



CAI-Wisconsin Chapter

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*News for the New American Neighborhood*

- In this issue*  
*Flags and Political Signs*  
*Management Transition*  
*Summer Safety*  
*Architectural Design*  
*And Much More...*



Volume XVIII, Issue 2 - Summer 2019  
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# Community LEADER

*News for the New American Neighborhood*



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# Leadership Directory

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Lisa Komppa, AMS, CPM  
Professional Property Consultants, LLC  
PO Box 923  
Menomonee Falls, WI 53052  
Phone: (262) 257-9250  
lisa@ppc-wi.com

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Todd Sarauer, PCAM, AMS, CMCA  
Hunt Management Incorporated, AAMC  
10520 N. Baehr Road, Suite Q  
Mequon, WI 53092  
Phone: (262) 238-1480  
todd@huntmanagement.com

### Secretary

Sara Moker, CMCA, AMS  
Elite Properties, Inc.  
3415 N 127th St., Suite 300  
Brookfield, WI 53005  
Phone: (262) 373-1777  
selark@eliteprop.org

### Treasurer

Dan Miske, CCAL  
Husch Blackwell, LLP  
555 E. Wells Street, Ste. 1900  
Milwaukee, WI 53202  
Phone: (414) 978-5418  
Daniel.Miske@huschblackwell.com

### Director

Jesse Bozman  
Bret Actenhagen's Seasonal Services  
W336 S8510 Hwy E  
Mukwonago, WI 53149  
Phone: (262) 975-0268  
jesse.bozman@seasonalservices.com

### Director

Chad Emrath, CMCA, AMS, CPO  
Ogden & Company  
1665 N. Water St.  
Milwaukee, WI 53202  
(414) 270-4173  
chad@ogdenre.com

### Director

Erica Joyce  
Mid State Insurance  
7105 W Mequon Road  
Mequon, WI 53092  
Phone: (262) 643-4674  
ericaj@midstateis.com

### Director

Michael Leach  
Prospect Management Company  
224 N. 76th St.  
Milwaukee, WI 53213  
Phone: (414) 540-0004  
mleach@pmcwi.com

### Director

Dan Merritt  
Glen of Brookfield Home Owners Association  
15340 Huff Way  
Brookfield, WI 53005  
Phone: (262) 309-5665  
dmerritt33us@yahoo.com

### Director

Ryan Maloney  
Robertson Ryan & Associates  
20975 Swenson Drive, Suite 175  
Waukesha, WI 53186  
Phone: (414) 221-0346  
rmaloney@robertsonryan.com

### Director

Matt Martin  
Reserve Advisors, Inc.  
735 N. Water Street, Suite 175  
Milwaukee, WI 53202  
Phone: (414) 272-2002  
mmartin@reserveadvisors.com

### Local Contact/Staff

Chris Rudity  
Wisconsin Association Management  
11801 W. Silver Spring Dr., Ste. 200  
Milwaukee, WI 53225  
Phone: (414) 778-0640 Ext. 1  
info@cai-wi.org

### Tina Conley, Assistant Account Executive

Wisconsin Association Management  
11801 W. Silver Spring Dr., Ste. 200  
Milwaukee, WI 53225  
Phone: (414) 755-3353  
tina@wamllc.net

### Leslie Wright, Director of Communications

Wisconsin Association Management  
11801 W. Silver Spring Dr., Ste. 200  
Milwaukee, WI 53225  
Phone: (414) 755-3355  
leslie@wamllc.net

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# President's Message



In May I had the pleasure of attending the National 2019 CAI Annual Conference and Exposition in Orlando, FL. I would like to have said, “sunny Florida”, however, that was not the case, it rained most of the days that I was there. This is the third time I have attended this conference and each time I return to my office with fully charged batteries to help me get through the busy summer months. I strongly encourage all property managers and community

volunteer leaders to try to attend this annual event at least one time during their career. It is time and money very well spent.

As any property manager of community association’s can tell you, sometimes it feels as though we spend much of our time listening to resident complaints. I learned the following at the conference: The fact is, for the seventh time in 13 years, Americans living in homeowners associations and condominiums say they’re overwhelmingly satisfied in their communities<sup>1</sup>:

85% of residents rate their overall community association experience as positive (63%) or neutral (22%).

84% say members of their elected governing board “absolutely” or “for the most part” serve the best interests of their communities. 73% say their community managers provide value and support to their residents and their associations.

90% say their association’s rules protect and enhance property values (62%) or have a neutral effect (28%); only 4% say the rules harm property values.

It goes to show you that we spend 85% of our time on 15% of the residents.

I hope all of you have a safe and enjoyable summer! I can’t wait to see you on the golf course at the CAI golf outing at the River Club of Mequon on August 26th!

*Lisa Komppa*

Lisa Komppa, AMS, CPM  
 CAI-WI President

<sup>1</sup> 2018 survey was conducted by Zogby Analytics for the Foundation for Community Association Research.



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# FLAGS

## GUIDELINES FOR DISPLAYING U.S. FLAG AND POLITICAL SIGNS

By Ketajh Brown, Esq



With the Spring 2020 Presidential Primary and election for various state court judges looming on the horizon, many of Wisconsin's condominium associations are proactively deciding on how to delicately navigate and employ rules regarding unit owner rights with respect to displaying American flags and political campaign signs. Naturally, the close-quarters of condominium living presents a different set of circumstances unlike single family homeowners who are free to scatter an unlimited amount of political signs and flags about their property with impunity. The very concept of a condominium is grounded in shared space and shared cost; and while one unit owner's patriotism or unwavering support for a particular political candidate may be viewed as noble, another unit owner may view the same support as distasteful or even offensive.

At first glance options may seem limited in regard to adopting rules that regulate the touchy subject of individual unit

owner First Amendment rights. In actuality, legislation exists that legally gives an Association the right to regulate the manner of how unit owners display political and patriotic support—to an extent. In order to adopt rules that are not too restrictive, Association board members need to keep a few basic overall concepts in mind.

First, the Association may not adopt any bylaws or rules which prevent unit owners from “respectfully displaying the United States flag.” See Wis. Stat. § 703.105(1) In other words, generally, a unit owner maintains the freedom to exercise respectful patriotism; presumably because owning a condominium unit in Wisconsin places all unit owners on common ground—the units are located within the United States regardless of an individual's personal feelings regarding this country. Nevertheless, the Association maintains a degree of control, and is free to adopt bylaws or rules that regulate “the size and location of signs, flags and flagpoles.” See § 703.105(2).

Next, when political opinion is the driving force behind a display, the law is a bit more restrictive. Interestingly, section 703.105(1m) precludes the adoption of bylaws or rules that impede “a unit owner from displaying *in his or her condominium* a sign that supports or opposes a candidate for public office or a referendum question [ ]” (emphasis added). Stated differently, the law

prohibits an Association from interfering with a unit owner's display of political beliefs which are not in any way visible from the outside of the unit. On the other hand, **the statute is silent as to requirements for posting political signs on the outside of a condominium unit.** The statute's lack of addressing whether unit owners maintain freedom to post political campaign-related signs on the outside of condominium units, or signs that are visible from the inside of units, presumably leaves an Association with the discretion to allow the practice under controlled circumstances; as section 703.105(2) instructs that “controlled circumstances” include regulation of the size and placement of such political signs.

**TAKEAWAY:** Wis. Stat. § 703.105 was crafted to strike a balance by simultaneously protecting unit owner rights, while preventing Association property from becoming a billboard for political propaganda. As a result, Association boards should proceed with caution when looking to curtail perceived excessive “wall-papering” of condominium units by extraordinarily patriotic or hyper-political owners. This is because Wisconsin unquestionably has enacted law to protect unit owner First Amendment rights—specifically in this context.

*Ketajh is the litigation associate on the Husch Blackwell condominium law team. He may be reached at 414-978-5443.*

## CAI-WI 14TH ANNUAL GOLF OUTING



Monday, August 26, 2019

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# MANAGEMENT TRANSITION

## MANAGEMENT TRANSITION/RECORDS RETENTION & TRANSFER

By Jeff Hunt, CMCA, AMS, PCAM

I was initially asked to write a brief article on the subject of Association management transition from one management firm to another, specifically, the difficulty some management firms have in obtaining pertinent records and files from other management firms in the management transition process. I thought that particular premise, by itself, might be limited in scope and somewhat negative. Therefore, I suggested a brief article on the importance of record keeping in general and which records, files, documents, etc. an Association should have and retain, at various stages in an Association's history and management status.

Whether you are a new Association transitioning from Developer control, or a self-managed Association transitioning to professional management service, or a professionally managed Association transitioning from one management firm to another, the on-going successful administration of the associations affairs will depend upon the quantity and quality of records, documents and important files the Association Board of Directors can obtain, retain and augment.

In the case of transitioning from Developer control it is important to obtain all of the Disclosure Materials in good, reproducible condition, if not the originals, so that such documents can be retained digitally and reproduced in good fashion. It is also important to obtain a complete set of building plans and an Operating Manual related to all building construction details, mechanicals, warranties, etc., together with a list of all contractors and vendors who participated in the construction of the property. Also, it is recommended that a copy of all sales materials be obtained and retained. Of course, the Developer should also provide complete financial records that accurately reflect the actual cost of maintaining the property, as many such expenses may have been absorbed by the Developer and not reflected in the financials. Once all pertinent records, documents, files and related data are obtained from the Developer, a filing system should be developed and maintained by the current and future Boards of Directors. CAI publishes a number of good, related reference materials, one of which

is the "Guide For Association Practitioners" entitled "Developer Transition". One other CAI publication is the "Board Member Tool Kit", which also serves as an ideal primer for any Board Member. Also, as a professional Association manager, I would highly recommend that the new Board of Directors retain professional management service or counsel before and during the Developer / Association transition process.

When it's time to transition from self-management to professional management, quality management firms will ask for an extensive list of records, documents and files prior to the formal transition process. The transition process will be far more successful and timely if all such records, documents and files are extensive and complete. Management and the Association will build upon these records, many of which must be retained for many years. Different types of documents must be retained for different time periods and courtesy of CAI, following is a list of basic records categories and corresponding number of years they should be retained.

### Sample Record Retention Schedule

Association Governing Documents	Permanently
Bank Reconciliation	One Year
Board Minutes	Permanently
Cancelled Checks & Bank Statements	7 Years
Cash Disbursements & Receipts, Journals	Permanently
Insurance Policies & Certificates of Insurance	7 Years
Investment Statements & Closed Passbooks	7 Years
State & Federal Income Tax Returns	Permanently
Real Estate Records	7 Years
State & Federal Unemployment & Withholding	Permanently
Unit Owner Files	7 Years

There are many other records that an Association will create and maintain over the years, and each Association will need to formalize its own unique records retention policy. Personally and professionally, I tend to retain far more records than I probably need to retain, but now that many documents can be retained digitally at little cost, more is better. Just recently, I received a call from a Unit Owner who owned a Unit that was foreclosed eight years ago, leaving a large balance due. Had I disposed of that file within seven years it

# MANAGEMENT TRANSITION CONT.

would have been very difficult to substantiate the eight year old balance due. But within minutes I was able to ascertain the balance due and negotiate a payment that benefited the Association.

With regard to the difficulty some management firms have in obtaining pertinent records and files from other management firms in the transition process, I have the following observations. There are numerous reasons for an Association to transition from one management firm to another and I have participated in many such management transitions over the years. Most management firms I have dealt with during such a transition have been professional and accommodating in the process. In my opinion, those few non-accommodating firms I have dealt with are only hurting themselves and the profession. Truly professional association

managers have a legal and ethical obligation to serve their client Associations in a professional manner and that obligation survives the transition. Similarly, Board Members have a legal responsibility to their Owners to manage the Association and safeguard its records, regardless of ongoing management or the transition thereof. To that end, do all you can to obtain, augment and retain a full and complete set of records, documents, files and data for your Association.

*Jeffrey S. Hunt is Owner, President and General Manager of Hunt Management Incorporated and has been in the Community Association Management business since 1982. Hunt has served on the CAI-Wisconsin Board of Directors and was its President several years ago. Jeff can be reached at 262-238-1480 or [JHunt@HuntManagement.com](mailto:JHunt@HuntManagement.com)*



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# ARCHITECTURAL DESIGN

## WHY MUST THE ASSOCIATION APPROVE MY FENCE?

Spring is here and it often signals the time for unit owners to perform improvements – some necessary, some elective. Although the Association may sometime seem like a Big Brother when you want to build a shed or put up a fence, the design review program is actually a benefit - not a burden. Quite often an Association's condominium documents may require an Architectural Design Review Committee. It works in an advisory capacity to the Board of Directors. A homeowner's improvement design may come before the committee for review to see if it meets the Association's specifications/guidelines before being passed onto the board for approval. The Association's design standards are often based on harmony with the overall community, consideration for neighbors, and high-quality construction practices. The design review program exists to maintain, protect, and enhance the value of your property, and it strives for a balance between individual rights and the good of the entire community.

While association members have the biggest stake in property values, others are also very interested in seeing the community well-maintained and looking its best. Builders' reputations and lenders' financial support are closely connected to the community's structural and esthetic value. Also, public officials have an interest in maintaining and enhancing the community since tax revenues depend on property values.

Good practice for the Association is to try and notify new members of its design review requirements as soon after they move in as possible. Unit owners will want to be sure to consult the Design Review Guidelines in their documents, if a he/she is considering any type of exterior or interior design change. The guidelines should contain everything you need to know about the approval process, design requirements,



and the association's basic design philosophy. The guidelines may also list the changes that don't need to be approved.

The design review committee should make every effort to process applications fairly, reasonably, and quickly. Same can be said for how the Association handles alleged violations of the guidelines. Be an involved member of your community, join your Architectural Design Committee or any of the valuable committees in your Association!



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# SUMMER SAFETY

## SUMMER SAFETY AND RISK MANAGEMENT TIPS

By Ryan Maloney, Robertson Ryan & Associates, Inc.



It is important to recognize and minimize the potential hazards associated with summertime activities and the exposures that exist for condominium associations. A few precautions can help protect the association from serious losses, and provide a safe and comfortable environment for unit owners and their guests

### Grilling

According to recent insurance statistics, fire causes more than \$6 billion in direct damage to multi-family structures yearly, resulting in nearly 10,000 fatalities and injuries. On any given day, more than 700 multi-family fires are reported across the U.S.

As the summer weather begins to heat up, so does the main cause of these fires – grilling. Nearly 5,000 fires involving grills are reported each year, and they are largely due to unsafe usage habits. The biggest danger comes from grilling near a structure.

The following safe grilling tips will help ensure the safety of unit owners and their guests:

- Grills should NOT be used on balconies.

- Grills should be used a minimum of 20 feet away from buildings, decks, or any combustible material.

- Grill grates should be thoroughly cleaned by removing grease and fat buildup.

- Never leave grills unattended.
- Keep a fire extinguisher nearby.

### Swimming Pools

Spending a hot day at the swimming pool is fun for everyone. However, using a pool involves a certain amount of risk. Fortunately, most accidents can be prevented. It takes a great deal of responsibility and diligence on the part of the condominium association. You do not want an accident to spoil the good times unit owners have come to expect.

Managing a swimming facility is complex. In spite of the hazards associated with a recreational pool, you can maintain a safe operation by following these guidelines:

- Ensure the pool is regularly maintained by a certified professional.
- Enforce pool rules and regulations.
- Purchase necessary safety and emergency equipment.
- Routinely inspect the area for hazards.
- Follow all applicable state and local regulations

### Ponds and Lakes

Many condominium associations feature lakes or ponds. Some may

be naturally occurring on a property. Others are created for aesthetic, recreational, or flood control and water retention purposes. The location and intended use of the body of water can have a significant impact on the associated hazards, necessary maintenance, and applicable risk management control measures to mitigate potential liabilities.

A condominium complex may have multiple bodies of water, each with different intended uses. Preventing the unintended use may be unavoidable. A retention pond may pose an “attractive nuisance” to children. A swimming beach area on a lake can attract teenagers during evening hours. Unauthorized boating, fishing, and other recreational activities are fairly common. Each may result in potential liability to the condominium association.

There are different steps a condominium association can take to reduce the potential risk of owning or operating a lake or pond. For example, lakes or ponds intended for swimming should require water testing and treatment. It may also require the presence of appropriate water life safety equipment, and potentially on-duty life guards.

Another preventative measure is to develop a security plan after careful consideration of the intended and potential unintended uses of the lakes or ponds. Solutions may also include prominently displayed warning signs, physical barriers such as fencing, ample exterior lighting, security patrols, and video surveillance. In most situations the simple measure of posting warning

# SUMMER SAFETY CONT.

signs may be a sufficient deterrent to keep people away. Such as signs displaying the message “No Boating, Swimming, Fishing”, or “Private Property – No Trespassing”.

## Playgrounds

Playgrounds pose unique liability hazards. Faulty equipment, improper surfaces, and unsupervised children can lead to an unforeseen visit to an emergency room, and may result in a lawsuit. The following safety precautions can help eliminate and control potential liability:

- Replace equipment that can entangle or entrap a child.
- Regularly inspect equipment to make sure it's not broken, and make sure it shows no signs of weakening, splintering, or rusting.
- Rubber surfacing mats and tiles that are safety tested is highly recommended.

For more information on playground safety, visit the U.S. Consumer Product Safety Commission website at [www.cpsc.gov](http://www.cpsc.gov) and search playground safety.

## Fireworks

According to the National Fire Protection Association (NFPA), fireworks lead to thousands of injuries requiring emergency room treatment each year. Fireworks devices can burn up to 1200 degrees Fahrenheit and can cause burns, lacerations, amputations and blindness. Stay safe by always leaving fireworks to professionals. The NFPA offers these helpful safety tips:

- Stay back at least 500 feet from professional fireworks displays.
- Treat all fireworks, whether legal or illegal for consumers, as suitable

only for use by trained professionals.

- If you find fireworks, do not touch them but instead direct authorities to them.

- Leave any area where amateurs are using fireworks.

Following these simple risk management tips can ensure a safe and enjoyable summer for everyone.

*Ryan Maloney is an agent with Robertson Ryan & Associates, Inc. Robertson Ryan & Associates is, the largest independent insurance brokerage firm in the State of Wisconsin. Ryan specializes in condominium/habitational risk management and insurance. He can be reached at 414-221-0346 or by email: [rmaloney@robertsonryan.com](mailto:rmaloney@robertsonryan.com)*



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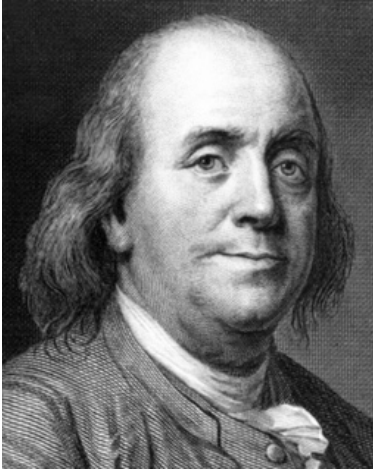
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# PEST MANAGEMENT

## PEST MANAGEMENT - A LITTLE OF THIS, A LITTLE OF THAT

By MaryLou Wick



Benjamin Franklin coined the phrase, “*An Ounce of Prevention is Worth a Pound of Cure.*” He was referring to fire prevention, but his wise adage applies to pests as well. No matter the season, the best method of pest control is to keep them out in the first place!

### SMARTER PEST CONTROL

Dealing with pests *after* they’re an issue is old thinking. Put your resources into making sure pests don’t have a way in and eliminate the things they need to call your properties home. Pest control today has more to do with prevention and exclusion and less to do with the excessive “spray and pray” methods of the old days. Any pest control service provider worth their salt these days is spending the majority of their service time working to stop pests from entering the structure. Because preventative treatment protocol has come so far, a pest control technician should rarely have to treat inside the home.

### REDUCING SUMMER SEASON PESTS

**Mosquitoes:** It would be kinda nice to enjoy a little mosquito-free outdoor living this summer,

wouldn’t it? Considering the sheer number of mosquitoes, seems like a treatment couldn’t possibly make a dent, right? Well, if you knew what we know about the behavior and biology of mosquitoes...here’s why mosquito treatments work: since mosquitoes only live an average of 2-3 weeks, and they only ever travel about 20 yards from where they’re born, and during the day, they hang out on the underside of leaves, a treatment to the brush and trees around the perimeter of the property will eliminate the mosquitoes that are there, and more won’t be born for another few weeks. So, on average, a treatment will result in a 80 – 90% reduction in mosquitoes in the area for a few weeks of sweet



relief. Some homeowners get a treatment only around the time of a special outdoor occasion, some have treatments scheduled every month throughout the season.

**Rodents:** Again, an ounce of prevention. Pay attention to structural sealing! The number one entry point for rodents is air-conditioning unit power lines. Second most common entry point is anywhere structural caulking and sealant is worn or missing. Third is

the garage door – either because the rubber weather strip is cracked and broken, allowing rodents an easy entryway, or because the door is left open for long periods of time. And, then there’s birdfeeders positioned around homes dripping with all the treats a rodent just loves. If at all possible, keep feeders a little farther from the building.

**Crawling Insects:** Most of the same causes and tactics apply to crawling insects as rodents, but there are a few additions. Insects enter structures through holes in screens, rotten trim, cracks in the foundation; you get the idea. They are attracted by food and spills left on countertops, on the floor, in cupboards, or in sink garbage disposals. Cleaning is the easy-button here. So are a few treatments to the exterior of the structure, insects literally walk the other way.

**Flying Insects:** Wasps, fruit flies, house flies (also known as garbage flies), are the main culprits here. In our experience, wasps are the main point of contention for residents, and therefore property managers. However, speaking of our experience, (104 years in pest control), we figured something out just a couple years ago that is making a major difference in incidences of wasp issues.

Sounds simple, and it is, but we’ve started proactively scheduling inspections and treatment for wasp nests; a change from reaction to prevention. We started doing this for several of our clients in 2014, and by the end of that season, we had developed a preventative protocol we still follow today, which

# PEST MANAGEMENT CONT.

is to pro-actively schedule sweeps of a property, treating for wasps and knocking down nest-building activity. Urge your provider to do the same! It really works.

## TREATMENT FOR BED BUGS HAVE COME A LONG WAY, BABY

No doubt you've heard treatment providers (us, too) exclaiming that heat is the only way to truly eradicate a bed bug infestation; that chemical insecticide treatments won't do the job. Which was a fact. However, science has caught up to the little buggers. We're seeing impressive results with treatments involving insecticides only. This is a huge statement for us to make after all these years of heat treatments. In fact, in a similar article just a few years ago, I stated "it has been proven over time that just chemicals don't work." Well, a ton of research and product development has been going on (we've participated in field tests) since this bed bug epidemic started in 2002. Good news is that the scientists are finally winning! Heat treatments are expensive for consumers, and for service providers as well. The time has come where reputable service providers\* can make the transition from heat to less expensive chemical treatments, in the majority of cases. (\* Not-so-reputable service providers

have been stating that insecticides worked all along.)

## COMMON - SENSE TECHNOLOGY: THE CLIENT PORTAL

Managing pest control for multiple properties is not always easy. And not all technology makes things easier, right? However, taking advantage of your provider's client portal can help immensely. Having a snapshot on your computer that shows exactly what's going on at all your properties is magical! An

effective client portal makes it easy to see service history, watch pest trends at each property (helping to get ahead of issues), and view suggestions for structural issue repairs from your pest control technician. You can also view and forward, by email, copies of service receipts and invoices when needed.

*MaryLou Wick is the CX Director for Plunkett's Pest Control. She can be reached at marylou@plunketts.net.*

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(414) 248-3774 • sbartol02@gmail.com

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**Glen of Brookfield Condominium**  
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(414) 540-0004 • frankieb@wi.rr.com

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**Bay View Terrace Condominium Association**  
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(920) 226-9340 • guycastleberry@aol.com

**Linda Dehnert**  
**West Ridge Homeowners Association**  
700 E Tamarack Drive • West Bend, WI 53095  
(262) 337-1120 • lmdcc@yahoo.com

**Sharon Eble**  
**Woodlake Owners Association**  
6963A W. Glenbrook Rd • Milwaukee, WI 53223  
(414) 354-3503 • Sharon-Woodlake@wi.rr.com

**David Ecoff**  
**Princeton Homesite Condominiums**  
N19W26595 Honeysuckle Ct Unit B  
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(262) 696-8037 • daveandrobin71@att.net

**Tim Gehl**  
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**Bill Goodman**  
**Princeton Homesite Condominiums**  
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(414) 651-7740 • bill.gooman1970@gmail.com

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**Glen of Mukwonago Condominium Inc.**  
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(262) 490-1566 • haefner@centurytel.net

**LuAnn Hammond**  
**West Ridge Homeowners Association**  
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West Bend, WI 53095-3643  
(262) 338-6843 • lahammond@att.net

**David Hansen**  
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(414) 304-0311 • wsp237@gmail.com

**Nicole Hoffman**  
**Princeton Homesite Condominiums**  
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**Cindy Hutson**  
**Landmark on the Lake Condo. Association**  
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Milwaukee, WI 53202  
(703) 850-5509 • reddogmomnol@gmail.com

**Paula Jordan-Becker**  
**West Ridge Homeowners Association**  
607 W Tamarack Drive  
West Bend, WI 53095-3630  
(262) 388-0618 • pjb113@att.net

**Molly King**  
**Landmark on the Lake Condo. Association**  
1660 N Prospect Ave  
Milwaukee, WI 53202  
(917) 304-9324 • mking15.mk@gmail.com

**Roy Korte**  
**Landmark on the Lake Condo. Association**  
1660 N Prospect Ave Unit 2800  
Milwaukee, WI 53202  
(414) 688-6908 • rrkorte@att.net

**Judy Kowatsch**  
**Whispering Hills Owners Association, Inc.**  
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Milwaukee, WI 53223-2608  
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**Jill Krum**  
**New Centurion Condominium Association**  
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**Sharon LaRoche**  
**Dakota Hills Condominium Association**  
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**Becky Lijewski**  
**Chateau II Condominiums of Oak Creek**  
8526 S Bedford Way  
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(414) 229-9082 • blijenski@att.net

**William Listwan**  
**Princeton Homesite Condominiums**  
N19W26595 Honeysuckle Ct Apt A  
Pewaukee, WI 53072  
(414) 750-4133 • wlistwan@hotmail.com

**Kelly Maney**  
**Ogden & Company, Inc.**  
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Milwaukee, WI 53202  
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**Sue Michalske**  
**Whispering Hills Owners Association, Inc.**  
8727 N 72nd St • Milwaukee, WI 53207

**Steve Miller**  
**Dakota Hills Condominium Association**  
2034 Mount Vernon Dr  
Waukesha, WI 53186-2664  
(262) 794-2623  
Stevemiller.abt@gmail.com

**Dennis Mohr**  
**Dakota Hills Condominium Association**  
1613 Lindsay Way  
Brookfield, WI 53005

**Nina Nowatowski**  
**Dakota Hills Condominium Association**  
N19W265M Milkweed Lane Unit B  
Waukesha, WI 53188

**Dan Ogens**  
**Woodlake Owners Association**  
6963A W. Glenbrook Rd  
Milwaukee, WI 53223  
(414) 254-2832 • Dan-Woodlake@wi.rr.com

**Kenneth Oh**  
**Landmark on the Lake Condo. Association**  
1660 N Prospect Ave Unit 2408  
Milwaukee, WI 53202  
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**TJ Orth**  
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**James Pellizzi**  
**Landmark on the Lake Condo. Association**  
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**Doug Quakkelaar**  
**Homestead Condominium Association**  
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**Dan Ridel**  
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**George Saxton**  
**Chateau II Condominiums of Oak Creek**  
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**Susan Schaubel**  
**Chateau II Condominiums of Oak Creek**  
2647 W Honadel Blvd • Oak Creek, WI 53154  
(414) 304-1590 • susan.schaubel@gmail.com

**Sarah Sleider**  
**Bay View Terrace Condominium Association**  
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**Mike Smith**  
**Bay View Terrace Condominium Association**  
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**Tony Snell**  
**Landmark on the Lake Condo. Association**  
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# TIPS TO RUN AN EFFECTIVE MEETING

By Carissa Pezewski, CMCA MPC Property Management

Summer is here and with that comes the influx of annual meetings and board meetings. The summer is the season where the projects take place and a bulk of the association's business is conducted for the year. The projects may have been approved prior to the summer, but anything exterior is happening during this time and all this business taking place reflects directly on the property manager and the board of directors.

It is important for all attendees of a meeting, including board members, property managers, and owners to ensure meetings are effective and run efficiently. Everyone has been to a meeting where the purpose or benefits of the discussion weren't quite clear. These types of meetings are seen by some as a waste of time as nothing seems to be accomplished. Here are some tips to help both the board and property manager run an effective meeting and not fall into the trap of an ineffective meeting.

The meeting should be called to order on time. If one meeting starts later than the proposed start time, this will give the impression that it is permissible to show up late to future meetings. Set the tone that everyone's time is important, and it is going to be respected. It is a good rule of thumb for property managers and board members to arrive at least 15 minutes before a regular board meeting and 30-45 minutes prior to an annual meeting.

The agenda is one of the most important items for the meeting. The agenda should be clear, concise, and distributed prior to the meeting. This gives everyone time to prepare the information they want to contribute and questions they may need to ask. Agendas with time limits can also help

everyone understand the allotted time given for each matter and what time adjournment is set for. If committees are giving reports during the meeting, obtaining a copy of this report prior to the meeting and distributing to the board will also help, particularly in situations where there is a request for funds or approval. Setting a time for adjournment can keep everyone on task, and if the meeting is adjourned early, this will appease all attendees.

Everyone needs to come prepared. The property manager should have distributed the board packet prior to the meeting with the agenda, previous minutes, financials to review, and any bids for discussion. The board is there to conduct business, and without proper or complete board packets, the meeting will not be effective. If a board member has a question on an item, emailing other board members and the property manager to get it clarified prior to the meeting will help everything run smoother. This also shows the membership that the board and property manager are working as a cohesive team.

Stay on topic. This is especially crucial during an annual meeting or a board meeting where homeowners can attend and participate. The board and property manager are setting the example for the community on how the meeting is going to run, so come prepared to speak on topic. The agenda is sent out prior to the meeting for this reason. When someone brings up that the pool temperature is not at 84 degrees during the financial report, this can cause others to piggy back on that subject or bring up another unrelated issue and the meeting is derailed. When this occurs, the president needs to politely redirect the meeting back to the agenda and remind all attendees

that there is specific time allotted for the homeowner forum. It's a good idea to set the tone at the beginning of the meeting and remind attendees to save all questions and comments for the appropriate time in the agenda.

The homeowner forum is the time when members of the association can bring forth complaints, concerns, or questions. One tip to keep the meeting moving and avoid one individual dominating the discussion is to set the time limit per homeowner at the beginning of the meeting. Each homeowner has a vested interest in the association and should be given the right to be heard. The board and the property manager need to listen, and everyone needs to respect the position of everyone. If there is disorder, the president needs bring back order so that everyone can be heard. Everyone deserves to feel comfortable and disorder can cause the meeting to run over the allotted time and projects a bad impression on the membership.

The meetings of the association are vital to how the association is run. The board of directors and property manager need to work together to create an effective meeting where decisions are made, and business is conducted in a professional manner.

*Carissa Pezewski, CMCA MPC Property Management: Carissa is a Senior Community Association Manager with MPC Property Management. Carissa joined MPC Property Management in 2011 and earned her Certified Manager of Community Associations (CMCA). She can be reached at: carissa@mpcpm.com*



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- Be mindful of noise—loud music, barking dogs, power tools—that may disrupt the neighborhood beyond a reasonable hour.

- If you have a large party, consider your neighbors when directing your guests where to park, end the party at a reasonable

hour and invite your neighbors to join in the fun.

- Return anything you borrow from your neighbor promptly, in the same condition they lent it to you, and express your thanks.

- Replace anything of your neighbor’s that you, your children or your pets break or soil.

- Respect your neighbor’s privacy.

- Offer to take care of mail pick-up, plants or pets while your neighbor is on vacation.



- Be social! Inviting a neighbor over for coffee and conversation can promote open communication and a friendly neighborhood environment from which all neighbors can benefit.

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