CAI - LI Chapter News

Serving Long Island, New York

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Inside This Issue:

COMMUNITY MANAGERS: HOW TO TALK TO YOUR BOARD ABOUT POND RESTORATION

By SOLitude Lake

For many property and community managers, the hardest part of overseeing a waterbody is not understanding the problems or identifying the right solutions. It's getting others on board.

At some point, you will need to have a conversation with your board about a major restoration project. Whether it's sediment removal, shoreline repair, or a combination of long-developing issues, these discussions can be complex and often met with hesitation or pushback.

Most board members are not familiar with how community ponds function, or, like roofs or parking lots, they decline over time—even when well-maintained. Sediment gradually accumulates, shorelines slowly recede, and water quality shifts in ways that aren't always apparent until they manifest as more serious issues such as aquatic weed infestations, harmful algae blooms, flooding, and infrastructure damage. Injuries, potential lawsuits, and regulatory fines can follow.

Healthy waterbodies are amazing assets that elevate aesthetics, boost property values, and improve community desirability. In fact, homes with waterfront views sell for an average of 78% more than landlocked properties (1). However, neglected water can have the opposite effect. One study found that homes adjacent to lakes with frequent cyanobacteria (toxic blue-green algae) blooms sell for 22% less than those on clear lakes (2). A sustained drop in water level may also diminish waterfront property values by 14-32% (3). These aren't overnight problems; they develop slowly when warning signs are missed or dismissed.

Unfortunately, if an issue is not obvious to board members, it's easy to question the timing. If the quoted cost is high, it's easy to delay in favor of projects like landscaping or clubhouse updates. The reality is, waterbody restoration projects are not a matter of if, but when. And when poor conditions are left to progress, not only do the consequences become more severe, but the range of solutions becomes more limited.

As such, it's important to position restoration as a predictable milestone in the lifecycle of

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Community Associations Institute — Long Island Chapter

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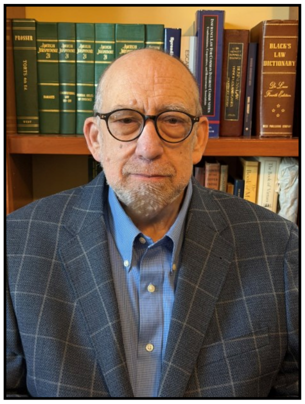
A GUIDE FOR COMMUNITY ASSOCIATION GOVERNANCE: HOW TO GOVERN SUCCESSFULLY TO AVOID CLAIMS, LAWSUITS, AND PROMOTE CIVILITY

By Joel W. Meskin, Esq., CIRMS, CCAL Fellow, MLIS, EBP, Managing Director - McGowan Insurance



Your home in a community association continues to be your castle; however, the castle is subject to conditions and restrictions agreed upon when the unit is purchased and the deed is signed.

When governance breaks down, disputes, claims, lawsuits, and financial losses often follow. Understanding the fundamentals of community association governance can eliminate many issues.

Understanding a Community Association

A community association is a not-for-profit business entity created to manage and maintain common interests within a community. When homeowners purchase a property within an association, they agree to comply with the community's documents, board-adopted rules, and applicable federal, state, and local laws.

The most common disputes arise from a lack of understanding of these Documents. Board members and homeowners alike **must** familiarize themselves with the association's rules, restrictions, and operational requirements before buying into a community association. Courts will assume that you have read and understood the Documents. Not having read the Documents will not constitute a defense.

Know Your Documents and Applicable Federal, State and Local Laws

Every community association operates a framework that includes:

- Covenants, Conditions, and Restrictions (CC&Rs) By-laws – the operating manual.
- Board-adopted rules and policies.

Understanding what can and cannot be changed, and how to amend and adopt changes is essential for effective governance.

The Board's Primary Responsibility: Protect the Community's Assets, both Tangible and Intangible

Board members are elected volunteer unit owners who must act in the best interests of the association, not individual personal interests.

A board's duty is to:

- Protect community assets
- Preserve property values
- Enhance the long-term association risk management

Every Board Is the Community's Risk Manager

Risk management is the most important responsibility of any

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MOST PAVEMENT DECISIONS
ARE MADE WITHOUT
THE RIGHT INFORMATION.
That's why so many communities stay stuck in a cycle of short-term fixes and rising costs.
WHAT WE CONSISTENTLY SEE:
Repeated repairs with no long-term improvement
No clear understanding of pavement structure or lifespan
Projects scoped without real field data
Budgets driving decisions instead of strategy
HIGH-PERFORMING COMMUNITIES APPROACH PAVEMENT DIFFERENTLY.
UNDERSTAND TRUE PAVEMENT CONDITION
Make decisions with confidence.
PLAN WITH CLARITY—NOT GUESSWORK
Align projects with budgets and goals.
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CAI Long Island Chapter

Educational Seminar - May 21, 2026 - Fairfield at St. James HOA

Upgrade Your Perspective on Capital Improvements

Sponsored by Royal Pavement Solutions

Featuring: Lynn M. Giugliano, CPA, Partner - Fuller Lowenberg & Co., CPAs, P.C.,
Patrick Matheis, Senior Vice President - M&T Bank, Peter Pappas, Vice President - Royal Pavement Solutions,
and moderated by Nancy Fox, Director of Operations - CAMCO Services of NY

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your pond rather than a burden. Many of the most significant changes occur below the surface, which can make them difficult for board members to fully grasp. Data helps bridge that gap. Information such as recurring depth measurements or water quality trends provides a clearer picture of what is happening over time and reinforces that concerns are based on measurable changes, rather than hypotheticals.

Alongside awareness, it is essential to communicate what's at stake. While the cost of restoration can feel significant, delaying action often leads to more complex, disruptive, and expensive solutions. In some cases, communities are forced into urgent decisions that require raising dues or reallocating funds unexpectedly.

Planning ahead creates flexibility and allows expenses to be spread out in phases instead of being addressed under pressure. Instead of presenting restoration as a single, overwhelming expense, it can be positioned as part of a long-term strategy that includes ongoing maintenance, future budgeting, and dedicated

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CAI - LONG ISLAND NEWSLETTER

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*

Interested in advertising with us? Let us know!

If you would like to reserve space in the next newsletter, just let us know the preference of your ad space:

- *Business card size ad in color $200*
  2.5" x 3.75" in b&w or color
- *Quarter page ad in color $400*
  3.75" x 5.0" in b&w or color
- *Half page ad in color $750*
  5.0" x 7.5" in b&w or color
- *Full page ad in color $1,400*
  7.5" x 10.0" in b&w or color

Annual pre-paid packages are available offering a 10% discount and include placements in 4 continuous issues.

Do you have an ad ready now? If so, send it along and we will keep it on file until needed. Any questions, please let us know.

CAI Long Island Chapter

Educational Seminar - June 18, 2026 - Meadowbrook Pointe HOA

Hot Topics in Insurance for Co-ops, Condos, & HOAs

Sponsored by World Insurance

Featuring: Mari Ann Cole, President - Long Island Coverage Corp.,
Louis Marotta, Real Estate Specialist & Risk Consultant - Borg & Borg Inc.,
James R. Sutton, President - James F. Sutton Agency,
and moderated by Nancy Fox, Director of Operations - CAMCO Services of NY

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reserve funding. This is a great opportunity to discuss a proactive management plan. These programs can be an investment upfront, but are designed to help reduce the need for larger, costlier reactive projects like dredging, which takes most communities 10-20 years to budget for.

You do not have to lead these conversations alone. Bringing in aquatic management professionals can add credibility and provide additional clarity. Experts can help interpret data, explain the progression of issues, and outline realistic timelines and expenses. This support can make it easier for board members to ask questions and feel more confident in the decisions they are making.

Ultimately, the goal should be to build trust and understanding, and framing the conversation around what matters most to the board and the residents they represent can make a meaningful difference. Well-maintained waterbodies contribute directly to the overall experience of living in a community. When board members understand the bigger picture, they are more inclined to support proactive management and plan ahead for restoration needs. ■

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SOURCES:

1 The Cost of a Scenic View Across the United States | American Home Shield Home Warranty

2 Bloom and bust: Toxic algae's impact on nearby property values | Ecological Economics

3 Hartwell Lake Study | Dr. David Wyman, Clemson University

Questions? You may contact Lynda Maschue at lynda.maschue@solitudelake.com, or visit the company's website at www.solitudelake.com.

Please welcome our new Business Partners!

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Matthew Buckshaw matt.buckshaw@gmail.com

Community Financials
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Conservation Control Corp.
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Soundview Heating & Air Conditioning Corp.
Phil Sullivan info@soundviewhvac.com

Vintage Real Estate Services, Ltd.
Brandon L. Sherman brandon@vintageresl.com

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community association board. Risk management includes all the board's responsibilities.

Boards must prepare for both expected and unexpected risks.

Expected Risks Reserve Funding a Requirement not an Option

Normal wear and tears, aging infrastructure, and future capital repairs that may be latent. Reserve studies provide guidance for short term and long-term funding.

Unexpected Risks and other Risk Transfer Mechanisms

These include, but are not limited to flood, wind and hail damage, property damage claims such as fire, liability claims such as slip and falls, and director and officers wrongful acts, and other unforeseen events requiring insurance protection, professional risk management guidance and other risk transfer tools such as indemnification agreements from vendors and professional service providers.

Boards needn't be experts or provide professional services. Boards are authorized to engage experts to assist in evaluations. Board members are protected for alleged wrongful acts in their capacity as a board member, not as a professional.

Conduct Board Business Properly

Strong governance depends on proper procedures.

Boards must:

- Review and discuss issues during properly noticed meetings
- Make decisions collectively
- Clearly document actions and decisions
- Delegate authority in writing

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- Ensure all delegated responsibilities stay within approved authority

Clear documentation and consistent processes help reduce misunderstandings and provide important legal protection for the association.

Why Board Meetings Matter

Board meetings are where governance happens. Not outside the board meeting, not between less than all the board members, not over the phone. Making decisions and forming alliances outside the properly noticed board meeting is a breach of fiduciary duty and can lead to invalid decisions and challenges.

Effective meetings should:

- Encourage participation, giving both board members equal speaking time with predetermined time limits. Strictly enforce in a uniform manner. Stick to the agenda. It is all about fair discussion and decision making.
- Establish parliamentary procedures like Roberts Rules of Order, even if it feels unnatural in the beginning.
- Maintain professionalism, civility and avoid reacting when challenging owners rise up and stretch his or her rebel rousing acumen and need to be right. One owner's concern is another owner's "so what."
- Focus on community business, Avoid neighbor v. neighbor issues. They are rarely an association responsibility. If details bog down meetings, establish a committee to review the bogs and come back with findings and recommend further actions, if appropriate.
- Provide timely communication to homeowners. Meeting minutes memorialize valuable institutional knowledge that helps future boards make consistent decisions and avoid claims of unequal treatment or discrimination. Minutes should be limited to (1) attendance demonstrating a quorum (2) agenda topics discussed but not the substance, and (3) decisions made and delegated further action. Whether authorized by the documents, or

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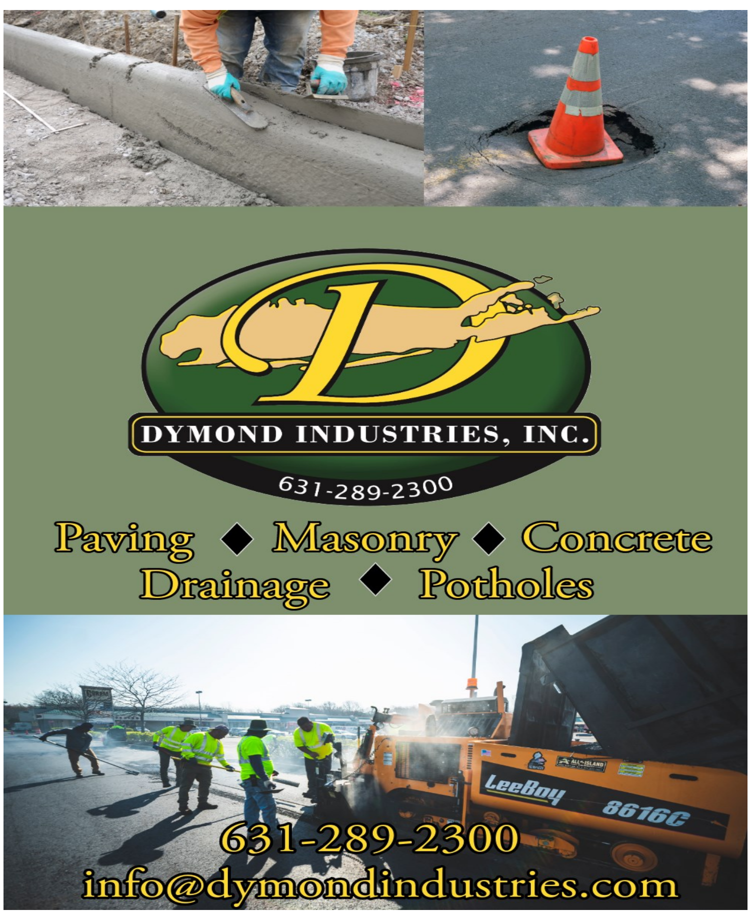

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not, extensive notes and recordings are rarely beneficial and can lead to unintended consequences. Board members must review meeting materials in advance. Failure to do so is the biggest cause of unnecessary meeting time. This is other board members and whoever puts the packet together. Continue a meeting where board members are not prepared or there is insufficient. No need to discuss if it will just be discussed later.

Respect the Board's Decisions

Healthy governance mandates boards to support board decisions once a vote is finalized, even those who were not in the majority. Undermining the majority can damage trust and potentially create governance and liability issues.

Professional disagreement is healthy. Public dysfunction is not.

Address Bullying and Disruptive Behavior Immediately

Unfortunately, some associations have disruptive attendees and/or "rogue" board members.

Bullying behavior can:

- Undermine governance
- Discourage participation
- Create unnecessary conflict
- Increase legal exposure

Boards should address inappropriate conduct promptly seeking legal guidance. Allowing disruptive behavior to continue unchecked can negatively impact the entire community. Failure to address can be tantamount to implicit ratification and lead to potentially significant liability.

Rely on Qualified Professionals

Board members are volunteers in their capacity as board members, not professionals. Even if certain members are professionals, relying on their opinion can lead to uncovered claims and litigation. D&O Insurance only covers alleged "wrongful acts" committed in their capacity as board members. It does not cover professional liability exposure.

Using qualified professionals can:

- Improve decision-making using experts
- Reduce liability exposure
- Support the Business Judgment Rule defense

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CAI Long Island Chapter

Educational Seminar - July 23, 2026 - Summerfield HOA

Pest Know the Law. Protect Your Community. A Legislative Update Seminar for Condo, Co-op, and HOA Leaders

Sponsored by our 2026 Annual Bronze Sponsors: AirPros, Inc., BankUnited, CAMCO Services of NY, Inc., Gallet Dreyer & Berkey, LLP, Max Security USA, R&M Engineering, Taylor, Eldridge & Endres, P.C., and Western Alliance Bank

Featuring: J. David Eldridge, Esq. - Taylor, Eldridge & Endres, P.C., Beth M. Gazes, Esq. - Gallet Dreyer & Berkey, LLP, Evan M. Gitter, Esq. - Cohen, Warren, Meyer & Gitter, P.C., and Members of the CAI New York Legislative Action Committee

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Being “penny wise and pound foolish” does not end well. It is not inherently bad, but it requires prudence and the requisite due diligence.

Commonly Overlooked Responsibilities

Some important governance responsibilities are often overlooked:

- Filing required tax returns
- Disclosing conflicts of interest
- **Engage a community association attorney to review contracts**. If it is a relatively small contract with a definite ending, it could be okay with the proper authority. However, if it is a large amount, or a contract with an indefinite ending, attorney review is critical.
- Obtaining proper insurance documentation from contractors is an important risk transfer tool avoiding costly mistakes and protecting the association’s interests and assets. ▪

You may contact Joel at jmeskin@mcgowanprograms.com, office #800.545.1539 x2260, cell #216.385.5610, or visit the company’s website at www.mcgowanprograms.com.

PRESIDENT'S MESSAGE

By Todd Weisbrot - Accredited Property Management and CAI - LI Chapter President 2026

As we move through the summer, I want to take a moment to reflect on how much our Chapter has accomplished together and to thank each of you for the role you play in it. The strength of our CAI Long Island Chapter has never come from just our volunteer Board or a specific committee — it comes from our Community Board Members and our Business Partners across Long Island offering their time and service to make this organization a success. That spirit has been on full display over the first half of the year, and I am grateful for it.

I want to begin by thanking our Chapter's Executive Director, Christine Majid, for all that she does to make our Long Island Chapter such a great success. Her dedication and steady leadership are felt in everything we do, and the Chapter is stronger for it.

I also want to recognize our Chapter's President Elect and Educational Committee Chair for 2026, Beth M. Gazes, Esq., whose work planning our monthly educational seminars is the engine of this Chapter. Month after month, she has put in the time assisting Christine to bring us programming that is timely, practical, and genuinely useful — and she does it out of a real commitment to our profession. That work does not happen on its own, and I am grateful to her for it.

Finally, my thanks go to our community Board members and business partners for their commitment and participation month after month. Your steady presence at our seminars and events is

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KNOW THYSELF —
REMOVING DIRECTORS: BUSINESS CORPORATIONS VS. NOT-FOR-PROFIT CORPORATIONS

By Beth M. Gazes, Esq. - Gallet Dryer & Berkey, LLP

Boards run into conflict from time to time, and sometimes the right answer is to remove a director before their term ends. In New York, the rules for doing that depend entirely on which statute governs the association. A for-profit business corporation – usually a cooperative - follows the Business Corporation Law (BCL), while a nonprofit – usually a home owners' association - follows the Not-for-Profit Corporation Law (NPCL). Both statutes address director removal in their respective provisions, and the two provisions look similar at first glance — but they diverge in one important respect that might take a director by surprise.

The Baseline: Removal "For Cause"

Under BCL § 706(a), directors may be removed for cause by a vote of the shareholders. The board itself only gets a say if the certificate of incorporation, or a bylaw adopted by the shareholders, specifically authorizes the board without shareholder vote to remove a director for cause. Absent that authorization, a business corporation's board has no independent power to oust one of its own members. This makes sense; discretionary removal power the board would effectively disenfranchise every shareholder.

However, and a good thing to note, a Board can usually remove a person from an officer position under the by-laws. And even if silent as to that authority, a Board may suspend an officer's authority to act. This makes sense when, for example, a co-op or other association discovers that a director is entering into contracts with a related entity, misappropriating funds, or making unilateral decisions as to how the rules should be applied to different owners.

NPCL § 706(a) takes a notably different approach. A nonprofit's director may be removed for cause either by a vote of the members or by a vote of the directors themselves, provided a quorum of at least a majority of the board is present. Critically, no certificate provision or bylaw is needed to give the board this power — it exists automatically, built into the statute.

Removal "Without Cause"

Here the two statutes line up more closely. Both BCL § 706(b) and NPCL § 706(b) allow removal without cause by a vote of shareholders or members, respectively — but only if the certificate of incorporation or the bylaws expressly permit it. Neither statute gives a business corporation's board, nor a nonprofit's board, the inherent authority to remove a director without cause. That power has to be affirmatively written into the association's governing documents.

So, while a nonprofit board has an automatic, statutory right to remove a fellow director for cause, that same board has no automatic right to remove a director without cause — the without-cause mechanism must be adopted in advance, just as it does for a business corporation.

Alternatively, and in the event that a Board refuses to call a special meeting to remove a director, 10% or more of the shareholders or members, as the case may be, may bring an action in Supreme Court to remove a director for cause.

The Practical Takeaway

The real distinction between the two statutes is where default authority sits. A business corporation's shareholders control removal unless they've delegated for-cause authority to the board. A nonprofit's board already has for-cause removal authority built in, alongside whatever authority the members hold. For nonprofits this built-in board authority is often the only realistic path to removing a problem director, which makes it worth confirming your bylaws don't inadvertently narrow or waive it.

Boards of either type of association should also remember that "for cause" is not self-defining in the statute — it's typically shaped by the certificate of incorporation, bylaws, or case law, and getting that determination wrong can expose the association to a breach-of-fiduciary-duty or wrongful-removal claim. Anyone facing an actual director removal — for cause, without cause, or by court action — should talk to counsel before acting, since the mechanics of notice, quorum, and voting thresholds can make or break the validity of the removal. ▪

If you have questions on this or other issues that may impact your coop/ condo/HOA operations, please contact Beth M. Gazes, Esq. at her office #212.935.3131, via email at bmg@gdblaw.com, or visit her firm's website at www.gdblaw.com.

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what makes them meaningful. You are the reason this Chapter thrives, and I am proud to serve alongside you.

That same spirit is what I hope will draw new members to our ranks. Every community board member and business partner who joins us strengthens our collective voice — in education, in advocacy, and in the everyday exchange of knowledge that makes all of us better at what we do. If you know a colleague or a neighboring community that would benefit from what CAI offers, I hope you will share the opportunity with them.

I also want to thank all the Business Partners who joined us for our recent B2B Networking event held in July, which was a tremendous success. Gatherings like this are exactly how we build and strengthen the relationships within our quite powerful network of professionals, and I am grateful to everyone who took part.

Looking ahead, I encourage our membership to continue joining us at our monthly educational seminars. The next will be held at Blue Ridge HOA in Medford on Thursday, September 17th, focused on accounting services. We look forward to seeing you there.

Our annual Trade Show is also quickly approaching, and I encourage our community Board members to attend and our Business Partners to exhibit. The Trade Show is an excellent opportunity to meet and speak with our Business Partners who can be an asset to your community's operations. Please expect to receive additional correspondence regarding this event — we truly look forward to seeing you there. Any Business Partners interested in exhibiting, or potentially sponsoring, are welcome to reach me at tweisbrot@accreditedpm.com or our Chapter's Executive Director, Christine M. Majid, at info@cai-li.org.

Thank you again for your continued commitment to CAI and to the communities we all serve. It is a privilege to serve as your President, and I look forward to seeing you soon. ▪

Warm regards,

Todd Weisbrot, 2026 President, CAI – Long Island Chapter

Please feel free to contact me anytime at #631.270.3000 or tweisbrot@accreditedpm.com.

Long Island Chapter Calendar of Events

Thursday, September 17th - 6:00 to 8:00 p.m.
Chapter Membership Meeting
with Educational Presentation
"Accounting Essentials for
Community Association Board"
Blue Ridge HOA - Clubhouse
899 Golf Lane, Medford

Saturday, October 17th - 7:30 to 3:00 p.m.
Trade Show 2026
Huntington Hilton
598 Broadhollow Road, Melville

Saturday, November 7th - 8:00 a.m. to 2:00 p.m.
Board Leadership Development Workshop
for Community Association Board Members
REGISTRATION REQUIRED
Sponsored by Belfor Property Restoration
and Bartlett Tree Experts

Thursday, November 19th - 6:00 to 8:00 p.m.
Chapter Membership Meeting
with Educational Presentation
"Roles and Responsibilities of the Boards"
Summerfield HOA - Clubhouse
74 Summerfield Drive, Holtsville

Thursday, December 10th - 6:00 to 9:00 p.m.
Chapter Holiday Party and
Annual Meeting 2026
Irish Coffee Pub
131 Carleton Avenue, East Islip

Holiday Party '26

Save the Date

IRISH COFFEE PUB

THURSDAY

DECEMBER 10TH

6-9PM

LONG ISLAND CHAPTER community ASSOCIATIONS INSTITUTE