

CAI - LI Chapter News

Serving Long Island, New York

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3 COMMON LAKE & POND MANAGEMENT MISCONCEPTIONS

By Trent Nelson, Aquatic Specialist - SOLitude Lake Management



As an Aquatic Specialist with more than a decade of experience, I've assisted hundreds of property managers with their lake and stormwater pond management needs over the years.

Despite the diverse types of lakes and ponds they oversee, I've noticed that many clients have the same set of concerns or misconceptions about their waterbodies. These often come to light as we work together to design a freshwater management program. Let's take an in-depth look at some of these common assumptions.

1. Lakes and ponds are permanent fixtures in the landscape.

While lakes and ponds can be long-lasting features in our communities, they are not permanent. They fill with sediment that erodes from the shoreline or flows in during rainstorms. Weed growth and decomposition

may lead to the development of muck. And trash, tree branches, and other pollutants can build up over time.

The aging of a lake or pond is a natural phenomenon, but can be highly accelerated through human activity and industry, reducing a waterbody's life by decades. If left unmanaged over the years, your waterbody could eventually fill up until it becomes a marsh or puddle. This is a process called lake



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and pond succession.

The best way to prevent this inevitable decline is through proactive, ongoing management aimed at reducing erosion, nutrient pollution, muck development, and nuisance aquatic vegetation. These benefits are two-fold. In addition to prolonging the depth and overall lifespan of your lake or pond, you'll also help prevent problems like algae, toxic cyanobacteria growth, bad odors, murkiness, invasive species infestations, fish kills and more.

2. Herbicides pose a danger to non-targeted plants and animals.

The most eco-friendly and long-lasting lake and pond management programs lean on holistic, natural solutions, but sometimes herbicides and algacides are necessary to set your waterbody up for success. Herbicides tend to be a point of concern for property owners, but I've found that once they better understand the strict scientific processes surrounding the use of herbicides, their fears are alleviated.

Herbicides used in the lake management industry are designed



to exclusively target specific weed and algae species without impacting desirable plants and animals. They do so by interfering with the unique growth mechanisms identified in nuisance species that are not found in beneficial ones. Likewise, the concurrent use of eco-friendly compounds called surfactants helps confine herbicides and algacides to the affected area without migrating elsewhere. Historically, herbicides have been applied by licensed professional ground crews, but new industry technologies like drones are making it possible to remotely apply products with more accuracy and efficiency, particularly in areas that are hard to reach or unsafe to navigate by foot.



All herbicides must be evaluated and registered by the Environmental Protection Agency (EPA). In addition to collaborating with scientific authorities throughout the US, the EPA also carries out bilateral cooperative programs with the World Health Organization (WHO) and many other countries around the world. Once approved, all herbicides are subject to compliance monitoring and periodic reevaluation processes to ensure lasting safety and success.

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The CAI - Long Island Newsletter is published quarterly by the Long Island Chapter of Community Associations Institute (CAI-LI) and is distributed to its members and is available on the Chapter website (www.cai-li.org). This publication provides members of CAI with letters from the Chapter President, informative articles written by industry professionals and service providers, updates on current legislation, and business advertising. The Chapter strives to provide our members with timely information and tools needed to keep them informed on community association issues.

The Newsletter Committee is always looking for new articles to publish. Articles should be educational, non-promotional in nature, and have a suggested word count between 500 and 1,500 words. CAI-LI retains the right to edit articles to conform to content and space requirements.

If you are interested in submitting an article for possible inclusion, please contact Christine M. Majid, Chapter Executive Director, at info@cai-li.org.

Quarterly Deadlines

Winter Issue - January 31

Summer Issue - July 31

Spring Issue - April 30

Autumn Issue - October 31

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3. All freshwater management programs are the same.

It's not uncommon for a property manager to assume that the solutions used on a friend or colleague's lake or pond will work on theirs. Unfortunately, there's no one-size-fits-all approach to lake and pond problems because no two aquatic ecosystems are the same.

Your waterbody's unique makeup and the way it responds to different treatments can be dictated by many factors, including water use, location, surroundings, plant and animal presence, pollution, and weather - just to name a few. Likewise, every stakeholder has different goals and budget requirements. That's why freshwater management programs are most effective when customized for your unique aquatic environment.

Typically, the program design process begins by establishing a baseline of your waterbody through a visual survey of the property and comprehensive water quality testing. Your Aquatic Specialist should work with you to identify the challenges your aquatic ecosystem is facing and determine the best course of action based on your needs and limitations. And because all of these factors can change over time, these conversations should continue on a regular basis.



The management of lakes and ponds is truly a science and should be treated as such. When considering a management program, look for a freshwater management firm that prioritizes getting to know you and your aquatic ecosystem before implementing any services. Seek out an Aquatic Specialist who is educated about the responsible use of

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Long Island Chapter Calendar of Events

In light of the continued ever-changing health crisis, the Board is continuing to roll out a series of dates, however, some events may convert to a webinar platform. As the schedule is formalized, we will send out updates via email so you may mark your calendar and register.

*Wednesday, December 15th - 6:00 p.m. to 9:00 p.m.
Annual Holiday Party
Verona Ristorante
1255 Melville Road, Farmingdale*

*January through April Programming
will be established soon with Venues and Times TBD*

*Saturday in May - 8:00 a.m. to 2:00 p.m.
Board Leadership Development Workshop
for Community Association Board Members
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herbicides and is capable of sharing that knowledge with you in a clear manner. Our lakes and ponds are valued features that our communities rely on every day. If you oversee the management of these water resources, make sure you're investing in both the present and its future. ■

Trent Nelson is an Aquatic Specialist at SOLitude Lake Management, the nation's leading freshwater management firm specializing in the management of lakes, stormwater ponds, wetlands, and fisheries. Learn more about this topic at www.solitudelakemanagement.com/knowledge.



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PRESIDENT'S MESSAGE

By NANCY FOX, DIRECTOR of OPERATIONS - CAMCO SERVICES OF NY, INC. AND CAI - LI CHAPTER PRESIDENT 2021



As I write my final newsletter as President, I am amazed at how quickly this year flew by. At the onset, the task of the CAI – Long Island Chapter’s presidential responsibilities, along with my already very busy schedule seemed daunting, if not overwhelming. Our remarkable Executive Director, Christine Majid, assured me that I could do this. She was wrong. There’s no way I could

have done this without her invaluable assistance and historical knowledge of this organization. I can’t thank her enough.

Next was the enormous encouragement and support from this band of volunteers (that you know as the CAI Board). Enthusiastic, tireless, and generous, with their time, skills, experience and financial resources, they humbled me. Particularly when we planned event after event, only to face the harsh reality that we are still suffering the effects of the Covid

virus. They rallied at every new idea and worked with enthusiasm, until each time we reluctantly had to abandon it. But then, the opportunity to honor our sponsors with a “Night of Gratitude,” at an outdoor venue, that we felt most could be comfortable in (thank you Linda Donato), finally broke the long tiresome year. If you missed that event, you missed one truly great party. No one wanted to leave – in fact Eric Clemente was enjoying it so much that he may still be there!!!

Thankfully, our Chapter was also able to successfully hold the always popular Board Leadership Development Workshop as an in-person program on Saturday, November 6th. It is both hosted and generously sponsored by Belfor Restoration. This specific class was sold out and generate a waiting list which we hope to fulfill in the spring.

Mark your calendars for our Holiday Party! This year we selected Verona’s in Farmingdale as our locale and have reserved the banquet room for Wednesday, December 15th. We will be hosting our Annual Meeting that evening as well, so please watch for further details to be announced.

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As my tenure as President draws to a close, please join me in welcoming your new board President, Melissa Schlactus, Esq. of Taylor, Eldridge & Endres. We wish her the very best! You can rest assured that she will be dedicated to continuing to provide educational presentations, networking events, and addressing vital and relevant topics that every community association board member will benefit from.

Thank you, Christine, fellow board members, sponsors, and all of our volunteer board members who have made me feel welcomed and supported this year.

We are always looking to spread the news about this great resource of support and education for volunteer board members. If you have friends living in other Condo, Co-op, and/or HOA communities, please tell them about CAI and invite them to join us. Or invite them to our Holiday Party, because once they meet us, they will be hooked! LOL! But seriously, feel free to point them to Christine Majid, our Executive Director, to find out more about how to become members.

We love to hear from our members. Please send us your ideas, success stories, or just learning opportunities created by a silly mistake. Everyone has something to give so may I encourage you to get involved? Please feel free to contact Christine Majid at info@cai-li.org with any questions.

Thank you, Nancy ■

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WHEN IS INSURANCE...NOT INSURANCE?

By Edward Taylor, Esq. - Taylor, Eldridge & Endres, P.C.



A co-op Board was sued for alleged failure to properly hire and supervise a contractor, which led to damage to an owner's apartment. An HOA Board was sued due to an alleged delay in repairing a building after a fire, resulting in monetary damages suffered by a homeowner. A condominium Board was sued for allegedly failing to properly maintain and repair a building, resulting in damages to several

units. In each instance, the shareholder/homeowner claimed that the Board members had breached their fiduciary duty by mismanaging the association.

In all three instances, the Boards referred the lawsuit to their Directors and Officers (D&O) insurance company, expecting the carrier to assign legal counsel to represent the Board and provide a defense to the claims. A D&O policy is specifically designed to provide a defense and indemnification when Board members are accused of acting improperly.

Nonetheless, in all three of the above matters, the D&O insurance carrier denied coverage. Each of the Boards had to retain its own legal counsel to defend it in the action at the community's expense. The reason for the denial in each case was an exclusion in the insurance policy that stated any claims arising out of "damage to property" would not be covered.

Such an exclusion is somewhat surprising – and especially so for the three above-referenced Boards – because virtually the entire business of any community association is the maintenance and management of real property. Indeed, one of the above-referenced Boards subsequently sued its insurance company regarding the denial of coverage, arguing that nearly every claim filed against the association would, in some way, involve property damage, thus rendering the D&O policy largely ineffective. The federal trial court and appellate court were unmoved by that argument and the lawsuit was dismissed.



The lesson to be learned?

Co-op, condominium and homeowners association Boards should read through their D&O insurance policy to see if it contains a clause that excludes coverage for property damage. If such a clause is found, the Board should contact its broker to see if the clause can be eliminated or if a different policy is available without this exclusion. The cost of a policy without a property damage exclusion may be more expensive. However, the additional premium will likely be substantially less than the thousands, and possibly tens of thousands, of dollars in legal fees that a community may otherwise pay to defend and resolve a property damage case in court. ■

Questions regarding this article? Please reach out to Ed via email at edtaylor@taylor-eldridge.com or call his office at #631.265.5550.



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HOW MUCH NOISE DO YOU MAKE?

By CAI National

Noise is an inevitable reality in condominium communities. Condominium dwellers live in such close proximity, it's essential that we consider the effect noise will have on our neighbors when deciding on floor coverings, where to mount the flat-screen television or when to knock out a wall.

We—you and your neighbors—all have a right to enjoy our homes in peace and to furnish them as we like. But remember, how you furnish your unit may be a nuisance to your neighbors in theirs.

Hard flooring—wood, ceramic, stone—is fashionable and collects far fewer allergens than carpet, making it very popular. But it can be a problem for the folks downstairs, even if you make an effort to tread lightly or wear soft shoes. If you're considering installing hard flooring in your unit, first install a sound barrier—like cork—to reduce noise.

Flat-screen televisions are becoming more affordable every year, and many of our residents have them. Please mount your screen on an interior wall—not a wall you share with a neighbor. Reverberations from wall-mounted televisions can be

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an annoyance for those on the other side.

How much noise does it take to be a nuisance? One definition says nuisance is a level of disturbance beyond what a reasonable person would find tolerable. But, sometimes the question isn't how much noise we make, but when we make it. You or your neighbor might find the raucous party next door entirely tolerable—until about 10 or 11 p.m. A noisy renovation downstairs might be intolerable if it's a religious or ethnic holiday for you. Whatever you're planning, give some thought to the day as well as the time of day for your activity.

If you have noisy neighbors, talk to them. They probably have no idea they're disturbing you. The Golden Rule applies here: Treat your neighbors the way you want them to treat you. ■

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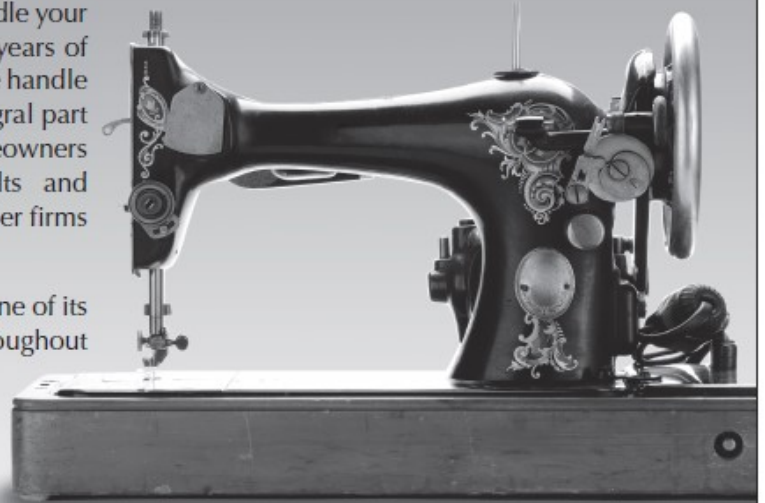
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