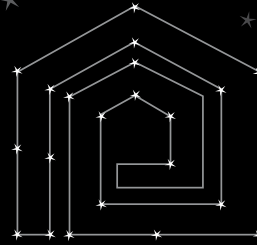
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# MANAGEMENT TRENDS

## Managing Community Amenities

By Chuck Graziano, CPM, PCAM

Arguably, one of the most important factors in making a community attractive to homeowners or prospective home purchasers (future community members), is the amenities offered within the community. In fact, amenities are the second most important factor next to curb appeal. That's a major factor for developers when planning a community. The challenge for managers is the maintenance of these facilities once constructed and in use. They can be the source of hours of enjoyment by community members while at the same time providing a significant liability exposure. Let's take a look at some of the more common amenities offered in our community associations.

Likely the first thing to come to a manager's mind when thinking "amenities" is the community pool. While the swimming season in New Jersey is relatively short, the pool is the source of a significant expense for lifeguard time, chemicals, equipment and maintenance. Hiring the best qualified pool company is a good start, but continued inspection of all pool components involves not just the pool company, but also the manager and members of the community (e.g. pool committee). Early pre-season checks of the pool deck for cracks and tripping hazards is critical, just as compliance with state and local codes and standards. In-season checks of operating (filtration) equipment, pool hardware, tables and chairs, fencing, lighting and so forth should be routine so that any wear and tear can be discovered and corrected before an incident occurs and before components become unusable or unsightly. Water quality and lifeguard coverage are also major concerns. With regard to water quality, someone outside the pool company should be checking the logs for water testing to be sure they're accurate and complete. Lifeguarding can be an exceptionally difficult job. Sitting in a chair for extended periods of time watching the water is no easy task, and yet



*"Likely the first thing to come to a manager's mind when thinking 'amenities' is the community pool."*

that's their job. And it's a job from which one can become easily distracted from! Checking to insure consistent attention throughout the day and throughout the season requires a team effort at all levels.

Other outside amenities such as basketball, tennis and playgrounds also require continual inspection and maintenance to insure the proper useable condition of everything from the surface (just a very small offset at a surface crack can create a tripping hazard) to the tennis (or basketball) posts and nets to playground equipment. Experience demonstrates that playground equipment is particularly vulnerable to wear and tear (as well as occasional vandalism or abuse). For whatever reason, big kids like to swing on equipment intended for toddlers! A routine schedule of inspection is required to insure the usability and safety of all equipment. Checking for loose fasteners, worn equipment components may take more time than doing an "eyeball check from 50 meters away", but spending the time necessary help insure the continued and safe use of equipment.

CONTINUES ON PAGE 65

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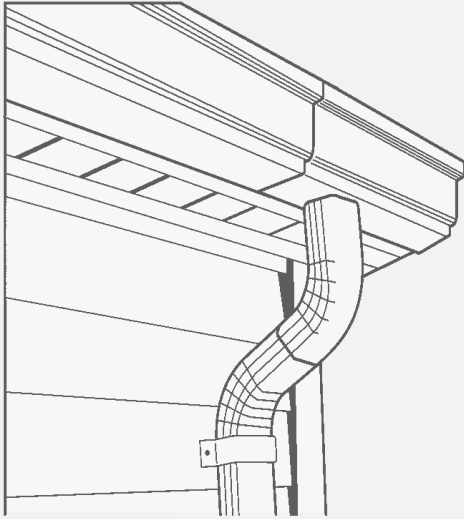
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## MANAGEMENT TRENDS...

from page 62.

Clubhouse facilities also require similar attention. Tables and chairs tend to break down over time especially when the clubhouse is subject to traffic from rentals. Carpeting can also become frayed, creating tripping concerns and lighting when not operating properly can also create a hazardous and unkempt appearance. For community clubhouses that offer a gym, it is highly recommended that maintenance contracts be kept in place for routine inspection and repairs to weight equipment, treadmills, exercise bikes and other mechanical facilities offered in the gym.

The list included above is limited in the face of the number of variations in amenities offered and the maintenance that each requires, however, it should be recognized that the major concern for safe use of our communities' amenities along with the goal of providing a well maintained, attractive property requires a significant effort. While community association managers are often placed at the center of responsibility for these efforts, the community can be better served by more than one set of eyes checking for proper maintenance and operation. Recruiting a small committee and providing them with a checklist will serve the community much better than relying on the community association manager or even a community maintenance employee to do it all.

Another important consideration for great amenity management is in budgetary planning. Major components

CONTINUES ON PAGE 66

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## MANAGEMENT TRENDS...

from page 65.

of each and every amenity should be included in the community's capital reserve or deferred maintenance reserve. Managers should insure that when reserve updates are done, everything that needs to be included is in fact included. In addition to long term planning for replacements and repairs, regular maintenance requires annual budget planning. Tennis nets, basketball nets and individual playground components may seem minor, but they need replacement on a regular basis and a contingency should be provided in the operating budget for all that is needed.

The amenities included in a community likely provided at least part of the reason community association homeowners purchased their homes in the first place. Maintaining those amenities in a manner that provides an attractive, well maintained and properly (safe) operating facility should be considered one of the foundational pillars of good community management. ■



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- Location: Sea Oaks Country Club  
99 Golf View Drive  
Little Egg Harbor, NJ 08087
- Agenda: 5:30 p.m. - 6:15 p.m.: Cocktail reception and networking with Managers  
6:15 p.m. - 7:45 p.m.: Roundtables  
7:45 p.m. - 8:30 p.m.: Dessert reception and networking with Managers

**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.

Space is limited. Attendees are strongly encouraged to register by Friday, June 17, 2016.

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#### COURSE MATERIALS

The workshop includes a toolbox of support materials:

- The Board Member Toolkit, a best-selling book from CAI Press
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- In addition to a toolbox of support materials, each student receives a certificate of completion and recognition on the CAI website.

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### LEGISLATIVE UPDATE...

from page 9.

mon expense assessments. Under the New Jersey Condominium Act at N.J.S.A. 46:8B-21, a condominium association is entitled to limited "priority" over previously recorded liens, including mortgages, for a sum equal to the aggregate customary condominium assessment against the unit owner for the six-month period prior to the recording of the lien. This priority is commonly referred to as the "super lien" of the association. The law in New Jersey became effective twenty years ago in 1996.

The Federal Housing Finance Agency (FHFA) has taken the position that the limited lien priority of

***"The FHFA is acting at the obvious detriment of community associations and the owners which form their membership."***

community associations violates the right of Fannie Mae and Freddie Mac to have a first lien position. Essentially, the FHFA's position is that these mortgages must remain in a first lien position and have first priority in receiving the proceeds from selling a house in foreclosure. As a result, any lien securing payment of unpaid common expense assessments should not be able to gain priority so that the association would receive payment of delinquent assessments.

By filing suit to attack the priority status of associations in states where there is a priority lien law, FHFA is attempting to ensure that Fannie Mae and Freddie Mac get paid by the lending institutions that failed to complete foreclosures in a timely manner, or pay association dues while foreclosure was in process. The FHFA is acting at the obvious detriment of community associations and the owners which form their membership.

The membership of CAI is painfully aware that reasons for delays in the foreclosure process are many and protracted. While foreclosures are underway, delinquent assessments continue to accumulate rapidly. Associations operate under the burden of budget deficits in their day-to-day operation due to the homeowner delinquencies. And many associations feel they have no alternative but to somehow fund and perform maintenance on abandoned homes to preserve the aesthetic quality and value of their communities.

In the coming weeks, CAI-NJ will be dispatching information to its members about the actions being taken by lenders and FHFA. CAI will be educating its membership of its efforts to preserve super lien rights and to stem the consequences of the FHFA's challenges to the vital benefits of the lien priority law in New Jersey. Please look out for emails and other communications from CAI on this important issue and get involved. ■

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