

BPRA Committee Reports and Updates for the April 2021 BPRA Board of Trustees Meeting

These updates are distributed to the BPRA Board prior to the monthly meetings and included with the minutes.

1) Pool & Recreational Facilities Committee (Phil Kominski, Chair):

The Board previously adopted the 2020 COVID Rules and Procedures for summer 2021. Updates to rules and procedures will be made based on the evolution of the COVID situation. Karen has asked Emergency Response and Planning Committee Chair, Nancy Bechtol, to convene the committee to discuss pool operation rules and procedures for 2021. kp

Rod Oo plans on running the snack bar this summer. Steve Jennison is the Board point of contact and will work with Rod to develop a contract. kp

The Filter Housing Project is essentially complete. kp

The first pool property walk through of the season is scheduled for April 10, 2021 at 9am.

Phil has reached out to Georgetown Aquatics to discuss pre-season work and other items as necessary.

2) Entertainment & Recreation Committee (Chris Swan, Chair):

a. Movies at the Pool Parking Lot

The May 1 movie will be Guardians of the Galaxy vol. 2.

b. Summer Market & Yard Sale

Because of the pandemic, the Civic Association will not be holding the annual Summer Market and Yard Sale this June 5. If conditions improve, the Civic Association would like to hold the event in September in the pool parking lot.

3) Neighborhood Dispute Resolution Committee (Chair TBD):

Nothing to report. kp

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4) Finance Committee (Dave Pullen, Chair):

a. Bookkeeper

I have conversed with a friend who is a former Vice President of the MD Assoc. of Non-Profit Accountants and he believes he can identify 2-3 firms/candidates suitable for our needs, which would allow us a representative sample from which to determine next steps.

b. 2021 Assessment Collections

As of 3/31, we have received payments from 606 homeowners (85%). Of these, 84% were paid by paper check and 16% by online payment.) (FYI: will report updated numbers verbally at the 4/6 Board meeting.)

c. Overdue Collections/Schild Law Group (Dave Pullen):

1. Collections activity continues; Schild firm has secured a number of payment agreements and outreach to realtors/settlement companies has generated settlement/closing payments as well. At the April meeting, the Board will discuss/decide SCHILD's request to file suit against a number of delinquent homeowners.....

d. Assessment Assistance Committee (Dave Pullen)

One application is pending. It was received 4/2 and will be decided shortly.

e. Roll-out of Electronic/on-line Pool Management Services (eSoft) (Dave Pullen)

Online payment system has been operational since mid-February 14. To date, 13% of homeowner assessment payments have been made online. A number of homeowners have created accounts, but not taken the next step to purchase a specific pool membership type (Household or Season Passes), which is what triggers specification of payment of the Assessment (either online or by check). The online payment system will go "off-line" on, or shortly after, April 1st to allow volunteers to complete the "onboarding" process (upload of those homeowners who have not yet acted to create an account in eSoft), and assist homeowners in initiating/completing the online registration process. Another ZOOM session is planned for those homeowners desiring guidance.

f. Audit Coordinator (Mark Foraker):

The audits are in process. Mark is in the process of coordinating with Dave Pullen and Larry Vaught to start work on the financial requests from the auditor and a revised timeline will be given once available.

f. Budget Planning (Dave Pullen)

Nothing further expected until August-September timeframe for drafting next year's budget.

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5) Governing Documents Committee (Elliot Chabot, Chair):

a. HOA document requests

Requests for HOA documents, etc. handled by the Chair of the Governing Documents Committee (March 2021):

1. 2605 Baywood Court - roof covenants
2. 2800 Bel Pre Road - status of accounts
3. 2917 Birchtree Lane - HOA documents
4. 2948 Birchtree Lane - status of accounts
5. 3224 Birchtree Lane - HOA documents and information on dues, member privileges, community directory, listserv, HOA management company, and placement of real estate signs.
6. 13905 Blair Stone Lane - HOA documents and fence and solar panels covenants
7. 13904 Broomall Lane - certificate of insurance
8. 1951 Catoctin Terrace - requested certificate of insurance (not a Strathmore Bel Pre property -- recommended that they contact the Layhill Village East Homeowners Association)
9. 13507 Rippling Brook Drive - new BPRA property (was an opt-in property)

b. Proposed amendments to the Plan of Organization

At its February 2, 2021, meeting, the Board tasked the Governing Documents Committee with conducting a review of the Plan of Organization and presenting the Board with its recommendations. The Committee met on February 16, February 25, and March 25 to discuss proposed changes to the Plan. Substantial progress has been made, but the Committee is not yet ready to submit a final draft to the Board. The Committee will be meeting again in early April and hopes to have a draft ready well in advance of the Board's May meeting.

c. Documents Retention Policy

The Governing Documents Committee needs to finish drafting the Documents Retention Policy.

d. Conflict of Interest rules

At the January 5, 2021, Board meeting, the Governing Documents Committee was assigned to develop a written policy on conflicts of interest. The BPRA's current rules dealing with conflicts of interest, bad faith, and similar topics are set out in:

- *Henry v. Guirand*, Maryland Court of Special Appeals case no. 2325, January 19, 2014;
- Maryland Corporations and Associations Code, §§ 2-405.1 and 2-419; and
- BPRA By-Laws, Article XII, § 3.

These rules, as implemented by the Board in recent years can be boiled down to:

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- A member of the Board must abstain from voting on any proposal that would personally benefit the Board member or any member of the Board member's family. Likewise, a member of a committee must abstain from voting on any proposal that would personally benefit the committee member or any member of the committee member's family.
- A Board member should also refrain from advocating for any proposal that would personally benefit the Board member or any member of the Board member's family. Likewise, a committee member should refrain from advocating for any proposal that would personally benefit the committee member or any member of the committee member's family.
- When anyone has been authorized by the Board to spend BPRA funds (or to authorize the expenditure of BPRA funds), that person may not – without specific authorization from the Board – personally benefit from the expenditure (nor may members of their family).
- A Board member (or a committee member) who would benefit personally (or where a member of the person's family would benefit personally) from a proposal before the Board (or before any committee that the person is a member of) must disclose that to the Board (or committee) before action is taken by the Board (or committee) on the proposal. The disclosure should be included in the minutes of the meeting.
- A proposal that would benefit the entire community, but only incidentally benefits members of the Board or a committee (e.g., setting the date for the pool to open to the entire membership) is not a personal benefit to the Board or committee member (or their family).
- An appointment to a position that does not receive compensation is not a personal benefit to the person being appointed.
- Where the BPRA has a history of purchasing a service from a person who is not a Board member, the Association may purchase that service from a Board member (or a Board member's family), if the amount charged the BPRA is significantly less than the Association was previously paying. In that situation, the Board member must abstain from voting on the proposal, should not make the motion to accept the proposal, and should not participate in the Board's discussion except to answer questions from other Board members.

Other provisions to consider:

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- Each member of the Board to annually sign a statement that they have read and understand the conflict of interest policy. [Suggested at the Board's January 5, 2021, meeting]
- **NEW:** If a Board member (or committee member) has initiated legal action against the BPRA, then that member may not attend closed meetings of the Board (or committee) where the legal action is being discussed, but they may attend open meetings. [The Montgomery County Commission on Common Ownership Communities in *McBeth v. Fountain Hills Community Association*, CCOC case no. 52-12, January 3, 2013, recognized that HOAs have this authority.] Meetings of the Board or of committees may only be closed when they are in compliance with Maryland Homeowners Association Act § 11B-111.

e. Covenant enforcement

Once work is done on the Plan of Organization review, the Documents Retention Policy, and the Conflicts of Interest Policy, the Committee plans to focus on developing a written policy on covenant enforcement. Issues to be examined include:

- Pool and Assessments Covenants vs. Land Use Covenants
- Funding covenant enforcement
- Cost of enforcement litigation
- Fairness in use of BPRA resources
- What is the level of community support for expanded covenant enforcement?
- Is traditional HOA enforcement of land use covenants adversarial?
- What is the enforcement tradition in our community?
- How does BPRA's tax status impact covenant enforcement?
- Practicality of enforcement
- Property values and covenant enforcement
- Right of individual members to enforce by law suit
- Right of neighborhoods to amend the land use covenants
- Comparison of the Land Use Covenants in different Sections within Strathmore at Bel Pre and what is the overlap between the land use covenants and current county, state, and federal laws?
- Did Levitt & Sons intend that the BPRA enforce the Land Use Covenants?
- Who are the successors to Levitt & Sons?
- What should be BPRA's role in Land Use Covenant enforcement?
- How should the BPRA respond to individual requests for BPRA enforcement?

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f. Special Projects

- Identifying the section number for each street address within the BPRA. Once this is done, the list can be used to greatly simplify the process of responding to HOA document package requests.

6) Nominating Committee Report (Mark Foraker, Chair):

Outreach to the community regarding committee and Board service is ongoing.

7) Long Term Planning Committee (Karen Purdy, Chair):

No meetings currently scheduled. Next steps: find an architect to discuss bathhouse concepts and options with.

8) Grounds and Landscaping Report (Ted Bechtol, Chair):

I have an estimate from Kollins (\$1500.00) to remove the plastic black deteriorated edging around the pool deck and add pea gravel to the level of the concrete. Both the deck edge and loss edging present a tripping hazard. This project was discussed last year and needs approval.

I have walked through the property with our Tree Contractor, JC Tree Service, and have prioritized the following, one dead oak near pump room, 3 poor white pines for removal, a white pine near the book depository for some light pruning and two options for the white pines at the Tennis Courts: (1) remove one small tree and prune approx. 6 branches on each of the remaining 3 trees. \$1800, or (2) remove all white pine trees and grind stumps for \$8500. This is substantially over the Grounds budget and Dave and I have discussed the possibility of adding this cost to any surplus remaining from the Tennis Court project. For additional discussion. With option 1 the total tree project is \$4650. Board approval required.

I have located a source for tree plaques for Louisa Hoar with the price being approx. \$250 each. Will next generate the text and have that reviewed and approved by all parties.

Contact was made with the Montgomery County Rainscapes Program to look at opportunities on the Pool grounds to establish rain gardens and/or conservation landscape in order to reduce the storm water runoff from our extensive hardscapes. A site visit has been requested and

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expect that that will occur in several months as Covid has slowed down the progress of the program. To get the credit, up to \$20,000, a plan needs to be designed, approved, installed then inspected. This is a very bureaucratic process and viewed as a multiple year effort that will require engineering work for drainage, materials and plants and likely more expensive than what anyone might initially expect. TB

9) Tennis Courts Committee (Dave Pullen, Chair):

Pullen & Purdy completed review/negotiation of the updated proposal from Mid-Atlantic Asphalt Company; and Purdy/Swan signed off on the document, which became a contract when countersigned by the Company on 3/18. We are now waiting for confirmation of a schedule for the work to be performed. We remain hopeful the contract can be fulfilled before the pool opens. Will coordinate with Ted and Joe for ancillary work to be performed prior to court repairs (e.g., tree-trimming/removal as appropriate, clearing invasive vegetation, temporary removal of the “backboard”) and during work (access to water/power, etc.) Community discussion, followed by Board review/approval, for possible relocation of the backboard within the enclosed court area.

10) Administrative Assistant’s Report:

The Administrative Assistant's Report was not produced for the April meeting. There were no changes from the March report. kp

11) Pavilion Scheduler/Pool Pass Coordinator/Tennis Court Keys Distributor – (TBD):

Louisa Hoar has completed her end of season tasks and turned over materials to Karen Purdy. Tennis Court key distribution responsibilities and materials have been turned over to Jim Eaton. kp

12) MapMaster Report (Paul Spelman):

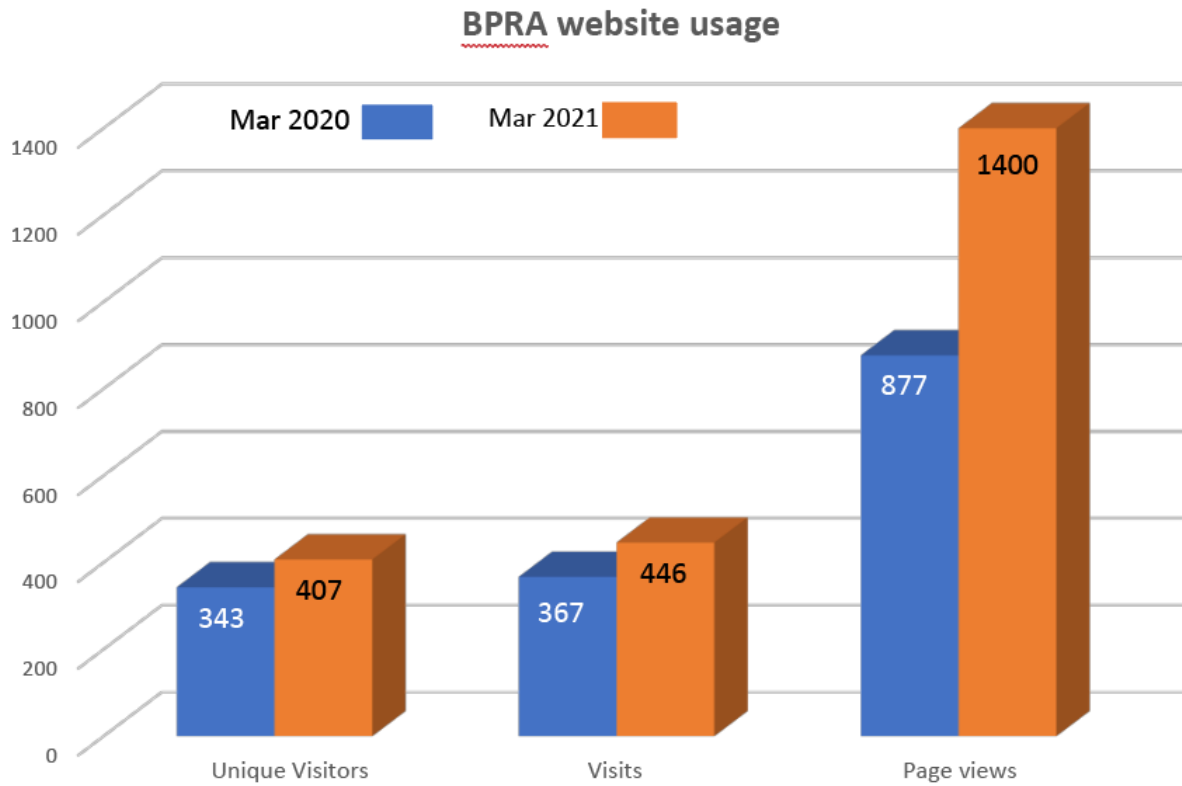
Working on adding overlay to the [community map](#) to show each of the “sections” of Strathmore Bel Pre.

BPRC Committee Reports and Updates for the April 2021 BPRC Board of Trustees Meeting

13) New Member Recruitment Report (Coordinator TBD)

One owner completed paperwork for adding 13507 Rippling Brook as a BPRC member-household. dep

14) Web Master Report (Billy Ruppert):



Visits by Device	Mar 2020	Mar 2021
Desktop	278	327
Mobile	81	118
Tablet	8	1