

Bel Pre Recreational Association, Inc. – Board of Trustees Meeting February 6, 2024

1. Call to Order
 - President Karen Purdy called the meeting to order at 7:30 PM.
2. Roll Call
 - Claire Pak took attendance.
 - Karen Purdy (President), Jay Staggs (Vice President), Claire Pak (Secretary), Dave Pullen (Treasurer), Charlie Meininger, Rod Oo, Andy Popadich, and Ted Bechtol were present. Board Member Christine Tyler Pell was absent.
 - Association members Elliot Chabot (Governing Documents Committee Chair) and Joe Moeller (Pool Property Coordinator) were also present.
3. Approval of Agenda
 - Claire Pak made a motion to approve the agenda. Jay Staggs seconded.
 - Purdy, Staggs, Pullen, Pak, Meininger, Bechtol, Popadich, and Oo voted in favor. None were opposed. The agenda was approved.
4. Conflict of Interest Disclosure
 - Karen Purdy read the standard request for COI disclosures: Based on the agenda just approved, or any new business that a Trustee intends to raise at this meeting, does any member perceive the need, or intend, to declare a conflict of interest, as that term is defined in the BPRC Conflict of Interest Policy, with any item proposed for discussion or decision at this meeting?
 - Jay Staggs and Claire Pak both declared potential conflicts arising from their children's summer employment with Georgetown Aquatics.
5. Statements by Association Members
 - Karen opened the floor for statements by Association members. No statements were made.
6. Approval of Minutes
 - Jay Staggs offered a motion to approve the minutes of the January 4, 2024 Board meeting. Ted Bechtol seconded. Purdy, Staggs, Pullen, Pak, Meininger, Bechtol,

Oo, and Popadich voted in favor. None were opposed. The minutes were approved.

7. Physical Facilities

- Pool Property Coordinator Joe Moeller provided an update on the roof. We are continuing with temporary fixes and sealants - a temporary “band-aid.” Joe said that we will soon need to consider a permanent repair or roof replacement. Jay thinks we can continue to seal for a while; Ted believes we need to proceed with a major repair or replacement as soon as possible. We discussed the question of another flat roof vs. a pitched roof - contractors recommend the latter. Joe will begin seeking quotes for roof replacement.
- Joe will take care of the electrical issues in the snack bar.
- Karen spoke with the Durans this week; they are planning to operate the snack bar again this year, pending assurance that the air conditioning will be fixed.
- Discussed replacing the existing water fountain, which leaks, with a water fountain & bottle filler combo.
- Joe will provide cost information on the snack bar A/C repairs and water fountain at the March meeting.

8. Tennis/Pickleball Court Keys

- Dave said that the subject of rule enforcement for the tennis courts came up at a recent Governing Document Committee meeting. The Tennis and Pickleball Committee now recommends that the courts should be re-keyed. Approximately 200 tennis/pickleball court keys are in circulation; many of these key holders have moved. Lock replacement is not expensive, but key replacement will add up - assuming immediate replacement requests for 150 keys at \$4/key, for a total of \$600.
- Jay suggests that a key re-issue is a good opportunity to remind members of the rules and procedures for using the courts. Members would need to sign an agreement to adhere to the rules when requesting a new key.
- Karen suggested looking into bulk replacement, which will likely reduce the per-key price.
- Dave Pullen offered a motion to change the tennis/pickleball court lock and order an initial supply of keys at a cost not to exceed \$500 (including the lock replacement). Jay Staggs seconded. Purdy, Staggs, Pullen, Pak, Meininger, Bechtol, Oo, and Popadich voted in favor. None were opposed. Dave is authorized to proceed with changing the lock and ordering new keys for the tennis court. He will hold off until summer and will distribute the new keys before the locks are changed.

9. Proposed Georgetown Aquatics Contract 2024

- Jay Staggs sent a copy of the proposed contract earlier today. Following a discussion with Jeff Popera of Georgetown Aquatics, Jay recommends that we incorporate the 2020 RFP language, but he is otherwise satisfied with the proposed contract and recommends that we proceed with approving it.
 - i. Question on items 13 and 14, regarding GA's right to terminate the contract for failure to pay - Dave reminded us that we cannot pay GA until we receive an invoice, and GA has not always provided an invoice in a timely manner.
 - ii. Question regarding amendments - not all mentioned are attached. Jay will correct the language.
- Jay made a motion to approve the contract, pending updated language (RFP language incorporated by reference and amendments). Dave Pullen seconded. Purdy, Staggs, Pullen, Pak, Meininger, Bechtol, Oo, and Popadich voted in favor. None were opposed. The Georgetown Aquatics contract for summer 2024 was approved. Karen reminded Dave and Jay that both the President and the Secretary will need to sign the contract.

10. Zoom Account

- The SBP Civic Association suggested that the SBPCA and BPRA get a professional Zoom account, to share, including sharing the cost.
- Annual cost is approximately \$160 for the year.
- Jay moved to proceed. Ted seconded. Purdy, Staggs, Pullen, Pak, Meininger, Bechtol, Oo, and Popadich voted in favor. None were opposed. Dave will contact the Civic Association to notify them.

11. Welcome Committee

- Association member Suzanne Lawson has offered to establish and run a Welcome Committee. Previous discussions of this proposal have covered privacy concerns (sharing contact information of new homeowners) and funding. No funding is currently authorized for Welcome Committee expenses. We discussed the possibility of sharing information with the Welcome Committee, assuming that Suzanne will not visit new neighbors unless they are interested in a visit. Jay and Charlie share a concern about sharing other people's information. Karen agrees. Elliot says that Suzanne would be acting as a BPRA appointee, and so we are not technically "sharing" information. Suzanne would have access to names and contact information as part of her official duties.
- We discussed other ways to contact and communicate with new members - a refrigerator magnet with names and contact and web information, *Bugle* advertisements, handouts at the pool, Spring Thing table - most of these are "passive" opt-in options that allow new members to decide for themselves how engaged they want to be.

- Jay made a motion that we should not share personal information with the Welcome Committee. Andy seconded. Purdy, Staggs, Pak, Meininger, Oo, and Popadich voted in favor. Pullen and Bechtol were opposed. The motion passed, and we will not share new homeowner contact information with the Welcome Committee.

12. SBP Dolphins Calendar (facilities use request)

- Karen had previously distributed the schedule. It is very similar to schedules for recent years - A meets (Saturday morning), B meets (Wednesday night), pasta parties, banquet, morning and afternoon practices, and Masters' swimming (morning only). There may also be an additional 4th of July morning event.
- Jay Staggs moved to approve the Dolphins' calendar and facilities use request. Claire Pak seconded. Purdy, Staggs, Pullen, Pak, Meininger, Bechtol, Oo, and Popadich voted in favor. None were opposed. The Dolphins summer 2024 facilities use requests are approved.

13. Collections Policy Update

- Elliot Chabot provided an overview. The Governing Documents Committee reviewed our collections policy, with a view toward updating it to address habitual delinquents. Currently, we send a series of three letters, and then the account is referred to Thomas Schild Law Group (the BPRAs legal counsel, hereinafter referred to as "Schild").
- The practical problem is that we have a number of habitual late- and non-payers. Treasurer Dave Pullen questions the wisdom of continuing to send three warning letters to members who have ignored such letters in previous years.
- Additional background on dues collection policy.
 - i. Section A(2) of the Collections Policy indicates that the annual dues are set by the Board each year within the cap set by the general membership. That was the process when the Policy was originally adopted. Since that time, the State Legislature amended the Maryland Homeowners Association Act to require that HOAs have a reserve study conducted at least once every 5 years and that the governing body of each HOA must fully fund the amounts required by the reserve study, notwithstanding any other provision in the HOA's governing documents. Section A(2) of the BPRAs policy should be updated to reflect the change in state law.
 - ii. The Governing Docs Committee also suggests that we add a provision to the Collections Policy, directing the Treasurer to notify the Montgomery County Department of Housing and Community Affairs of any homeowner who is more than 30 days in arrears. [Section 29-19\(e\)](#) of the Montgomery County Code prohibits the County from issuing a rental license for a property more than 30 days in arrears of their HOA dues; and also allows the HOA to charge up to \$25 for certification.

- iii. The [Maryland Homeowners Association Act § 11B-112.1](#) allows an HOA to impose a late fee of up to “one-tenth of the total amount of any delinquent assessment or installment, . . . , provided the charge may not be imposed more than once for the same delinquent payment and may be imposed only if the delinquency has continued for at least 15 calendar days.”
- iv. If the homeowner was up-to-date on payments for prior years, but made only a partial payment for this year, clarify that the 10% late fee only applies to the balance owed.
- The Governing Docs Committee recommended a change to our policy on referral to Schild. If a household’s prior year assessment is still pending with Schild, and that household fails to pay the current year assessment, then they are immediately (April 1, following the end of the grace period) referred to Schild for collection action.
- Jay offered a motion to adopt the recommendations of the Governing Documents Committee (which were emailed to the members of the Board on January 19, 2024). Dave Pullen seconded. Purdy, Staggs, Pullen, Pak, Meininger, Bechtol, Oo, and Popadich voted in favor. None were opposed. The Governing Documents Committee’s recommendations are adopted.

14. Draft ADU Policy

- Governing Documents Committee Chair Elliot Chabot provided background on the current County ordinance on Accessory Dwelling Units (ADUs).
- Homeowners who are applying for an ADU license must certify that their ADU plans conform with their HOA’s land use rules (number of buildings on a property, location, architecture, building materials, etc.)
- As a Recreational Association, we don’t normally get involved in enforcement of land use covenants (individual homeowners in Sections 1-10 and 21, however, can sue neighbors who make changes to their properties in violation of the covenants). In this case, though, homeowners can’t go forward with ADU applications without an assurance from the HOA that they are in compliance.
- The current County ordinance on ADUs was adopted in 2019. We have had only three applicants in Strathmore Bel Pre so far; two of those were parts of the southern end of the community where land use covenants do not apply.
- The Governing Documents Committee draft which was distributed to the members of the Board on January 21, 2024, is built around acknowledging that an ADU application is in compliance if the unit will be occupied by a member of the family who occupies the house, is not income-generating, is part of the original structure (not a separate building), and is architecturally consistent with the rest of the house. The full text of the recommendation is attached.

- The draft, in section (e)(1)(B), reads “The Accessory Dwelling Unit must be rented separately from the entire house” Elliot clarified - this is an error: “must” should be replaced with “will not.”
- Ted Bechtol offered a motion to approve the Governing Documents Committee’s recommendation (with “must” being replaced by “will not”), Jay Staggs seconded. Purdy, Staggs, Pullen, Pak, Meininger, Bechtol, Oo, and Popadich voted in favor. None were opposed.

15. Financial Review / Audit

- Dave Pullen provided background. Our bylaws require an annual review or audit. We have been actively seeking a firm to assist. Cost \$7000. Bylaw states “an accounting of the financial records,” and does not specify that it be an “audit.”
- Dave recommends that we establish a policy - a full audit every five years, financial review annually in the intervening years; with the next full audit to be conducted next year.
- Dave Pullen made a motion that the Board interpret Article XII, Section 2(d) of the By-Laws as satisfied by a process in which a CPA performs an annual review of our finances, with a full audit every fifth year. Jay Staggs seconded. Purdy, Staggs, Pullen, Pak, Meininger, Bechtol, Oo, and Popadich voted in favor. None were opposed. The proposal was adopted.

16. Budget and Finance

- The Board has more than sufficient funds to run our business. Assessment payments are coming in (143 have paid so far). Monthly financial statements will be provided as soon as Rita Vaught returns from travel.
- Schild has recommended that we initiate action against two of our delinquent accounts. Jay moved. Andy seconded. Purdy, Staggs, Pullen, Pak, Meininger, Bechtol, Oo, and Popadich voted in favor. None were opposed. Dave is authorized to instruct Schild to move forward with legal action.
- There was a brief discussion of a possible membership drive. Currently approximately 70 non-member properties are eligible for BPRA membership. In the past, we have offered “test” membership for a season to allow prospective members time to consider joining the Association. Dave recommends that we give serious consideration to a membership drive.

17. Meeting time. Karen requested a motion to extend to 9:15. Jay made the motion. Andy seconded. Purdy, Staggs, Pullen, Pak, Meininger, Bechtol, Oo, and Popadich voted in favor. None were opposed. The meeting was extended to 9:15.

18. Committee Reports

- Recreation and Entertainment (Spring Thing). Elliot said that former Recreation and Entertainment Committee Chair Chris Swan asked him to remind the Board that if we plan to host the Spring Thing this year, we need to begin planning, especially if we want assistance from the Scouts. Charlie Meininger volunteered

to take over as Recreation and Entertainment Committee Chair, and will reach out to Chris to get her notes from previous years.

19. Update on Pool Break-In

- Karen spoke to the homeowner whose family member was involved in the incident. They apologized and agreed immediately to cover the cost of repairs. Joe Moeller will keep track of expenses, and will prepare an itemized bill for Karen to present.

20. Other Business

- There was no other business.

21. Adjournment

- The meeting adjourned at 9:15 PM.
- Next meeting: March 5, 2024, 7:30 PM, via Zoom.