

Bel Pre Recreational Association (BPRA) Board of Trustees Minutes of Meeting of June 2, 2020

1) Call to Order and review of teleconference guidelines

The board convened by teleconference at 7:34 pm.

President Purdy announced that the standard BPRA Board meeting procedures relating to contributions by Association members would be followed:

- 15 minutes are set aside each Board meeting for statements by Association members. This time will be divided evenly between speakers; with a maximum of 5 minutes per speaker.
- Following the Statements by Association Members, non-Board members may only speak if recognized by the Chair of the meeting.

Additionally,

- Participants need to identify themselves when they are talking.
- Participants may be asked to identify anyone who is present with them during the call.
- When not speaking, participants should mute the call on their end to avoid interruptions and unnecessary background noise.

2) Roll Call

Secretary Swan called the roll. Board members present were President Karen Purdy, Vice President Mark Foraker, Treasurer Dave Pullen, Secretary Chris Swan, Ted Bechtol, Steve Jennison, Billy Ruppert, and Larry Vaught. Board member Greg Miller was not present. BPRA members Elliot Chabot (Governing Documents Committee Chair), Gordon Klang (former Board member), Joe Moeller (Pool Property Helpers Coordinator), Carmen and Tom Payerle (new residents) were present. There was a quorum. Secretary Swan took the minutes. Clark Baugher (co-owner of Georgetown Aquatics) joined the meeting during the discussion of COVID-19 issues.

3) Approval of the Agenda

Swan moved that the agenda for the meeting be approved. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

4) Statements by Association Members

BPRA members were invited to speak on any items. Tom and Carmen Payerle introduced themselves. Klang said he had no statement at this time.

5) Approval of Minutes

Action on the May 5 and May 16 Board minutes was deferred to a later meeting.

6) Physical Facilities

a. Status of work to be completed at pool property

Moeller reported that the plexiglass shield has not yet been installed at the check-in desk. Bechtol will repaint the depth markers in the pool. Four gallons of hand sanitizer have been ordered. Kye Pak has put up snow fencing around the pirate ship and the play equipment. Additional fencing is available to surround the pavilion.

b. Parking lot crack filling and basket ball court sealing

Purdy reported that the work on the parking lot and basketball court has been completed.

c. Pavilion chairs and tables purchase proposal

Ruppert presented a proposal for new tables and chairs for the pavilion. After discussion, Pullen moved that up to \$2,352.40 plus tax be authorized for round tables and chairs similar to the current tables and chairs. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

d. Allowance for Pool Property Helpers Coordinator

Moeller reported that a new chlorinator will cost \$300, snow fencing \$100, and the control module for the hot water heater \$112. After discussion of these costs and similar items needed to maintain the pool facility, Swan moved that the Pool Property Helpers Coordinator be authorized to spend (without further authorization by the Board) up to \$1,000 per month for May to September (and up to \$500 per month, with a maximum of \$250 per item for the rest of the year) for items to maintain the facility. The Coordinator is to notify the Board monthly of any expenditure. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

7) Budget and Finance

Treasurer Pullen presented the April 30 Financial Snapshot report, Balance Sheet, and Budget Comparison-Income Statement. The May financials should arrive in June from American Community Management – which will be the last report from ACM, since the contract with ACM is now set to expire on May 31. Pullen reported that the finances are in good shape and nothing is unusual. Pullen has provided the detailed April financial report to former Treasurer Vaught and will provide it to anyone else who would like a copy.

Under the terms of the contract between ACM and BPRa, ACM has 60 days to close out the BPRa's account with Union Bank. Pullen has asked ACM to expedite this and provide BPRa with the funds from the account within 30 days. Pullen reported that the funds in BPRa's SunTrust account are sufficient to cover all costs of the Association.

8) Insurance Policy Revision

Treasurer Pullen briefed the Board on the BPRa's insurance coverage and his discussions with Corrigan Insurance Agency (BPRa's Allstate insurance provider). The Board discussed insurance options. Pullen recommended that the accounts receivable coverage be reduced to \$25,000; the employee dishonesty coverage also be reduced to \$25,000; the bathhouse coverage be increased to the full replacement value; and \$1,000,000 umbrella coverage be added. Earthquake insurance on in-ground pools is not available. For COVID-19 related injuries, Corrigan is seeking guidance from Nationwide, but Corrigan believes that if BPRa follows all County and State regulations the Association should be covered; though the current insurance policy does have an anti-microbial exclusion.

Foraker asked about e-commerce coverage. Pullen responded that the e-commerce provider would carry sufficient protection for the BPRA as its customer. Swan suggested using umbrella coverage to protect against e-commerce liability.

Ruppert moved to approve Pullen's recommended reductions and also approve increasing bathhouse coverage to full replacement value. The motion was seconded, discussed further, and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

9) Bookkeeper RFP

Treasurer Pullen requested that any suggested modifications to the draft request for proposals for bookkeeping services be sent to him by Monday, June 8, at 9 am. Foraker moved that, pending any comments received by the deadline, the Treasurer is authorized to finalize and send out the RFP. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

10) Committee Reports, Administrative Assistant's Report

a. Questions about Reports

No questions.

b. Entertainment and Recreation Committee – calendar changes

Because of COVID-19 restrictions, Swan moved that

- The Motor Driven Band concert be moved from June 20 to August 23; and
- The drive-in movie will be authorized for the parking lot provided that the County Department of Health and Human Services authorizes it.

The motion was seconded, discussed further, and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

11) Georgetown Aquatics update and COVID-19 issues

a. Approval of funds for signs, hand sanitizer and other items

Purdy discussed the need for signage and supplies to be ready to open the pool once the County Department of Health and Human Services gives approval. After discussion by the Board, Pullen moved that up to \$500 be authorized for purchasing initial signage and additional \$150 for signs need later in the season. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

b. Potential COVID-19 scenarios, pool rules, activities and events

Purdy briefed the Board on the SBP Recreational Property COVID-19 Phased Opening Plan developed by the BPRA's Emergency Planning and Response Committee. The Committee is chaired by Nancy Bechtol and has been meeting weekly. Highlights for the first phase included:

- Pirate ship and playground closed
- Baby pool closed
- Hand sanitizer to be made available

- Social distancing (everyone at least 6 feet from anyone not a member of their household)
- The main pool is to be divided into 13 slots: 6 swim lanes, a seventh lane as a walking area, and 6 additional squares. Each slot would be usable for 1¼ hours followed by 15 minutes when the entire pool is to be clear. The pool deck would be partitioned with spaces associated with each slot.

Purdy reported that the Montgomery County Department of Health and Human Services (HHS) hopes to issue regulations tomorrow on how many people are allowed on the pool grounds. The regulations are expected to be based on the square foot measurement of the surface of the pool.

Ruppert volunteered to assist with assignment of slots. Baugher indicated that enforcement of the rules (including rules limiting the number of people in the pool and restrictions being in unauthorized locations) is a responsibility of the lifeguards in the lifeguard chairs, but that he would add additional support if that proved to not be sufficient. Baugher indicated that since the pool will be opening later than normal, there are funds available for additional staffing.

Baugher recommended closing half of the showers and toilets, bagging all of the water fountains, and not draining the baby pool (at least initially). He also noted that it may become necessary to have an exit from the grounds that is separate from the entrance. Baugher reported that the County HHS Has inspected the pool, but has not yet issued a written report. Based on the inspector's comments, Baugher believes that there may be a requirement to repaint the depth markings and to repair the underwater lighting. Baugher indicated that some of the swim clubs that he operates are planning to open their snack bars using a carry-out model.

The Board discussed at length the age cut-off to require youngsters to be accompanied. Foraker spoke about the need to have an education campaign about this year's COVID-19 rules. Purdy indicated that there will need to be weekly BPRA meetings to review the rules and make adjustments as circumstance change. Additional issues needing to be resolved are admission procedures, non-swimmers, and the scope of the Swim Team activities.

12) Snack Bar update

Jennison reported that he has had further discussions with Rod Oo about Oo operating the snack bar this summer. A revised proposal has been provided to Oo. Jennison has encouraged Oo to propose whatever changes he would like to the proposal. Oo would like to provide service 4 days per week, 4 to 5 hours per day. Pullen requested that there be consistent hours. Purdy requested that the proposal provide enough flexibility so that Oo can try it out this summer and if it does not work, Oo can come back next year when hopefully things will be more normal. Purdy also requested that the hours be at least posted a week ahead of time. Jennison agreed to draft a short proposal for Oo, based on the Board's discussion.

13) Guidelines for relief from late fees and assessment assistance

Finance Committee Chair Pullen briefed the Board regarding the Finance Committee's draft of the Relief from Late Fees and Assistance with Assessment Payments Policy. Pullen reported that 67 households have not paid this year's assessment and 25 households have made partial payments. After

discussion, Swan moved that the Board approve the Relief from Late Fees and Assistance with Assessment Payments Policy as proposed by the Finance Committee [see Attachment 1 of these minutes]. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

President Purdy announced that she was appointing Vaught, Ruppert, and Pullen to serve on the Assessments Assistance Committee, with Pullen to serve as Chair. Purdy submitted a motion to approve the appointments. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

Purdy announced that all outstanding requests from BPRA members for assessment late fee relief or payment plans are now referred to the newly created Assessments Assistance Committee.

14) Extension of meeting

Purdy noted that the adopted agenda provided that the meeting was to end by 9:30 pm unless the Board voted to extend it. Purdy moved to extend the meeting to 10 pm. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

15) Executive Session

Purdy moved that the Board go into executive session pursuant to § 111(4)(iv) and (vi) of the Maryland Homeowners' Association Act to consider the terms and conditions of a business transaction in the negotiation state where the disclosure could adversely affect the economic interests of the Association and to consult with Board members and the Chair of the Governing Documents Committee concerning a matter of potential litigation. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, Swan, and Vaught in favor, and none opposed.

The Board went into Executive Session at 9:45 pm.

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The Board exited Executive Session at 10:25 pm.

16) Short term bookkeeper proposal

Pullen moved that the Board offer Rita Vaught \$20 per hour (with a maximum of \$800) to rebuild the BPRA's QuickBooks database. Pullen noted that the cost is below market rates. Rita Vaught is the wife of Board member Larry Vaught. The motion was seconded and approved, with Bechtol, Foraker, Jennison, Pullen, Purdy, Ruppert, and Swan in favor, none opposed. L. Vaught abstained.

17) Member covenant request issue

President Purdy reported that Association member Gordon Klang has asked that the BPRA send a copy of the covenant language concerning fences to his neighbor. The Board declined to get involved in this issue, unless Klang would like a BPRA Board member to join him in a discussion with his neighbor.

18) Adjournment

There being no further business, the meeting was adjourned at 10:31 pm. The next Board meeting is scheduled for Tuesday, June 16, at 7:30 pm, by teleconference (or at the pool pavilion, if that is allowed by the County).

Respectfully submitted,

-- Chris Swan, Secretary

Exhibit 1

Relief from Late Fees and Assistance with Assessment Payments Policy amendments

a. BPRA Annual Dues Collection Policy

The Finance Committee recommends that the Annual Dues Collection Policy be amended by adding the following new items:

- subsection (4) to § A; and
- sections C and D
-

to deal with requests for relief:

(1) New § A(4):

(4) For purposes of this policy, any payment is deemed to have been made and received as of the earlier of:

- i. the date that the envelope transmitting payment arrived at the BPRA's post office box;
- ii. the legible U.S. Postal Service postmark date on the envelope transmitting the payment;
- iii. if paid by electronic means, the date the transaction is posted by the agent/program designated by BPRA for receipt of on-line payments. For purposes of this determination, an electronic/on-line payment means a service whereby the homeowner uses a debit/credit card to make payment, which is posted/date-stamped by the receiving entity. Paper checks issued by banks or other providers and that are mailed or otherwise delivered to BPRA are not "electronic payments" for purposes of this subsection.
- iv.

(2) New §§ C and D:

C. Requests for relief

- 1) A homeowner may request that the late fee be waived, and/or to pay the assessment over time, on a payment plan.
- 2) Only homeowners in good standing may request relief. Good standing means that the homeowner is current with prior assessment payments, and has no remaining unpaid, prior-year assessments, fees or interest.
- 3) It is the BPRA Board's preference that:
 - i. any request for relief be filed prior to the deadline for "timely" payment (historically fixed as March 31st);
 - ii. any request be accompanied by a good-faith payment of at least one-third of the Annual Assessment amount;

- iii. any request be submitted in writing;
- iv. any request uses the BPRA relief form found on the StrathmoreBelPre.org website; and
- v. any request is to be submitted via first class mail or e-mail.
- vi.

D. Criteria for Relief

- 1) Payment of the full assessment and interest are required under the Covenants and by order of the Montgomery County Commission on Common Ownership Communities.¹
- 2) Payment of the Annual Assessment may not be waived and must be paid in full.
- 3) Simple interest (generated per month) also may not be waived,
- 4) Relief is limited to:
 - i. terms providing the homeowner additional time in which to make payment before the BPRA files a lien on the property; and/or
 - ii.
 - iii. full or partial waiver of the 10% late fee.
 - iv.
- 5) Payment Plans - Except for extraordinary circumstances, the maximum amount of additional time to be granted for payment is not to exceed 5 months (i.e., payment-in-full must be realized no later than August 31 of the current Assessment year).
- 6) Standing with the Association – Where a payment plan has been agreed to by the homeowner and the Association, the homeowner will remain in good standing with the Association, subject to satisfactory performance of the payment plan. The homeowner will maintain the right to access and enjoy the privileges and benefits of the Association, subject to their satisfactory performance of the payment plan.
- 7) Failure to abide by the terms of any agreement/payment plans negotiated by the Association and the homeowner will result in immediate acceleration of the remaining balance due and create a default.
 - i. Upon default, the total/remaining balance will be due, and payable immediately.
 - ii. Upon default, the homeowner’s right to access and enjoy the benefits and privileges of the Association will be suspended until the account is paid in full.
 - iii.

¹ Article V, § 1 of the Strathmore Bel Pre Covenant of March 13, 1968, requires that each homeowner pay the annual assessment (and any special assessments) and requires that the assessments are to be uniform for each lot. Sections 7 and 9 of that article specifies that the annual assessment is due on March 1 of every year, and that if the homeowner fails to pay the annual assessment within 30 days, that the debt bears 6% interest and the BPRA may take legal action to recover the debt and collection costs and to place a lien on the property.

In *Ramsay v. BPRA* (Case No. 369-0), pp. 12-13, the Montgomery County Commission on Common Ownership Communities ruled that since the 1968 Covenant says that the delinquency “shall” bear interest, the BPRA does not have the option of waiving it.

8) The BPRAs Assessment Assistance Committee is authorized to negotiate and approve payment plans and release of late fees on behalf of the BPRAs. In deciding whether to grant a homeowner's request for relief, the Committee will treat all such requests and supporting material from the homeowner, as confidential personal financial records. The Committee will not provide these records (or any information contained in those records) to the Board (or any other person) unless the homeowner has, in writing, authorized such dissemination.

9)

10) In deciding what relief, if any, is appropriate, the Assessment Assistance Committee may require such proof as it deems necessary and appropriate to ascertain that one or more of the following circumstances/conditions are present.

i. Communication Issues

- (a) Failure by the BPRAs to send the notice of the Annual Assessment to the correct address and homeowner, when the homeowner had previously provided the correct information.
- (b) The presence of a Power-of-Attorney making a third-party, unknown to BPRAs, responsible for making financial decisions and/or executing financial transactions (a "caretaker") on behalf of a BPRAs homeowner.
- (c) A change in ownership of a homeowner property, unknown to BPRAs, has precluded receipt of the Annual Assessment notice by the new owner(s) in time to allow payment within the established grace period.
- (d)

ii. Financial Distress

A homeowner may request relief for some unforeseen, short-term economic distress, which is unlikely to continue beyond 6 months in duration. Such distress can be the result of:

- (a) Loss of income as a result of job loss or limitation (e.g., temporary closure or reduction in hours) that results in a reduction of 10% or more of anticipated income for the year.
- (b) Loss of income as a result of failure to receive expected income from another party arising out of a legal settlement, decision, or valid court order.
- (c) Unforeseen medical expense associated with medically necessary treatments or procedures, excluding any "elective" procedures.
- (d)

11) Decisions on Appeals - Decisions shall be binding upon the homeowner, subject to appeal of the decision to the full Board of Trustees. Appeals shall be anonymous or an identified basis. Homeowners who choose to be identified shall acknowledge in writing the release of private financial records to the Board.

b. BPRAs Plan of Organization

To implement the above amendment to the Annual Dues Collection Policy, the Finance Committee recommends that the BPRA Plan of Organization be amended by adding a new § 7B and adding a new clause (8) to § 1(a).

The proposed new § 7B would read:

Assessment Assistance Committee.

The Assessment Assistance Committee will:

- (1) consist of the Treasurer and two Board members (not including the Treasurer) appointed by the President, with the approval of the Board;
- (2) carry out those duties specifically delegated to it by the BPRA's Annual Dues Collection Policy;
- (3) provide the Board with a regular report on the decisions of the Committee. Reports shall be transmitted in such a manner to preclude a reasonable person from deducing the identify(ies) of any requestors; and
- (4) advise the Board on proposed changes to the payment relief provisions of the Annual Dues Collection Policy.
- (5)

The proposed new clause (8) to § 1(a) would add the Assessment Assistance Committee to the list of committees.