
AD HOC WORKING COMMITTEE ON CRUMBLING FOUNDATIONS NOTICE AND AGENDA

241 Main Street, 3rd Floor CRCOG Meeting Room

December 12, 2018 1:45 PM

Please note: this meeting follows the CRCOG Policy Board Meeting.

AGENDA

1. Approval of Previous Meeting Minutes from October 3, 2018
2. Updates Superintendent for the Captive Insurance Company
3. Legislative Agenda Discussion
4. UCONN Study Update (if available)
5. Staff updates
 - Testing Program
 - Request for Qualifications
6. Other Business
7. Adjournment

CRUMBLING FOUNDATION AD HOC MEETING
241 Main Street, 3rd Floor CRCOG Meeting Room

Wednesday, October 3, 2018
10:00 AM – 11:00 AM

Minutes (Draft until Approved)

ATTENDANCE

Name	Organization / Town
Steve Werbner	Town Manager, Tolland
Lori Spielman	Ellington
Jeff Currey	State Rep.
John Filchak	NECCOG
John Elsesser	Town Manager, Coventry
Pauline Yoder	CRCOG
Lyle Wray	CRCOG
Jason Lawrence	Assessor, Tolland
Kim Bechard	Assessor, Ellington
Ralph Tulis	Willington
Saud Anwar	Mayor, South Windsor
Emily Boushee	Senator Murphy's Office
Christina Mailhos	Willington
Debra McCoy	Vernon, Ryefield
Marianne Williams	Tolland, CT
Linda Tofolowsky	Stafford
Lynne Morrison	Bolton, Keller Williams Realty
Tim Ackert	State Rep
Daniel Champagne	Mayor, Vernon
Chandler Rose	Assessor, Chapin & Windham
John Rainaldi	Assessor, Manchester
Carolyn Lumsden	Hartford Courant
Len Bestoff	NBC Connecticut
Allison Maynard	Vernon
Kristen Kaskela	Keller Williams / Tri-County Realtors
James Ryan	ICF Supply Co.
Joseph L. Rini	Rini & Associates
Joe Ming	Concrete Solutions
Keven Miller	Tilcon
Don Penepent	Tilcon
Bill Stanley	OTG Industries, Inc.
Joe Ruggiero	Trinity
Alex Saylor	House Republican Office
Jason Pitts	Capital Studio Architects
Derek Miller	Iron Men House Lifting

Members : Andover / Avon / Bloomfield / Bolton / Canton / East Granby / East Hartford / East Windsor / Ellington / Enfield /
Farmington / Glastonbury Granby / Hartford / Hebron / Manchester / Marlborough / Newington / Rocky Hill / Simsbury / Somers /
South Windsor / Stafford / Suffield / Tolland / Vernon / West Hartford / Wethersfield / Windsor / Windsor Locks

Chair Mr. Werbner called the meeting to order at 10:05 AM

1. Approval of Previous Meeting Minutes from June 14, 2018

Ms. Spielman motioned and Mr. Anwar 2nded. The meeting minutes past.

2. Updates from new Department of Housing Crumbling Foundations Advocate

Ms. Holleran introduced herself and gave a brief background and updated the committee on her activities since starting in the Home Owner Advocate role over the summer.

3. Testing Program Update

Ms. Yoder stated that 696 applications had been received and of those 615 had been paid and an additional 31 have been approved pending payment.

One question was asked whether some of those reimbursement were for both visual and core tests. Ms. Yoder stated that there are homes that have had both performed.

4. Request for Qualifications Update

Ms. Yoder announced that the next round of request for qualifications was currently out on the street and are due at the end of October.

Mr. Anwar raised a concern regarding the quality of the contractors and the approval process simply being a filling out of paperwork and then approved. Ms. Yoder stated that each and every application is reviewed by a committee of building inspectors and that there have been vendors who have been rejected. When vendors are rejected they are notified as to the reasons for their rejections. Some have been rejected due to missing information, but others have been rejected based on more substantial reasons.

Mr. Elsesser raised the concern of visual inspections stating that there was an issue but core tests coming back negative. Ms. Yoder said that they are aware of those cases and stated that the engineer in question is not on the qualified vendor list.

Mr. Pitts asked if architectural firms could also be added to the list of qualified vendors. Ms. Yoder stated that it can definitely be looked into for the following round.

Mr. Anwar stated the need for quality control of the contractors on the list and prevent price gouging when the captive comes on line. Ms. Yoder stressed that the request for qualification list is only a very preliminary step and is not a comprehensive list of all qualified contractors nor a guarantee or warranty of the work of the contractors.

Mr. Werbner stated that quality control might really be a state level or Department of Consumer Protection issue and Ms. Holleran volunteered to coordinate with other state agencies on this issue.

Mr. Anwar suggested a cost per square foot to be provided by the contractors.

Ms. Spielman stated that a cost per square foot is extremely difficult because each house is different and there could be unique properties of the house that affect cost (existence and

location of driveways, walkways, septic tanks, maintaining walls, the type of house, etc.). She suggested what would be better is a spreadsheet of costs that contractors would have to follow to allow for consistency across contractors.

Ms. Spielman also stated that if the foundation is being replaced, she would propose that homes with septic also have their septic tank replaced as they are also made from the concrete, and likely the same source.

Mr. Anwar suggested if there was some way of bundling homes (for example, doing the same homes on the same street with the same contractor at the same time), it could be a way to save money in the replacement process.

Dr. Wray stated that given the captive and claims process that will be in place, the market forces should drive prices down.

5. Other Business

- UCONN Testing Study Information (handout only)

Ms. Yoder indicated the handout for the UCONN study that outlines what UCONN intends to do in the next 12 months regarding this issue, which is a scale down version of their original proposal.

- Captive Insurance Update (if available)

Mr. Werbner said that the captive insurance company is going ahead, and the work involved and coordination involved was much more than he had anticipated. He also said that guidelines for applying for the captive would be coming out in mid to late October with a thirty-day comment period to follow. After the thirty-day comment period and tweaking of the guidelines as necessary the hope is to begin accepting applications by end of November. He also said there will be a meeting for town officials to review the guidelines and the website and input process for their input to take place as of now, scheduled for November 1st, which will be confirmed, and the location announced.

- IRS Webinar (handout)

Ms. Yoder announced that the IRS will be doing another webinar on casualty loss deductible. Ms. Debra MacCoy mentioned that her understanding was that the loss deductible did not apply to condominiums and would it be possible to ask the federal delegation to see if there was a way to investigate the possibility of including condominiums in the casualty loss provision. Ms. Boushee from Senator Murphy's office said that Senator Murphy's office would research the issue.

- Additional Business

There was discussion regarding lobbying and additional legislative action that might be necessary at the next legislative session.

Mr. Anwar suggested the possibility of asking CCM and COST to take a larger role. Mr. Werbner stated that CCM and COST support the cause of the group and will do advocacy on

behalf of this issue, but their resources are focused on the priorities of the entire memberships. He also said that there are legislative issues to be watchful of including the bond funds.

Mr. Filchak pointed out that an important element will be the new governor and making sure that select members of the Ad-Hoc Working Committee create the opportunity to sit down with key transition members and key appointees regarding this issue prior to the new governor taking office. He pointed out the committee has been remarkably effective, and it will be important to get in front of the new leadership early and often.

The committee will continue to discuss and see if there are issues that will be needed to be advocated during the next legislative session. Dr. Wray said that right now we are at a monitor stage. Mr. Elsesser said that the captive needs to show some successes prior to being able to go to the legislature for additional legislation.

Ms. Yoder volunteered to be the point for any suggestions for the upcoming legislative session to bring to the committee at the next meeting.

Ms. Reba questioned the status of the quarry / standards committee that was supposed to have a report finished by December but has not met yet. Mr. Currey clarified that one appointment to that group was yet to be made and that is the reason the group has not convened.

Ms. Morrison stated that banks are requiring testing for mortgages but foreclosed homes do not have to have disclosures. Consequently, there is no protection for people who purchase foreclosed homes. Ms. Holleran will research this issue.

A question was asked on whether Mottes was the only company to have this issue as this was something Ms. Stille pointed out at the last meeting of a company that was not Mottes who may have used aggregate from Beckers. There are other companies who did use Beckers' Quarry for aggregate but Mottes clearly had a close relationship with Beckers Quarry.

Mr. Werbner stated that the next meeting will be in early December, date and time to be determined.

6. Adjournment

The meeting adjourned at 11:15 AM.

President's Message

Hello Everyone...I have posted this message on December 10, 2018.

When CFSIC's board met on November 27, we considered the many constructive comments made by homeowners and others during the comment period that ended on November 15. There were a great many of them. The board debated and discussed all of the key changes you wanted us to make. In the table shown below, I have summarized all of the changes in the scope and structure of the program that CFSIC's board voted to make.

Have we been able to accommodate all of the changes you wanted us to make? No. If we had made some of the changes requested, we would have had to personalize the program to too high of a degree, and I know you will understand that the best way for CFSIC to succeed is for us to be guided by objectivity and fairness at all times. Other changes you wanted us to make cannot be accommodated because not only are our funds finite, but also because there is no certainty of our actually getting the specific bonding allotment that the enabling legislation provides for on a going-forward basis.

The result is that some homeowners will be pleased by our changes, and some will not. But I want you all to understand that the changes we've made to the structure of CFSIC and how it will pay claims have been made to enable us to reach more affected homeowners and to distribute funds in the most equitable way we can.

As a result of today's posting of the summary of these changes below, and of our modified complete Underwriting and Claims Management Guidelines, as well as all other changes we've made to this site, CFSIC will officially launch on January 10, 2019...30 days from today.

PLEASE NOTE: you will not be able to apply for assistance from CFSIC until January 10, 2019. The specimen applications that are on this site will not be active until that date and cannot be submitted yet electronically or by printing and completing them, as they are marked "specimen." If you email or call ESIS ProClaim before January 10, they will not respond to your inquiry because they are not on the job yet. If you have any questions during this interim period, please [click here to contact the Superintendent's office \(mailto:info@crumblingfoundations.org\)](mailto:info@crumblingfoundations.org).

Thank you.

Steve Werbner

President, CFSIC

Issue	Old Guidelines	New Guidelines
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<p>1. Acceptable sources of pyrrhotite testing</p>	<p>Testing sources were to come from CRCOG’s list exclusively.</p>	<p>As of program launch, CFSIC will accept: (i) any testing or laboratory source listed on the CRCOG website, or (ii) any test done by an acceptable source of laboratory testing</p>
<p>2. Acceptable sources of visual examination work</p>	<p>Visual examination sources were to come from CRCOG’s list exclusively.</p>	<p>As of program launch and going forward, CFSIC will accept: (i) visual examinations conducted by CRCOG-listed and posted sources; or (ii) visual examinations conducted by any professional engineer licensed in Connecticut.</p> <p>For examinations already conducted and completed prior to CFSIC’s launch, click here to learn more about what’s changed. (/superintendents-update/)</p>
<p>3. No coverage for residential buildings purchased on or after October 31, 2017</p>	<p>These residential buildings were ineligible.</p>	<p>These residential buildings are now eligible under certain conditions. Click here to learn more. (/https://crumblingfoundations.org/getting-started/underwriting-criteria/#grid3)</p>
<p>4. Coverage for residential buildings owned by holders of debt</p>	<p>Guidelines did not specifically address this issue.</p>	<p>Coverage is excluded.</p>
<p>5. First short fiscal year foundation reimbursement (claim Type 2) quota of 8 residential building paid claims</p>	<p>As many as 8 residential buildings were to be reimbursed (paid, in quarterly disbursements) from inception of operations through 6/30/19; going-forward annual quotas were to be determined in May of each year.</p>	<p>As many as 25 residential buildings are to be reimbursed as paid claims, paid in quarterly disbursements, from inception of operations through 6/30/19; and thereafter up to 25 more each remaining fiscal year, ending on 6/30/22</p>

6. Potential migration of a Class 1 severity to a Class 2 or 3 through the passage of time	No provision for this was in the guidelines.	Guidelines have been amended to permit, through a subsequent visual examination report, the accommodation of a change in severity.
7. Homeowners should be able to file for both a Type 1 and Type 2 claim simultaneously	The guidelines were silent on this issue.	This will not be permitted.
8. Warranty by contractor that no aggregate is used or re-used in whole or in part from Becker's Quarry	The guidelines were silent on this issue.	This will be required of all contractors.
9. A visual exam with an assigned severity grading, performed by a Connecticut licensed engineer, as well as a core test, is to be required for all Type 1 applicants	Both were required.	A visual examination will be sufficient to determine a Type 1 claim that is severity coded as either a Class 3 or 2 foundation; however, to register a severity Class 1 claim with CFSIC, a core test must be provided (with a visual test at the option of the homeowner).
10. Exclusion of condominiums or PUDs with five or more living units on one foundation platform	These buildings were ineligible.	These buildings continue to be ineligible until the legislation is changed.
11. Ability for homeowners to make multiple Type 1 or Type 2 claims	The guidelines were silent on this issue.	One residential building per owner of record is permitted.
12. Ability for applicants to file a Type 2 claim for partial work already done, followed potentially by an additional application for the remainder of a Type 2 reimbursement or an actual Type 1 replacement, on the same residential building	The guidelines were silent on this issue.	This will be permitted, subject to the deduction of the claim amount paid for the partial work done from any final Type 2 or Type 1 claim paid, further subject to a deadline of full claim payment on or before 6/30/22, and subject at all times to a single cap of \$175,000 in total expenditure on the residential building

<p>13. CFSIC requires that CFSIC's claim payments be reduced by the value of any claim payments made in whole or in part by an insurer, or by settlements made as a result of litigation</p>	<p>Guidelines indicated that CFSIC's payments were to be reduced by paid claims and legal settlements</p>	<p>This still applies. <u>For further detail, click here.</u> <u>(https://crumblingfoundations.org/getting-started/underwriting-criteria/#grid13)</u></p>
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Connecticut Foundation Solutions Indemnity Company, Inc.

c/o ESIS ProClaim

82 Hopmeadow Street

Simsbury, CT 06070

Need help getting started? (<https://crumblingfoundations.org/faqs/>)

[Privacy Policy \(/privacy-policy\)](#) | [Underwriting and Claims Criteria \(/getting-started/underwriting-criteria/\)](#)

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Travelers Benefit Program: Connecticut Crumbling Foundations

Thank you for your interest in the Travelers Benefit Program, a fund we created to assist our former and current customers with the repair costs associated with pyrrhotite-related damage. The program will supplement the funds provided by the state's [Connecticut Foundations Solutions Indemnity Company](#) (CFSIC) and will officially open on Feb. 15, 2019.

About:

- The Travelers Benefit Program — a \$5 million fund — was created to assist customers in repairing homes with crumbling foundations in northeast Connecticut. The matter stems from concrete contaminated by the mineral pyrrhotite, which can cause foundations to deteriorate over time. The program will officially open on Feb. 15, 2019, and at that time, eligible customers can enroll.

Eligibility:

- Affected customers who participate in the CFSIC program and whose home was insured under a Travelers policy in effect on or before Dec. 6, 2018, will be eligible to enroll in the Travelers Benefit Program.
- Structural repair costs must exceed the funds provided by the CFSIC for the Travelers Benefit Program to take effect. The program will provide current customers up to \$25,000 and former customers up to \$10,000, subject to program terms.

How to apply:

- **Program enrollment will open on Feb. 15, 2019.**
- Prior to Feb. 15, 2019, customers can begin the process by applying for funding through the [CFSIC](#) (to enroll in the Travelers Benefit Program, eligible customers must first enroll with the CFSIC).

Thank you for choosing Travelers. We are committed to finding a solution that will assist our customers dealing with this unfortunate and complex issue.

We encourage you to revisit this site on Feb. 15, 2019 for additional information about the Travelers Benefit Program and to begin the application process. If you have questions in the meantime, please contact us at 1-800-527-2416.

Resources:

- [Travelers press release](#)
- [State of CT press release](#)



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