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COLD WEATHER IS COMING!

What You Should Do If Your Community
 Has a Sprinkler Pipe Disaster!

Freezing temperatures will soon be upon us and unfortunately frozen sprinkler pipes may be a result. According to the Community Association Underwriters of America, Inc., a typical 1" sprinkler pipe at a typical flow rate of 30 gallons per minute can expel as much as 500 gallons of water in 15 minutes. Imagine you are at work when a sprinkler pipe bursts in your neighbor's unit or worse yet your own. It is common for water to be flowing for an hour before a break has been detected and the fire company responds and can shut off the water. That is significant water damage to multiple units.

It is understandable that everyone wants life to return to normal as quickly as possible and of course for safety reasons the fire protection systems should be in working order as soon as possible. Too often though we see restoration performed hastily and no consideration is given to the cause of the break or actions that can

be taken to prevent freeze-up conditions from occurring in the future. We have seen communities where the same sprinkler pipe freezes in consecutive years because conditions were restored to that which existed prior to the pipe freezing or in some cases made worse.

In those same communities we have seen skyrocketing deductibles, as high as \$50,000 per location. Insurance coverage has also been cancelled requiring higher premium plans with less coverage including exclusion of water damage.

So, here is what you can do. After the immediate damage is remediated, preferably after the first occurrence, not the second or third, and before restoration work is performed, retain professionals, such as engineers who specialize in building enclosures and fire protection systems to evaluate the cause of the break.

MEETINGS GONE WILD

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 Out of Chaos

Look inside for some great
 photos and more from our
 Annual Symposium & Expo!



Was it a lack of adequate insulation? Was it significant air infiltration? A lack of proper detailing or a construction related defect? Did a restoration contractor install insulation after a previous break such that warm air is actually insulated from getting to the pipe? Is the dry sprinkler head the wrong length? Is there a problem with the sprinkler layout or materials? Is there adequate heat being provided to the affected area?

As you can see the source of a break can be complex and typically has numerous contributing factors.

continued on page 4

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President's Message

Dear Chesapeake Region Chapter Members:

What a year it has been! The 40th year of the Chapter has proven to be a very busy and productive one indeed. We are now settled in and working in our new chapter headquarters in Columbia, Maryland, and membership is at an all-time high of 1,148! The combined efforts of our community managers, homeowner members, and business partners, as well as the Chapter office staff, continue to advance the Chapter in a positive direction.

A sincere thank you to all who supported the 2019 Expo on October 22, 2019. The turnout was fantastic, and it was a great event.

The Chesapeake Region CAI Chapter board of directors has worked very hard to implement a number of new initiatives this year that will enhance the Chapter's effectiveness moving forward. Initiatives this year include the following:

- **Multi-Chapter Advanced Level Educational Seminar:** Our Chapter's focus continues to be on quality education. This year, the Chesapeake Region Chapter has joined forces with the D.C. and Central Virginia CAI Chapters to provide additional access to valuable educational programming. This joint effort will focus on the needs of senior level managers and PCAMs. This will be a big advantage for our senior level managers, who will now have an opportunity to obtain senior level training and credits without having to travel a great distance. This first ever joint programming will take place on Friday, February 21, one day in advance of the D.C. CAI EXPO. All senior managers are encouraged to participate. More information is available on the Chapter's website. Hopefully this will establish the beginning of a meaningful collaboration with our neighboring Chapters.
- **Updating Financial Procedures:** One of our goals this year was to enhance financial transparency. To that end, the Chapter has implemented a number of important improvements in our financial operations. Much of this is based on the recommendations of our auditors. We have now completed the switch from a "cash" accounting basis, to an "accrual" basis, to improve both accuracy and transparency. We have hired an independent professional bookkeeper, who has done a fantastic job working with the Chapter Treasurer and President-Elect to revamp the Chapter's financial reports. Due to their hard work, we now have financial reports for each of the Chapter's committees, which should help future committees in their planning.
- **New Community Leadership Development Program:** Developing future leaders is important for any successful organization. This year, the Chapter has formed a committee to focus on leadership development. The idea will be to have place where new members to the Chapter can meet, develop relationships, and grow as future leaders. This is a work in progress, so there will be more to follow next year....

As many of you have by now heard, the Chesapeake Chapter will be undergoing a management transition in 2020. After 21 years of service, Camille Cimino will be stepping down as Executive Director at the end of this year. Over these many years, many chapter members have worked closely and formed personal and professional relationships with Camille and her staff. There is no way to express the gratitude we have for the work done by Camille and her staff, and for all of their contributions over the time that The Laurel Group has managed the Chapter. We wish Camille continued success in everything she chooses to do.

Technology plays an increasingly vital role in determining the success of all organizations in today's world. Organizations that successfully adapt and leverage the ever-changing benefits of technology are successful, while those that fail to adapt fall behind. To keep pace, and to meet the needs of our members as the Chapter continues to grow, the Chapter will also need to focus on enhancing the Chapter's online presence and use of technology to improve efficiency. Steve McConoughey, our incoming Executive Director, has extensive experience with nonprofit marketing and membership management software. The board is confident that Steve will lead the Chapter in new directions and enable us to make great strides in increasing our outreach with social media, and other important tools of technology.

It has been an honor to serve the Chapter as a director over the past 6 years, and as Chapter President this year. I am proud of all that has been accomplished. I would like to express my sincere gratitude for the hard work and dedication of the Chapter's board of directors and all of the committee chairs, committee members and volunteers who have shared so much of their talents and time.

The Chapter's 40th Anniversary holiday gala will be on December 6th at Savage Mill and I am sure it will be a night to remember. For those who have yet to register, you can access the Chapter's link at <http://www.caimd-ches.org/events.aspx>. I hope to see you all on December 6th!

Regards,
Allen Mott
Cowie & Mott, P.A.
410-327-3800





Susceptible areas you want to pay particular attention to are attics over unheated space such as entry porticos, breezeways, and deck/balcony roofs; foyers adjacent to unheated areas or isolated on a separate level from the rest of the unit; garages and other unheated areas; balcony and deck closets; among others.

In the case of isolated entry foyers and exterior mechanical closets, many are fitted with supplemental wall heaters as part of the original construction. They are not tied into the HVAC system for the rest of the unit and are not controlled by a thermostat. Community associations have very little control to ensure that unit occupants turn these heaters on when the temperatures are below freezing, or if the heaters even work if they are turned on. Worse yet, what if a unit owner renovates their unit and removes the heater altogether!

We recommend the association review their documents with Counsel and try to work out a plan that allows for some type of inspection. Absent or even including that, make sure notices are sent to unit occupants on a regular basis in advance of cold weather. Remind occupants to run their supplemental wall heaters, keep them in good working order, and do not let entry or garage doors stay open any longer than necessary. Better yet, explore options for upgrading these systems to be controlled by sensors and thermostats.

Many people believe that there are relatively easy solutions to address conditions that lead to sprinkler pipe freeze-ups, but several of those solutions are not code compliant and/or they come with risks that prevent them from being viable solutions. These solutions include sprinkler systems that utilize an anti-freeze mixture; installation of heat trace tape on CPVC branch lines; and installing vents that expose the sprinkler pipes to the heated interior of the unit, which breaks the required fire separation between the pipe and the interior living space. Another ill-advised temporary solution is shutting down a functioning system during an extreme cold weather event and implementing a fire-watch.

It is not recommended that a functioning system be taken down to prevent freezing. Should the worst happen and a fire breaks out, the management company, Condominium and their Board could face significant liability if it is determined that keeping a functioning system in service could have prevented property damage or loss of life.

In regard to existing sprinkler systems that utilize a mixture of anti-freeze to help prevent the water from freezing, you should be aware that these mixtures require very specific proportions to function properly, and even then, a freeze-up condition can still occur. We have seen communities with buildings that have anti-freeze lines and identical buildings where the pipes are not charged with anti-freeze, and both lines have experienced freeze-up conditions. Most jurisdictions no longer allow this practice.

In many cases the recommended solution will include insulation upgrades compliant with or exceeding the current adopted codes and air sealing of the affected areas, which may require different types of insulation depending upon the location. For example, in most cases the typical existing fiberglass batt insulation at exterior walls is not adequate to meet the current codes and alternative insulation types are required. Replacement of dry sprinkler heads with a longer code compliant exposed barrel length and relocation of sprinkler pipes away from the exterior may also be needed.

No matter what your specific situation is, remember, the cost of an evaluation by professionals is typically less than the cost of the deductible for a single break, and proper repairs can save hundreds of thousands of dollars in insurance deductibles and premiums for your community.

Written by: Kirby McCleary, P.E.

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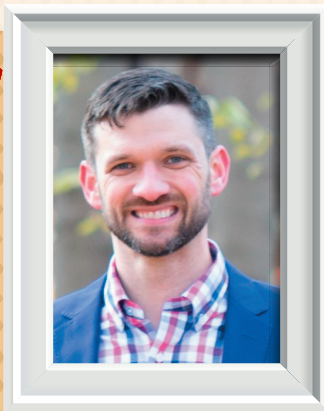
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WELCOME



Stephen McConoughey
Chapter Executive Director

Meet the new Chapter Executive Director

Hello to the Chesapeake Chapter of CAI! I am thrilled to be the newest member of the chapter. In my short time here, I am already impressed by the large number of members and their engagement in the chapter. The chapter growth and increased interest in events is a testament of your chapter and its hard work.

For those of you I have not met yet, I am a scientist by training, but I have been in the non-profit sector since completing my post-doctorial fellowship over 10 years ago. I have served as a technical writer, project manager, director of strategy and operations, and as chief executive officer in various organizations including St. Jude Children's Research Hospital, The Ohio Academy of Science, Allen Institute for Brain Science, and most recently, the Institute for Advanced Clinical Trials for Children. I learned a lot from these organizations that I hope will benefit the Chesapeake Chapter.

When I am not working, I enjoy spending time either golfing or running. And since I am from Cleveland, I am also required to support our sports teams (yes, even the Browns).

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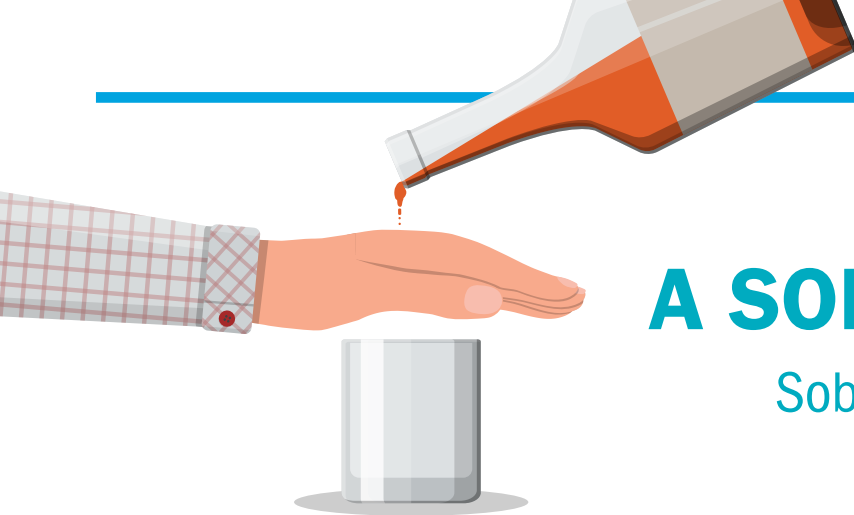
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A SOBERING REALITY

Sober Living Homes in HOAs

With the Opioid crisis hitting hard in many communities across the country, sober living homes are becoming popular, and are finding their way into homeowners associations (HOAs). A sober living home is one where several unrelated adults live in the home together while they recover from drug or alcohol addiction. The operator of the sober living home often provides some level of services, such as medical and psychological treatment or counseling. Depending on how the program is operated, the owner of the home may be renting the rooms to the residents. Sober living homes may raise many concerns for homeowners associations and the neighbors of those living in sober living homes.

There are many legal, as well as, practical concerns that an HOA will have when a sober living home is operating in the community. Most HOAs have covenants, conditions and restrictions (CC&Rs) that prohibit use of homes for commercial purposes or that state homes are to be used for single-family purposes only.

Some CC&Rs may also have express restrictions against leasing portions of a dwelling. The operation of a sober living home is in direct violation of these covenants. Neighbors may also have concerns that sober living homes could lead to an increase in crime, public alcohol and drug use, noise, traffic, parking problems and decreasing property values.

Whether or not these concerns are valid, the thought of a sober living home in a community often leads to “Not In My Back Yard” sentiments from residents of the community. There is also an expectation that the Board of Directors of the HOA must take action to enforce the CC&Rs and prevent a sober living home from operating in the community. However, it is not so simple. While the HOA may have these legal and practical concerns, it should seek legal advice before trying to enforce the CC&Rs against the owner of a sober living home. Its residents may have certain protections under federal and state housing laws that protect people with disabilities from housing discrimination and people who are recovering from alcohol and drug addiction are considered “disabled” for purposes of these anti-discrimination laws.

The Federal Fair Housing Act of 1988 and Maryland State Government Article, §20-702, Annotated Code of Maryland (the “Fair Housing Acts”) make it illegal for any person (including HOAs) to discriminate in the sale of a dwelling or to otherwise make unavailable or deny housing to a disabled person, or to coerce, intimidate, harass, threaten or interfere with a disabled person’s right to the use and enjoyment of housing, housing

facilities or services because of their disability. It is also illegal to refuse to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling. As a result, an HOA’s enforcement of its CC&Rs prohibiting commercial use or leasing portions of a dwelling, or restricting dwellings for single-family use, against a sober living home may be discriminatory under the Fair Housing Acts. Indeed, many courts across the country have held that such enforcement violates the Federal Fair Housing Act.

Similarly, the Americans with Disabilities Act (“ADA”) requires states, cities and other local governments to provide reasonable accommodations to disabled individuals, including recovering addicts, by providing deviations from zoning laws to allow them an equal opportunity to enjoy housing. As a result, there is little that local governments can do to prohibit sober living homes in residential zones.



So what can an HOA do? First, it needs to work closely with an attorney to make sure it does not do anything that will run afoul of fair housing laws. Second, it needs to try to build a good rapport with the owners of the sober living home. While its residents may have concerns regarding the presence of the sober living home in the community, the HOA may find that once it gets to know the owners and operators of the sober living home that many of its concerns are just ‘Not In My Back Yard’

reactions that are unfounded. If the sober living home is well run, then many of the neighbors’ concerns may be alleviated. Third, if it finds that the sober living home is creating certain nuisance-type violations in the community, it should work with its attorney to enact restrictions that curtail such activities without regard to disability. For example, restrictions and regulations on smoking, noise, littering, traffic and parking could be adopted by an HOA, without running afoul of fair housing laws, as long as it is equally enforced throughout the community and does not just target the sober living home. Whatever, steps an HOA decides to take, it should do so with extreme caution.

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IS YOUR COMMUNITY CONSIDERING ARMED OR UNARMED SECURITY?

Remember back in 2015 when Maryland's governor activated the National Guard and the City of Baltimore announced a curfew when riots, arson, and looting broke out after the funeral of 25-year-old Freddie Gray? During the time of the peak protests and civil unrest, in the boardroom of an urban Homeowners Association the Board of Directors huddled in a room with the TV was on, and CNN's loop of a burning car and the anxious eyewitness reports documenting the

peak of protests and civil unrest played in the background. Although the neighborhood was tranquil, anxiety was at an all-time high.

The Board of Directors and management huddled to consider adding armed security. The HOA's insurance carrier, the security contractor, and management vigorously debated the merits of such an action. The security company on the phone needed an answer "NOW" to marshal their armed guards in time for tonight's patrol...

The safety and security of residents is a paramount concern of every Community Association Manager and Board of Directors so it is imperative that for this process the Board of Directors/Community Leaders understand the training and certifications that your security provider should have.

Residential security comes in many forms from simple items such as good street lighting to costly and complex items such as a wireless network camera system. All of these serve the same goal: to enhance security. The key is to tailor your security program to the needs of your community.

If your community opts for a more simplistic approach and the use of security cameras only, please consider the following:

- Signs should be posted to notify residents/owners that surveillance cameras are being utilized.
- A policy should be established for the use of the camera(s) and footage such as (film will be turned over to law enforcement or another party in the event of a subpoena).
- Members do not have access to footage.
- Be sure to consult with legal regarding the parameters of the footage when establishing this policy.

According to Rick Foster, Branch Manager, Securitas USA, "Before any assessment is made evaluating the benefits of armed versus unarmed security you must have a comprehensive understanding of your security needs. A security assessment should be your first order of business."

If the findings of your security assessment determine that onsite security is warranted, community leaders must conduct a cost-benefit analysis before hiring armed or unarmed security. An understanding of the roles, costs, and liability concerns of unarmed versus armed security personnel are essential.

CHARACTERISTICS OF UNARMED VERSUS ARMED SECURITY

In a residential setting the benefits of onsite security are many. Well trained security professionals can respond to onsite emergencies and provide a level of customer service and crime deterrence that other security initiatives cannot provide.

Armed security is most commonly used in situations where high crime is prevalent. This strong display of crime deterrence may be found in places such as a building lobby, or on a situational basis such as a community event open to the general public.

Noted below are some basic differences in "unarmed vs. armed security".

UNARMED SECURITY	ARMED SECURITY*
Less Costly possibly \$15-\$20 per hour	More Expensive possibly \$35-\$50 per hour
Less of a perceived deterrent	Provides real or perceived enhanced security
Standard security procedures	High alert or Dedicated Need
Fewer Liability concerns	Increased Liability concerns
Less Training	Typically, highly trained

*Armed Security can encompass either civilian armed security and/or off-duty police officers. Typically, off-duty police officers are better trained than civilian armed security officers and will most likely be more costly.

ROLES, RESPONSIBILITIES, USE OF FORCE

Armed security guards will vary by property and jurisdiction, but at a minimum check and confirm that the armed security guards, who is not an off-duty officer, has the appropriate training along with a Maryland Security Guard Certification, Maryland Handgun Permit and confirmed vetting through the Maryland State Police Security Guard Application.

As a rule, armed security guards are trained in the "Use of Force Continuum" which is a series of actions that proceed an armed security guard pulling his or her service weapon. They also receive advanced training in de-escalation techniques, firearms, and non-lethal incapacitation device training, e.g. TASER certification which should be considerations when vetting your armed security professionals.

COSTS

Typically, unarmed security guards will be about half the cost of armed security guards. The reason? Extensive training and additional insurance costs are factored into the hourly rate for armed security guards such as the professional liability exposure that would need to be insured.

INSURANCE CONCERNS

Check with your insurance carrier to ascertain what the “risk” may be and if coverage is possible when exploring the possibility of hiring a security guard. What are the premiums for unarmed vs. armed?

Does the community have a convincing argument for armed security guards? Many associations are under the impression that if they hire an off-duty police officer(s) and a claim arises out of their rendered services than that off-duty police officers police department holds the indemnification and coverage to defend the association—confirm this information with the Association insurance carrier.

If an association decides to hire or employ an armed security guard will the number of carriers willing to offer quotes (specifically on the general liability and umbrella liability policies) decrease?

Carriers will require strong indemnity and hold harmless provisions in the vendor contract (if hiring a security company). We recommend working with your insurance agent to review and verify that the chosen vendor has adequate insurance coverage and your master policy complies with their contractual obligations.

Some insurance carriers will not offer general liability coverage if armed guards are hired. If coverage is already in place, hiring armed security mid-term could trigger a Non-Renewal Notification from the carrier. Make sure to confirm this information with your broker before you sign a contract.

The Association may have to obtain a standalone general liability policy that affords the association indemnity and defense for claims that are caused by or arise out of armed guard security services. While insurance carriers will offer general liability coverage, they may have an exclusion for claims caused by or arising out of armed guard services.

Be aware that many umbrella liability carriers will not endorse and extend coverage for claims caused by or arising out of armed guard security services. If the association prefers having the umbrella provide extra indemnity and defense for claims that exceed their underlying general liability limits, they may need to purchase a standalone policy which could cost several thousands of dollars. Here is a quick example of a General Liability Premium cost based on projected annual payroll:

EXPOSURE BASIS	EXPOSURE AMOUNT	RATE	PREMIUM
Per \$1,000 of Payroll	\$100,000	\$63	\$6,300 (\$100,000 / 1,000 – 100 x 63 – 6,300)

Please note that standalone general liability policies can be subject to an audit upon the expiration date. This is because most policies are rated based on annual payroll. Therefore, if the armed security staff works overtime or you hire additional guards, you will need to report the additional payroll at the end of the policy term and this will directly affect the final premium.

There can be an impact on the Associations Workers Compensation policy as well. Most carriers we are aware of that know that an association is hiring armed security will not offer Workers Compensation coverage.

If the Association is hiring the armed security guards as their employee and the insurance underwriter deems the armed security guard(s) as insurable, the payroll will fall under the 9015-class code (all other employees).

Most off-duty police officers will require the association to offer workers compensation coverage while they are performing services on behalf of the association. This will be an additional cost that needs to be considered and analyzed. Here is a quick calculation of a worker's compensation premium based on a projected annual payroll:

EXPOSURE BASIS	EXPOSURE AMOUNT	RATE	PREMIUM
Per \$100 of Payroll	\$100,000	\$3.12	\$3,120 (\$100,000 / 100 – 1,000 x 3.12 – 3,120)

LEGAL CONSIDERATIONS

An association looking to potentially provide security, whether armed or unarmed, should consult with its legal counsel. The Board of Directors must scrutinize this issue before deciding and this may open the Association to additional liabilities.

Be sure to consult with the Associations legal counsel to find out what exposure the Association may have for unarmed vs. armed security guards. Confirm with legal counsel what would happen in the event of a lawsuit which names the off-duty officer, police department, and the association? What if that off-duty officer was enforcing local, state, or federal laws? Does the police department have any contractual obligation to defend or indemnify the association for their claim's costs? If the association hires and then fails to maintain its security, can the Association be held liable for breaching its “duty” if a plaintiff suffers an injury or loss?



Here are some additional factors to consider when making this determination:

1. What are the security needs of the Association?
2. What will be the expenses associated with hiring a security guard? Is this a budget item?
3. Hold an open meeting and get input from the residents; this will keep the owners in the loop.
4. Do your association's governing documents require you to provide security?
5. Determine if your association is creating "duty" to its members by providing security?
6. If your association provides security, communicate with the owners so they have a reasonable expectation as to what and when these services are being provided. Do not give owners a false sense of security.
7. Does the contract from the armed security company contain a "hold harmless"? This may not be in favor of the association.
8. Is providing security acceptable to the association's insurance carrier?
9. Is the security company licensed and bonded?
10. Have the security contract reviewed by legal counsel and be sure that the contract contains an indemnification and hold harmless clause.
11. If your association's governing documents do not require you to provide security, do the facts and circumstances affecting your association require your Board of Directors to consider providing security?
12. Encourage owners, as the documents allow and subject to the approval process, that they may install their own security measures on their own property.
13. Regardless if the association provides security or not, communicate to residents that if a crime or emergency occurs, call the police immediately.

CONCLUSION

On site security unarmed or armed may present many challenges for an association. Understanding the costs, potential insurance and legal liabilities and roles and responsibilities of your security provider is essential to your Associations comprehensive security plan.

...and regarding the Baltimore HOA's decision from the story above—they opted for unarmed guards.

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BIOENGINEERED LIVING SHORELINES: THE NEWEST EROSION CONTROL SOLUTION



Before

When development companies design community associations with lakes and stormwater ponds, they envision them as beautiful aquatic resources to attract homeowners, connect with nature and enhance the surrounding property. Without proper management, however, these waterbodies can quickly become eye-sores that produce harmful algae and bad odors, lead to damaged and eroded shorelines, and result in displeased community members.

Most aquatic management professionals will tell you that when a property manager calls about an issue at their waterbody, it's often past the point of a quick fix. This is regularly the case when we arrive onsite to look at an erosion issue on a lake or pond embankment. Rather than finding a few problematic patches of rock or soil, we discover steep, unstable banks, deep washouts and extensive bottom muck caused by years of sedimentation.

Erosion is a natural process caused by wind, rainfall, poor design, cultural impacts like mowing and recreation, or simply an aging aquatic ecosystem. These erosion issues are all exacerbated by human disturbance. Unfortunately, erosion can also negatively affect your lake, stormwater pond, canal or coastline by causing loss of habitat and property value, nutrient loading, reduced storage volume and waterbody depth, and excess runoff. When topsoil is displaced, stormwater pipes and structures can be exposed and damaged. Overtime, erosion can lead to the formation of trenches and gullies that pose a serious danger to the public.

There are many ways to correct erosion with rip-rap, bulkheads, and other hard armoring systems; in certain situations, they may be the preferred option. In my experience, however, reestablishing the embankment utilizing vegetation, whether turf grass for recreation or native vegetation for habitat, has always been an excellent way to halt erosion and enhance community waterbodies. There are several best management practices that can help stop erosion and establish vegetation, but a lot of them have a shorter life-span or planting restrictions. Fortunately, there is a new solution available for both the immediate and long-term stabilization of shorelines and hillsides.

Bioengineered living shorelines are the latest technology in erosion control. These patented woven systems offer an innovative, environmentally-friendly solution to immediately stop shoreline and embankment erosion and create a natural foundation for vegetation. The most effective systems available are designed using a combination of ecofriendly, biodegradable burlap sock-like fabric and heavy-duty knitted mesh. The socks

can be filled with local pond muck and sediment, which is why many property managers choose to pair this solution with proactive hydro-raking projects. After the woven mesh systems are filled, they are then secured to the embankment and can be immediately sodded, planted with native beneficial buffer plants, or seeded through the mesh and fabric layers.

As an Environmental Scientist, I've utilized several different shoreline restoration techniques over the years, but this innovative system is certainly creating some excitement! It provides immediate stabilization while effectively filtering and buffering run-off water, removing harmful contaminants and benefiting waterways and water quality, all the while providing a seamless planting platform and long-lasting erosion control. Restored banks and hillsides can be walked on within just a few days, making bioengineered shorelines a fast, aesthetically-pleasing and long-lasting solution for most properties.

Depending on your waterbody and specific erosion issues, goals and budget, your lake management professional may recommend other natural restoration tools. Lakes and ponds that experience heavy water movement may be suitable candidates for erosion control using logs comprised of coconut fibers. Installed in areas with direct water flow, these biodegradable logs can help redirect water movement while reducing erosion along delicate banks. Coconut "coir" logs are biodegradable, compact and excellent solutions for properties in need of a truly custom erosion control approach.



After

Whether you decide to move forward with a complete shoreline restoration or are several years away, it's imperative to properly budget and integrate proactive management strategies that protect your banks and hillsides, while preserving the water quality of your aquatic resource. Cultivating a beneficial vegetative buffer with flowering native vegetation will help stabilize soil during rainstorms. Deep-rooted flowering plants can also help pull excess nutrients from stormwater runoff, preventing the growth of nuisance weeds and algae in the water resource. Undesirable nutrients can be further combated with the professional application of naturally-occurring nutrient remediation products, which permanently "lock up" and prevent nutrients from fueling aquatic weeds or algae.

Just like lawncare, lake and stormwater pond management is an ongoing commitment that requires different approaches throughout the year. While no two waterbodies are the same, each and every aquatic ecosystem is susceptible to shoreline erosion and can benefit from custom management plans that integrate buffer management and nutrient remediation, as well as other sustainable tools like hydro-raking, aeration, biological augmentation, and regular water quality testing. Whether your waterbody is in its prime or has seen better days, contact your lake management professional to restore and prolong your water resources—starting with the shoreline.

*Written by: J. Wesley Allen,
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LOW BID DOESN'T ALWAYS EQUAL BEST BID

We've all heard the proverb, "Money Can't Buy You Happiness," but this may not always be true. We've all been in a situation before where we've hired the lowest bidding contractor/vendor who turned out to not be the most qualified company. After all, every property is unique and has its own specific needs that not every company is equipped to handle. In these cases, spending a little more money on a more suitable company can lead to a more successful outcome (and happiness)!

As many of us do, I love making lists. So below I've provided a list of "things to consider," as well as a list of "red flags," when reviewing proposals and evaluating the qualifications of potential contractors or vendors.

THINGS TO CONSIDER

- Compare Apples to Apples—Make sure all proposals include the same scope of work and products, as well as all project specific conditions (e.g. working hours). A well-crafted Request for Proposal (RFP) with an itemized bid form is a great tool for comparing proposals. At a minimum, hold a pre-bid meeting to familiarize the companies with the property and respond to any questions.
- Carefully review any "qualifications" or "exclusions" listed on proposals. Typical exclusions for construction projects may include permit fees, utilities such as water and electric, restroom facilities, etc., but may be more substantial, such as scope items that don't fit into their wheelhouse.
- Always request project references and make sure that the submitted projects are similar in scope of work, project cost, and property location.
- For major projects, we recommend that the bidders submit a less than six-month-old Contractor's Qualification Statement (AIA Document A-305). You can learn a lot about a company's organizational structure, licensing, experience, financial standing, etc. from this document.
- Check for problems with the Better Business Bureau, local disciplinary boards, and local courts.
- Consider interviewing the bidders. Invite the companies (one at a time) to meet with your Association Boards and Committees for a Q&A session.

RED FLAGS

- If a company submits an incomplete bid, or does not provide the bid on time, this is usually a bad sign.
- For major projects, Associations often require that the contractor provide payment and performance bonds. If a company is unable to get these bonds this could be (but is not always) an indication of poor creditworthiness.
- Beware of relying too heavily on online reviews of companies. They may be flat out untrue.

My last piece of advice is to ask around. An experienced colleague or a trusted consultant may be able to offer invaluable insight into which contractors or vendors are best suited to meet your property's specific needs.

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STONE FACADES

Attractive, But May Have Hidden Defects

Manufactured stone is a very popular product for both the interior and exterior of homes and buildings. A man-made stone manufactured primarily for decorative purposes, these systems are typically comprised of cement, natural aggregates and iron pigments. Like many building materials, the use of manufactured stone has both advantages and disadvantages, and proper installation is vital to its long-term success.

The obvious benefit of using manufactured stone is that it is much less expensive and lighter than real stone. The lighter weight allows for an easier and quicker application as well as decreased load on the foundation of the building. Typically no ledge is required on the foundation as would typically be needed for a brick or natural stone installation. The back of the manufactured stone product is flat allowing for surface contact with base coat and installation similar to that of stucco.

As manufactured stone cladding on the exterior of a home or building is aesthetically pleasing, many developers have recently preferred to use it over traditional stucco or EIFS systems. This is largely due to past problems related to stucco or EIFS applications such as improper and/or inadequate drainage, expansion joint failure, caulking failure around windows and doors and/or no flashings at all in critical areas. This has resulted in water infiltration, structural damage and mold conditions.

Manufactured stone is installed in a manner similar to stucco and improper installation can result in similar deficient conditions. It is essentially a porous system that can absorb moisture rather than repel it, thus all flashing areas are critical for manufactured stone installation. Manufactured stone should be installed with a suitable drainage plane and detailing that will help drain water that does get behind the stone to escape through weep holes above windows and doors and through a weep screed set above grade at the bottom of the facade. The water resistive barrier, particularly at window or door sills, should extend to the window's edge in such a way that the window flange directs water on top of the water resistive barrier instead of behind it. Weather and temperature at the time of installation should be closely monitored.

Manufactured stone may also experience problems related to cracking. Cracks are typically in mortar joints between the stones or at the interfaces of dissimilar materials. Cracks will allow water into the system and may cause significant damage if the underlying drainage system is deficient. Cracks occur when the masonry expands and contracts in response to temperature and moisture changes. Since water expands when it freezes, it will expand the crack up to nine times its original size. To help combat this issue, proper mortar mixes and sealants should be used.

Properly installed water resistive barriers and flashings are required to protect the underlying wall from potential water infiltration. One layer of water resistive barrier is not adequate, two layers are required.

Intersecting dissimilar materials such as manufactured stone and vinyl siding have characteristics that react differently to changes in weather, especially temperature. There are often problems that arise if the joints where these veneers meet are not properly detailed, which can result in a strong possibility of water infiltration at that area.

Some typical signs of improper installation are;

- Manufactured stone installed directly on top of the roof system
- Manufactured stone below grade
- No signs of weep holes along the tops of windows and doors
- No joints between windows, doors, dissimilar materials and the stone
- No/improper flashing between the roof/wall flashing and the gutter that abuts the wall

Damage can be repaired if the problems are caught early on, but this is far more expensive than would be the case if the products had been properly installed originally.

Buildings or communities with this product going through developer transition should never ignore these installation defects. It is in the best interest of the association or building owner(s) to consult a Professional Engineer who is well-versed in building codes and requirements for stone veneer installations in order to determine if there is defective installation of this product. A seasoned construction litigation attorney can determine whether there is a potential to recover damages from defected installation for the builder or the installer even years after the installation.

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Mr. Gary Basinski

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The Chesapeake Chapter would like to extend a big “Thank You” to Camille Cimino and the TLG staff, both past and present, for their contributions over the years. Please enjoy this photo memory page as the Chapter bids farewell to Camille and extends many well wishes on the future endeavors of TLG.



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MARYLAND LAW AND CARBON MONOXIDE ALARMS FOR RENTAL UNITS



Carbon Monoxide Alarms have been required in all Maryland new and existing rental properties since April 1st, 2018. These alarms are now required to be installed outside of each sleeping area, on every level of the unit, including the basement - if the building contains any fuel burning equipment, wood burning appliances or has an enclosed attached garage. They are not required in rental units that are powered solely by an electric supply.

Carbon monoxide alarms are defined as devices that are capable of detecting carbon monoxide. When an unhealthy accumulation of carbon monoxide is sensed, the device is capable of producing a distinct and audible sound that warns the residents.

When is a Landlord liable for an injury to a tenant or visitor to the rental property?

Landlords have the responsibility to maintain the premises and take steps to avoid the injury or accident to the tenant. It is the landlord's responsibility to fix the problem, or at least give adequate warnings, and correct the situation within a reasonable period of time. The landlord's failure or negligence to fix a dangerous situation, can result in a lawsuit.

To be held responsible for an injury on the premises, the landlord or property manager must have been negligent in maintaining the property and that negligence must have caused the injury. As part of the defense for the lawsuit, landlords should maintain written information on alarm installation, alarm testing and alarm maintenance. Notification to hearing-impaired residents should also be maintained.

A tenant can file a personal injury lawsuit or claim against the landlord's general liability insurance as a result of faulty maintenance, unsafe conditions or failure to comply with state laws. General liability insurance policies generally provide coverage to protect owners and managers for carbon monoxide cases.

Can associations be held liable for premises liability, where the liability arose inside a unit from a component that was unit owner-controlled? Is there a duty on the part of the association to inform all owners who rent their property of these new laws? Certainly, the association would want to make sure the governing documents are written to require owners to maintain their property and comply with state and federal laws.

How to Install Carbon Monoxide Detectors

The alarms need to be installed in one of the following ways:

1. Hardwired with a secondary battery backup
2. Battery powered using a battery with a life of at least 10 years
3. Through a security system
4. Combined with a hard-wired smoke alarm

Tips to remember:

- Install at least one carbon monoxide detector on each level of the unit including the basement.
- Place a CO detector in or near each bedroom of your home.
- Write the date purchased on the back of each alarm.
- Write the replacement date replace on each battery and change batteries as needed or every 6 to 12 months.
- Clean CO detectors yearly by gently vacuuming or blow detectors out with canned air.
- Replace carbon monoxide detectors every 10 years.

Written by: *Connie Phillips, CIC, LUTCF, EBP, CIRMS*
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Attention Managers!

2020 PMDP COURSE SCHEDULE

Chesapeake Region Chapter

Apr. 23-25	M-100	The Essentials of Community Association Management, <i>Pikesville, MD</i>
May 14-15	M-205	Risk Management, <i>Pikesville, MD</i>
June 25-26	M-206	Financial Management, <i>Pikesville, MD</i>
Aug. 14	M-203	Community Leadership, <i>Pikesville, MD</i>
Oct. 1-2	M-330	Advanced Insurance and Risk Management
Dec. 3-4	M-204	Community Governance, <i>Pikesville, MD</i>

Washington Metro Chapter

Jan. 22-24	M-100	The Essentials of Community Association Management, <i>Falls Church, VA</i>
Feb. 20-21	M-380	Litigation Training for Managers, <i>Falls Church, VA</i>
Mar. 11-12	M-205	Risk Management, <i>Falls Church, VA</i>
Mar. 13	M-202	Associations Communications, <i>Falls Church, VA</i>
May 13-15	M-100	The Essentials of Community Association Management, <i>Falls Church, VA</i>
Jul. 23-24	M-204	Community Governance, <i>Falls Church, VA</i>
Aug. 20	M-201	Facilities Management, <i>Falls Church, VA</i>
Aug. 21	M-203	Community Leadership, <i>Falls Church, VA</i>
Sep. 10-11	M-206	Financial Management, <i>Falls Church, VA</i>
Oct. 21-22	M-205	Risk Management, <i>Falls Church, VA</i>
Oct. 23	M-202	Associations Communications, <i>Falls Church, VA</i>
Dec.	M-100	The Essentials of Community Association Management, <i>Falls Church, VA</i>

Questions?

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Ad Size	Member Price (per issue)	Non-Member Price (per issue)
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Half Page: Vertical 4" x 10" Black & White	\$375	\$475
Quarter Page: 3.5" x 4.5" Black & White	\$300	\$400
Business Card: 3.5" x 2" Black & White	\$225	\$325
Add Color (per ad)	\$175 addl.	\$275 addl.

Advertising Deadline Summer/Fall issue: January 10, 2020

The size and rate information applies to camera-ready ads. These charges do not include artwork preparation that may be necessary to place ads. Signed contracts must accompany payment. The application form is located on the Chapter website: www.caimdches.org.

Community Association Brain Teaser

Fun For Your Next Lunch Break!

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