

# **Community Associations Connection**

**RESOURCES & BEST PRACTICES FOR THOSE SERVING WNY COMMUNITY ASSOCIATIONS**

***Think Spring!***



## **Getting Spring Projects Right: How Strong RFPs Protect Your Community**

**Marc Schneider, Esq.**

***CEO and Managing Partner at Schneider Buchel LLP,  
Board Member, CAIWNY***

It's hard to think about spring as winter has come in with a roar this year! But this is as good a time as ever to begin gearing up for the annual wave of repair and improvement projects that are best started in the spring so they can get done timely. Roofs, roadway paving, drainage, landscaping, pool preparation are just a few and this is the season where the decisions you make upfront can either set your community up for success or expose it to unnecessary costs, delays, and liabilities. The key to that success is one tool that boards too often rush, underestimate or simply don't use: the Request for Proposal (RFP).

### **Why RFPs Matter More Than Boards Think**

Many boards feel the RFP is not necessary at all. While use of RFPs are not required for every vendor contract, a well-crafted RFP can save a community substantial money if used properly. Use of an RFP does far more than gather pricing. It protects the association by clarifying expectations and forms the foundation of a contract that actually delivers what the board wants. When RFPs are vague or inconsistent, that's when misunderstandings arise, change orders multiply, and legal exposure grows. Even worse, when you don't use one, you won't be able to compare bids "apples to apples" as the contractors will present what they want the scope of the project to be; as opposed to what it should be. Clear, specific language is the board's first, and best, line of defense.

### **Defining a Clear Scope: Your First Line of Protection**

In that regard, one of the most common problems boards face is ambiguity in the scope of work. A good RFP will precisely outline what exactly is required for the project or job. It will typically include what materials should be used, what areas should be addressed, what access the contractor will need, how cleanup and restoration should occur, etc. A contractor will then have an opportunity to comment on that scope and advise if anything different is needed. Without this process, Boards are oftentimes faced with many claims for "extra work" and cost overruns. The more detailed the scope, the easier it is to hold the winning contractor to what was promised. If your project requires expertise such as a roadway or roof project, it is best to use an architect or engineer to prepare the RFP and scope. After all, Boards may have a general idea of what a project should include, but remember in most instances, Board members are not engineers or architects who perform that service as part of their profession for a fee. It is important to note, in order to be properly protected by the Business Judgement Rule (which protects Board decisions made in good faith), Boards must consult with proper professionals when needed.

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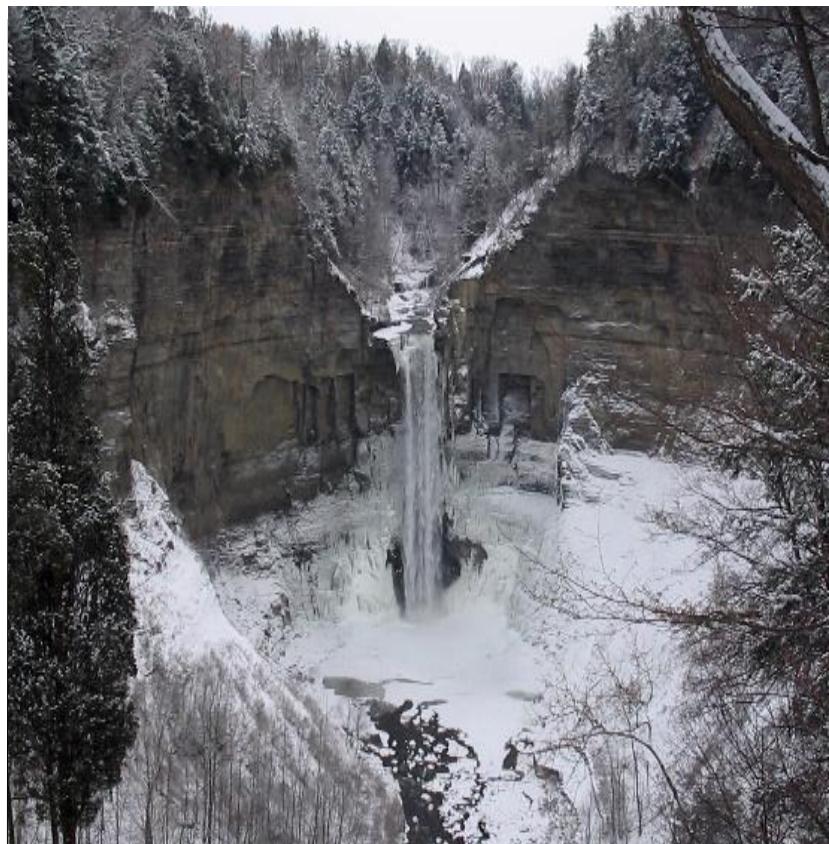
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**Ronald S. Shubert, Esq.**

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# 2026

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### WINTER "PREP FOR SPRING" SERIES - 2026

Zoom events - Topics and below: (6 P.M.) Dates to be announced

- *February 2026 - Landscaping Designs with your Home in Mind*
- *March 2026 - Budgeting Strategies and Reserves for HOAs and Condo Associations*
- *April 2026 - Roadways, Planning and Community Road Safety*

### Ask the Legal Experts - Wednesday May 20, 2026

(In Person Event - Buffalo 6 P.M. to 8 P.M.)

Location TBD

### Annual Board Leadership Training - Saturday, October 24, 2026

(In Person Event - Rochester, 8:30 A.M. to 12:30 P.M.)

Location TBD

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# *Looking Ahead: Opportunities to Connect, Serve, and Grow in 2026*

## *A Message from the President of CAI WNY*

**Dear friends and supporters,**

As we step into the new year, I am filled with excitement and gratitude for the incredible community that powers our mission. Together, we have accomplished so much, and I am thrilled to share upcoming opportunities for you to connect, volunteer, and make a lasting impact in 2026.

### **UPCOMING EVENTS**

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Zoom events - Topics and below: (6 P.M.) Dates to be announced

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Location TBD

### **Volunteer Opportunities**

Our work is only possible with the support of passionate individuals like you. Whether you can ***lend a hand at an event, craft an article for our quarterly newsletter, serve regularly on a committee, or contribute your unique skills***, there's a place for you here.

### **HOW TO GET INVOLVED**

1. Attend any or ALL of our upcoming events!
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Together, we can continue to create positive changes and build stronger communities. Thank you for your commitment and support—I look forward to seeing you at our upcoming events and welcoming new members to CAI WNY!

With gratitude,

***Ron Bucelli  
President, CAI WNY***

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# Getting Spring Projects Right: How Strong RFPs Protect Your Community

Marc Schneider, Esq.

*CEO and Managing Partner at Schneider Buchel LLP,  
Board Member, CAIWNY*

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## Avoiding Litigation Through Professional Specifications

I cannot tell you how many litigations we have represented Boards on where disputes became more difficult to resolve because a contractor claimed, "I did what my proposal said." In many of these cases, while the contractor may have followed the proposal, the proposal itself was technically incorrect or failed to meet professional standards.

Now, we are left bringing in experts to argue why the work was not done in accordance with industry standards. All of this can be avoided with a proper scope in an RFP (that of course is then turned into a proper contract by a community association attorney).

## Ensuring Apples-to-Apples Comparisons

Another frequent issue arises when boards solicit bids that do not follow a uniform structure. When each vendor responds using their own interpretation of the project, comparing proposals becomes almost impossible. Requiring all bidders to follow the same format and bid on the same specifications ensures true apples-to-apples comparisons and strengthens the board's decision-making process.

## Insurance, Licensing, and Liability Protections

Insurance and licensing standards are also critical. Boards should never assume a contractor is properly insured or that their policy covers the specific work being performed. If a vendor lacks adequate general liability or workers' compensation coverage, the association could be left financially responsible for injuries or property damage that occur during the project. RFPs should clearly state the required insurance, including a requirement to name the association and managing agent as additional insureds, and proof should be obtained before any work starts.

## Verifying Experience and Capability

Experience also matters. Boards should require bidders to submit references and proof of experience with projects similar in size and complexity. This eliminates guesswork and reduces the likelihood of hiring a contractor who isn't equipped to handle the job.

## Setting Timelines, Deadlines, and Accountability

Timing is another area that can create trouble when not addressed properly. Spring projects often depend on weather windows, amenity openings, and resident expectations. Without clear start dates, milestones, and completion deadlines, contractors may extend projects, prioritize other jobs, or shift blame for delays. Setting clear scheduling requirements in the RFP as well as possibly including delay damages for not starting and/or completing a project timely can help insure that the project gets done timely.

## Let the RFP Vet Out the Wrong Contractors

While you may be disappointed if a contractor refuses to bid after receiving an RFP, I always say that is typically a very good thing as the contractor who refuses to bid would not likely have done the job properly. The RFP helps you vet out the unqualified contractor.

## Preserving Flexibility: The Right to Reject All Bids

It is also important for boards to reserve the right to reject any or all bids. While this may seem like a technicality, it's a vital legal protection. Without this language, boards may appear obligated to accept the lowest bid, which is not always the best or safest choice. Stating upfront that the board may accept or reject a bid for any reason preserves flexibility and prevents challenges to the board's decision-making. Remember, these are not "public" projects. The Board gets to define its criteria and selection process. Boards are under no obligation to hire any contractor for any purpose.



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Marc Schneider, Esq.

*CEO and Managing Partner at Schneider Buchel LLP,  
Board Member, CAIWNY*

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## Get Your Community Association Involved Early

Finally, boards should involve legal counsel before releasing the RFP to make sure it is a proper legal document. Once a contractor is selected, Boards and their managing agents should also have the contract drafted (or at a minimum reviewed) by a skilled community association attorney experienced in community association contracts. Some words that may seem insignificant can wind up having a major impact if there is a dispute. You also want to make sure the RFP aligns with the community's governing documents, includes appropriate insurance and indemnification requirements, and sets expectations that can be enforced. You don't want to wait until the contract stage to find out that the contractor can't get the required insurance. You would have selected another contractor if you knew at the bidding stage. If the contractor understands the terms from the RFP, entering into a formal contract will be much simpler. After all, a contractor that signs a well drafted contract is one that will likely perform the project properly.

## Conclusion: A Strong RFP Is Your Best Safeguard

Spring is a critical time for community associations in Western New York. Now is the time to act so that you can get them done timely. The proper use of a RFPs can set up your projects and your community for a smooth, successful spring and summer. Investing time in a thoughtful, legally sound RFP process is far cheaper than fixing the problems and getting involved in a protracted legal battle after the fact. I always tell clients it is far cheaper to spend the legal fees to have attorneys involved in RFPs and contract drafting/review than the cost of one dispute. Make sure to add legal fees to your budget when determining the cost of each project and that will help you avoid most post contract disputes. Proper RFPs and contracts are one of the most effective risk-management tools a board has.





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# ***Recipes for Success for the Spring!***

Chad Fetterman, Property Manager at RPG and CAI WNY Board Member

Here in western New York, after a long, cold, and overcast winter we are happy to welcome spring and say goodbye to winter dormancy and the snow and ice. Spring rewards us with green grass, flowers blooming, and trees leafing out. Spring also rewards us with certain fruits and vegetables such as asparagus and strawberries that are delicious when fresh. Now is a great time to take a break from the comfort foods we enjoy during the winter months and switch our focus to the fresh fruits and vegetables that spring provides for us. Whether you are growing them yourself, or finding them at your local farmers market, here are two spring recipes to help you move on from the winter blues and into spring sunshine.

## **Spring Minestrone Soup**

Most of the ingredients to this delicious spring soup can likely be found in your kitchen already. First chop up a couple of onions and cloves of garlic, along with a pound of baby potatoes and ½ pound of artichoke hearts. In a large pot over medium-high heat, add a couple tablespoons of olive oil and sauté the onions and garlic for a minute and then add the potatoes and sauté for another minute. Then add one 15 ounce can of diced tomatoes and a quart of vegetable or chicken stock and continue to cook for approximately 10 minutes. Add one 15 ounce can of chickpeas and 1 cup of peas (fresh or frozen) and cook for another 5 minutes. Continue by adding ½ pound of asparagus cut into 1-inch chunks (you can use purple asparagus if you are lucky enough to find it) and the artichoke hearts. Continue cooking for a couple of minutes and then turn off the heat. Finally add salt and pepper to taste. For a more vibrant flavor, add ¼ cup of pesto. Serve the soup with grated parmesan or pecorino romano cheese.

## **Strawberry Cucumber Salad**

This simple recipe is great for a warm, sunny, late spring meal. Add a combination of 12 cups of arugula and spinach greens to a large bowl and toss with a big pinch of salt and pepper. Then add 2 cups of sliced strawberries, 4 baby cucumbers chopped or sliced, and 1 medium shallot thinly sliced. Crumble 3 ounces of goat cheese on top of the salad. A flavored goat cheese such as honey and herb works well here; however any mild (not sharp) cheese will go well with this salad. Just use whatever you have on hand.

Make a Pistachio Granola by toasting 1/3 cup chopped pistachios, 3 tablespoons sunflower seeds, and 3 tablespoons of oats over medium heat in skillet with olive oil for a couple of minutes. Drizzle in 1 tablespoon of honey, ½ teaspoon of lemon zest, ¼ teaspoon of garlic powder, ¼ teaspoon of salt, ¼ teaspoon of pepper, and ¼ teaspoon of red pepper flakes. Continue to toss the granola for a minute or two, then turn off the heat and let cool. Once cooled, incorporate the granola with the greens and top with your favorite balsamic dressing and serve. You can substitute the granola with a store bought crouton; however the granola is simple to make and I encourage you to take the extra 10 minutes to make it instead of using store bought croutons.

Both recipes are extremely versatile and make a great base to add your own twist on them. Do you like your food a little spicy? Add some cayenne pepper to your soup. Not a fan of spinach? Substitute dandelion leaves in your salad. Spring is the season of renewal and the perfect time to try something new and exciting.

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## *Information on Registered Sex Offenders in the Communities*

**Ronald Shubert, Esq**

Ronald S. Shubert, Esq. is a partner in the law firm of Phillips Lytle LLP. He represents over 400 Community Associations in Upstate New York State.

### **QUESTION:**

A Homeowners son is being released from jail. He is a registered sex offender. We have four questions:

- 1. Must we allow him to live on the property?***
- 2. Can he use all of the facilities such as the pool, club house and exercise room?***
- 3. May we notify the residents of his presence?***
- 4. Can he live in the Unit while his parents are in Florida?***

In New York State, the Sex Offender Registration Act (SORA), commonly known as Megan's Law, outlines the guidelines for notifying communities about registered sex offenders. The following is a summary of the notification procedures and considerations in the State of New York.

### **General Notification by Law Enforcement:**

Law enforcement agencies are responsible for notifying communities about the presence of registered sex offenders.

The level of notification depends on the offender's risk level:

- Level 1 (Low Risk): Law enforcement agencies in the area where the crime occurred and where the offender intends to reside are notified.
- Level 2 (Moderate Risk): Notifications extend to entities with vulnerable populations in the area, such as schools and daycares. Law enforcement can also use their discretion to disseminate information to other individuals or groups.
- Level 3 (High Risk): Notification requirements are similar to Level 2, but law enforcement must issue a news release to local media and can conduct further community notification activities like public meetings or flyers

### **Access to Information by the Public:**

- Sex Offender Registry Online Search: The New York State Division of Criminal Justice Services (DCJS) website maintains an online directory of Level 2 and Level 3 offenders, allowing the public to search for information about these individuals.

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## *Information on Registered Sex Offenders in the Communities*

**Ronald Shubert, Esq.**

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### **Access to Information by the Public: (continued)**

- Toll-Free Hotline: One can also call the Sex Offender Registry hotline at 1-800-262-3257 to inquire about registered sex offenders, including Level 1 offenders (who are not listed on the website). When calling, you'll need the offender's name and at least one identifier such as address, date of birth, driver's license number, or Social Security number.
- Email, Text, Fax, or Telephone Alerts: One can register to receive alerts through the state's NY-ALERT system whenever a Level 2 or Level 3 sex offender moves into or out of a community of interest to you.

### **Important Considerations:**

- While Megan's Law aims to inform the public, it also balances this with the rights of registered sex offenders.
- Information obtained from the registry or through notification processes should not be used to harass or intimidate any individual.

### ***In response to your specific questions:***

1. You must allow the son of the homeowner to live on the property.
2. He must also be allowed to use all of the facilities including the pool, clubhouse and exercise room.
3. As to notification, you may notify the residents that a registered sex offender is living in the community, but you cannot identify him by name, or address. You can refer the residents to the sex offender's registry online search.
4. He can live in the Unit while his parents are in Florida.

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# Understanding Loss Requirements in Today's Market

*Gabriel R. Grimaldi*

In 2025, what the insurance industry once called *loss recommendations* has shifted into something far more serious. It is important for Community Associations to clearly understand this change: what carriers previously treated as optional improvements are now treated as **non-negotiable loss requirements**.

Years ago, carriers might issue a list of suggested upgrades or property maintenance items intended to reduce risk. Those days are gone. With the current hard market and the significant rise in claim frequency and severity, carriers have replaced “recommendations” with strict, enforceable requirements.

## Why Loss Requirements Matter Now

For most General Liability and Property policies, carriers now conduct full interior and exterior inspections—especially leading up to renewal. After the inspection, they issue a loss requirement report outlining the items that must be addressed.

### What to Expect:

- Carriers expect a **formal response and action plan within 30-60 days**.
- Follow-ups often begin **within a few weeks** of the initial list.
- Proof of completion is now mandatory, not optional.

Failure to comply can lead to:

- **Non-renewal at the end of the policy term, or Mid-term cancellation** for more severe or high-priority items.

In other words, ignoring a loss requirement list is no longer tolerated in today's market environment.

## When Carriers Issue Cancellation Notices

If the carrier believes the outstanding items pose a high level of risk, they may issue a **notice of cancellation**. In these situations, the insured typically has **30 days** to complete all required work and submit documentation.

Unfortunately, the list of what carriers consider “critical” has expanded rapidly. Loss control has become a top priority for most insurers, and failing to address these items is treated with the same urgency as non-payment of premium.

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# Understanding Loss Requirements in Today's Market

*Gabriel R. Grimaldi*

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## Common Loss Requirements Carriers Won't Delay

Carriers are paying especially close attention to:

- Sidewalk hazards
- Tree pits
- Parking lot deterioration
- Cracked or uneven concrete surfaces

In the past, carriers would allow cement or exterior work to be postponed until spring. That is no longer the case in many instances. A possible cancellation notice could be issued during winter months for incomplete concrete-related items because slip-and-fall claims have become one of the costliest exposures for insurers.

**At Grimaldi Insurance, our strong recommendation is to hire a licensed, insured contractor and complete these items immediately—regardless of the season.** Waiting until warmer weather is no longer an acceptable plan.

## Can We Shop the Policy Instead of Doing the Work?

You can discuss alternatives with your Account Manager, but it's important to understand the realities: **Shopping does NOT erase the loss requirements.**

In fact, it often makes things more challenging.

Here's why:

- New carriers see all prior loss requirements, non-renewals, or cancellations before quoting.
- Policies with unresolved requirements usually must be placed in the **non-admitted market**, resulting in:
  - Higher premiums
  - More restrictive coverage
  - Additional inspections

And because all carriers are tightening risk-control standards, switching companies simply means you'll receive a **new set of requirements—on top of the old list.** Cement and sidewalk items almost always appear again. In many cases, insureds who switch carriers end up with **longer** rec lists and a higher chance of cancellation. For this reason, we advise completing your current carrier's requirements before exploring other options.

## The Future of Loss Control

Loss control guidelines are evolving rapidly, and we expect carriers to continue increasing enforcement. If you receive something labeled as a "recommendation," assume it is a **requirement** and act accordingly.

## To protect your coverage, please provide:

- Signed proposals
- Contracts
- Paid invoices
- Documentation of progress
- Before/after photos verifying completion

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# Spring Cleaning: Refresh Your Home and Mind

## *Essential Tips, Benefits, and Strategies for a Successful Spring Clean*

As winter fades and the days grow longer, spring emerges as the perfect time to refresh your living space. Spring cleaning is more than just a tradition; it's a chance to declutter, deep-clean, and revitalize your home environment. This article explores the benefits of spring cleaning, provides practical tips, and offers a step-by-step guide to help you tackle the process efficiently.

### **WHY SPRING CLEANING MATTERS**

Spring cleaning is an opportunity to reset both your home and your mindset. After months of indoor living during colder weather, dust, clutter, and grime can accumulate. A thorough cleaning not only improves the appearance of your home but also supports physical and mental well-being. Studies show that a clean, organized space can reduce stress, boost productivity, and even promote better sleep.

### **PREPARING FOR SPRING CLEANING**

Before diving into the cleaning process, preparation is key. Set aside a dedicated weekend or several shorter sessions to avoid feeling overwhelmed. Make a checklist of areas to address, gather cleaning supplies, and consider enlisting help from family or friends.

Supplies to Gather: All-purpose cleaner, disinfectant, microfiber cloths, sponges, mop, vacuum, trash bags, gloves.

Checklist: List all rooms and tasks, such as dusting, washing windows, organizing closets, and cleaning appliances.

### **STEP-BY-STEP SPRING CLEANING GUIDE**

- Declutter First: Go room by room, sorting items into “keep,” “donate,” or “discard” piles. Decluttering helps make cleaning easier and can create more usable space.
- Deep Clean Surfaces: Wipe down walls, baseboards, windowsills, and other surfaces often overlooked in regular cleaning.
- Don’t forget to dust light fixtures and ceiling fans.
- Clean Floors: Vacuum carpets and rugs, mop hard floors, and consider steam-cleaning if possible. Move furniture to reach hidden spots.
- Refresh Fabrics: Wash curtains, pillow covers, and throw blankets. Clean upholstery according to manufacturer instructions.
- Organize Storage Spaces: Tidy up closets, cabinets, and drawers. Use bins, labels, and organizers to keep things neat.
- Sanitize Kitchen and Bathroom: Pay special attention to high-touch areas like countertops, doorknobs, faucets, and handles. Clean appliances inside and out.
- Outdoor Spaces: Sweep patios, clean outdoor furniture, and check gutters for debris if accessible.

### **TIPS FOR STAYING MOTIVATED**

Play your favorite music or podcast while cleaning to make the process enjoyable.

Break tasks into manageable chunks and reward yourself after completing each section.

Set realistic goals—don’t aim for perfection, but focus on improvement and maintenance.

### **BENEFITS BEYOND CLEANLINESS**

Spring cleaning isn't just about tidying up—it's a chance to create a fresh start. By removing clutter and deep-cleaning, you can improve indoor air quality, reduce allergens, and foster a sense of accomplishment. Many people find that a clean home encourages healthier habits and greater peace of mind.

Whether you dedicate a single weekend or spread the tasks out over several days, spring cleaning is a valuable annual ritual. Embrace the opportunity to refresh your surroundings, lighten your load, and welcome the new season with a clean slate. Happy cleaning!

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## THINGS TO DO IN WESTERN NEW YORK IN WINTER 2026

- Visit Niagara Falls and experience the stunning ice formations and illuminated night views.
- Enjoy skiing or snowboarding at Holiday Valley or Kissing Bridge ski resorts.
- Explore Letchworth State Park for winter hiking, snowshoeing, or cross-country skiing. Explore scenic trails at Allegany State Park or Chenango Valley State Park for a peaceful winter adventure.
- Attend the Buffalo Winterfest (Saturday, February 22, 2026) or the Lake Ontario Winter Celebration (January 31 – February 1, 2026)
- Skate at Canalside in downtown Buffalo and warm up with hot cocoa at nearby cafés.
- Take a scenic drive along the Lake Erie Wine Trail and sample wines at local vineyards – check out local ice wine festivals for seasonal treats and entertainment
- Explore the George Eastman Museum and enjoy special winter film screenings and photography exhibits.
- Visit the Buffalo Museum of Science or the Albright-Knox Art Gallery for indoor cultural experiences.
- Cheer on the Buffalo Sabres at a home hockey game or catch a college basketball matchup like UB, or St. Bonaventure or Syracuse!
- Visit the Seneca Park Zoo or the Buffalo Zoo to see cold-weather animals in their element.
- Visit the Albright-Knox Art Gallery or the Buffalo Museum of Science for indoor cultural experiences.
- Try ice fishing on Chautauqua Lake or Lake Ontario.
- Visit the Corning Museum of Glass for glassblowing demonstrations and exhibits.
- Enjoy snowshoeing, cross-country skiing, or winter hiking at Mendon Ponds Park.
- Explore charming towns like Ellicottville or East Aurora, known for their winter ambiance and shops.



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