



Monmouth Way Maintenance Association, Inc.

Resolution to Require the Replacement of Federal Pacific Circuit Breaker Panels

WHEREAS, the Monmouth Way Maintenance Association, Inc. (“Association”), through its Board of Directors (“Board”) is empowered to govern the affairs of the Association pursuant to the Amended and Restated Declaration of Protective Covenants, Conditions, Restrictions, Easements, Charges and Liens (“Declaration”); and

WHEREAS, Declaration, Article X, Maintenance by the Association, Section 10.03(a), which defines the Repairs and Maintenance Which Are Not The Responsibility of the Association, states that “[a]ll maintenance, repairs and replacements to the Units . . . the heat exchangers and compressors/air exchangers (and all pipes, wires, cables, conduits, connections and fittings related thereto) and all pipes, wires and conduits located within or which are part of and service the same Unit, shall be made by the respective Unit Owners at their own expense”; and

WHEREAS, Article VII, Section 7.02 of the Declaration defines the easements for the utilities, pipes, and conduits that are the responsibility of the Unit Owners to include those elements “running from the meters or equipment servicing such units to the Unit;” and

WHEREAS, the Board of Directors interprets the above to mean that all electrical wiring and devices connected to said wiring running from unit’s electric meter, including, but not limited to, the unit’s circuit breaker panel, are part of the unit; and

WHEREAS, Federal Pacific Electric (FPE) "Stab-Lok" circuit breaker panels have been identified by professional home inspectors, electricians, and fire safety experts as a latent fire hazard due to a high rate of circuit breaker failure; and

WHEREAS, Article X, Section 10.04 of the Declaration states that “The Association may establish reasonable schedules and regulations for maintenance, repair and replacement,

which schedules and regulations shall take into account the useful life of the improvements and the Property”; and

WHEREAS, Article VII, Section 7.03 of the Declaration states that “The Board of Directors, Managing Agent or manager and/or other person authorized by the Board of Directors, the Managing Agent or manager, shall have the right of access to each Unit for the purpose of making inspections or for the purpose of correcting any condition originating in such Unit and threatening another Unit or a Common Element”; and

WHEREAS, Article X, Section 10.03(d) of the Declaration states that “In the event that a Unit Owner fails to make any maintenance, replacement or repair to his Unit which is necessary to protect any of the Common Elements or any other Unit, the Board of Directors shall have the right to make such maintenance, replacement or repair upon ten (10) days’ written notice to the Owner . . . and to charge the cost of all such maintenance, replacement or repair to the Unit Owner and to have a lien against the Unit for such cost.”

NOW, THEREFORE BE IT RESOLVED THAT

Hazard Identification: The Board of Directors considers any Federal Pacific Electric circuit breaker panel installed in any Monmouth Way unit to be a hazard threatening the safety of neighboring units and the Common Elements.

Mandatory Replacement: The Board, pursuant to Article X, Section 10.04, hereby requires all Unit Owners whose units contain Federal Pacific Electric circuit breaker panels to have said panels replaced by a New York State licensed and insured electrician.

Deadline for Compliance: All replacements must be completed, and proof of completion (including a copy of the paid invoice and any required municipal certificates) must be submitted to the Managing Agent no later than August 1, 2026.

Right of Inspection: Pursuant to Article VII, Section 7.03, the Board, through its employees, agents, or authorized persons, reserves the right to enter any unit upon reasonable notice to inspect for compliance with this resolution.

Non-Compliance: If a Unit Owner fails to replace the FPE panel by the August 1 deadline, the Board, pursuant to Article X, Section 10.03(d), shall have the right, but not the obligation, to enter the unit to perform the necessary replacement.

Assessment of Costs: In accordance with Article X, Section 10.03(d), all costs incurred by the Board in connection with a forced replacement, including, but not limited to, electrical contractor fees, administrative fees, and legal costs, shall be charged back to the Unit Owner as an Assessment and shall be enforceable as a lien against the unit until paid in full.

ADOPTED this 18th Day of March, 2026