

BPRA Committee Reports and Updates for the June 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 completed our 2nd walk through of the grounds of the pool and outside the pool area on the morning of Saturday, May 15th. Summer 2021 Rules were adopted (scheduled for review on 6/8)

Pre-season work was completed and the pool opened on time at noon on May 29.

Clark reached out to Phil on June 2nd regarding having SBP Dolphins reach out to any coach that is not working as a manager or guard to go on line and complete an application. He also needs to know the names and salaries/rates of all coaches. We will be getting him this information by the end of June 2nd.

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

The Civic Association and Paulette Ladas would like to hold this year's Shred-It event at the pool parking lot on Saturday, September 25, in conjunction with the Yard Sale, from 10 am to 12 noon. The Shred-It Event will be held rain OR shine on September 25th. If it rains the Yard Sale will be held on Sunday, September 26th.

3) Neighborhood Dispute Resolution Committee (Chair TBD):

Nothing to report. kp

4) Finance Committee (Dave Pullen, Chair):

a. Bookkeeper (no change since last report)

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

Per the updated Collections Policy, Delinquency letters dated 4/13 were sent to 84 homeowners. As of 6/6: 44 delinquent homeowners have paid in full; 31 delinquents have paid nothing and will receive Letter #2 seeking payment in June; and 9 have "partial" payments due

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(paid base assessment, but not some combination of late penalty, interest, and/or collection costs). (not including homes referred to SCHILD for prior-year arrearages).

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

Two settlements were realized in May (\$3,467.62 recovered). Authorizations to file suit have been signed and delivered back to Schild, per the Board's decisions at the April meeting. No new referrals to Schild have been made this month.

d. Assessment Assistance Committee (no change since last report)

One application was received and decided. The homeowner paid \$125 when filing the application, with the balance to be paid on a schedule negotiated by Pullen and resulting in full payment (penalty waived; interest to be paid on outstanding balance) by August 31.

e. Roll-out of Electronic/on-line Pool Management Services (eSoft) (no change)

The online payment system went "off-line" on April 1st. Karen has managed the "onboarding" process with eSoft (the method by which eSoft will upload homeowner names and contact info into its program), which is the precursor to assisting homeowners to create an account in eSoft).

f. Audit Coordinator (Mark Foraker):

The audits are in process. Mark will continue to coordinate with Dave Pullen as needed. This first audit covers FY 2017 (March 1, 2016--February 28, 2017).

f. Budget Planning (Dave Pullen) (No change since last Report)

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

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 (May 2021):

1. 2600 Baywood Court - HOA documents
2. 2924 Beaverwood Lane - HOA documents
3. 2924 Beaverwood Lane - status of accounts
4. 2924 Beaverwood Lane - minutes and reserve study
5. 2944 Beaverwood Lane - HOA documents
6. 2944 Beaverwood Lane - garage expansion rules
7. 2944 Beaverwood Lane - status of accounts
8. 2613 Beechmont Lane - HOA documents
9. 3505 Beret Lane - HOA documents
10. 3512 Beret Lane - HOA documents

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11. 3512 Beret Lane - Certificate of insurance
12. 3512 Beret Lane - status of accounts
13. 13705 Beret Place - HOA documents
14. 13705 Beret Place - status of accounts, trash pick-up date, window frame covenants, sheds. Why budget shortfall? Tennis courts and pool status.
15. 13705 Beret Place - status of accounts
16. 13805 Bethpage Lane - status of accounts
17. 3005 Birchtree Lane - HOA documents
18. 3216 Birchtree Lane - HOA documents
19. _____ Birchtree Lane - What do the HOA fees cover?
20. _____ Birchtree Lane - What do the dues cover? Covenant enforcement. Rentals permitted?
21. 13800 Blair Stone Lane - status of accounts (to mortgage company)
22. 13800 Blair Stone Lane - status of accounts (to title company)
23. 13913 Broomall Lane - HOA documents
24. 14 Deckman Court - home extension covenants
25. 13402 Rippling Brook Drive - HOA documents and tree removal rules
26. 13507 Rippling Brook Drive - HOA documents

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, March 25, April 21, and May 18 to discuss proposed changes to the Plan. The recommendations of the Committee were forwarded to the Board on May 25 for possible consideration at the Board's June 8 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]
- 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. Meetings by Teleconference

On March 6 and [April 2, 2020](#), the Montgomery County Commission on Common Ownership Communities issued special authorization to homeowners' associations in Montgomery County to hold meetings electronically, because of the COVID-19 pandemic. As of June 3, 2021, the [CCOC website](#) indicates that authorization is still in effect and will remain in effect "until further notice."

g. 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.
- History project - we now have a nearly complete set of copies of the minutes from:
 - September 19, 1966 (the first meeting of the Board of Directors) to January 22, 1976
 - January 27, 1978 to April 30, 1986
 - October 22, 1990 to December 6, 1993
 - February 22, 1999 to December 20, 2004
 - August 22, 2005 to the present

Some of the copies of the minutes are missing attachments that are referenced in the main text of those minutes.

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.

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

Kollins has completed spring clean-up and removal of the black plastic edging and installed new gravel around the decks of both pools. With decent weather, and a wide variety of projects completed, the pool grounds look great for opening day.

JC Tree Service has completed the removal of 4 white pines adjacent to the Stultz property.

The Board agreed on a draft text for the tree plaque for Louisa Hoar, and she agreed with the Board draft text. The next step would be to work with the fabricator to generate a layout and pricing then final Board approval.

Nothing new on the rain garden project from the County.

Spring application of fertilizer was made to turf areas, planting beds and individual trees. Damaged areas were reseeded. TB

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

Mid-Atlantic Asphalt Company currently estimates beginning work on June 7, depending on the status of other tennis court repair projects.

10) Administrative Assistant's Report:

The Administrative Assistant's Report was not produced for the April, May or June meetings. 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/Pickleball Court key distribution responsibilities and materials have been turned over to Jim Eaton. kp

12) MapMaster Report (Paul Spelman):

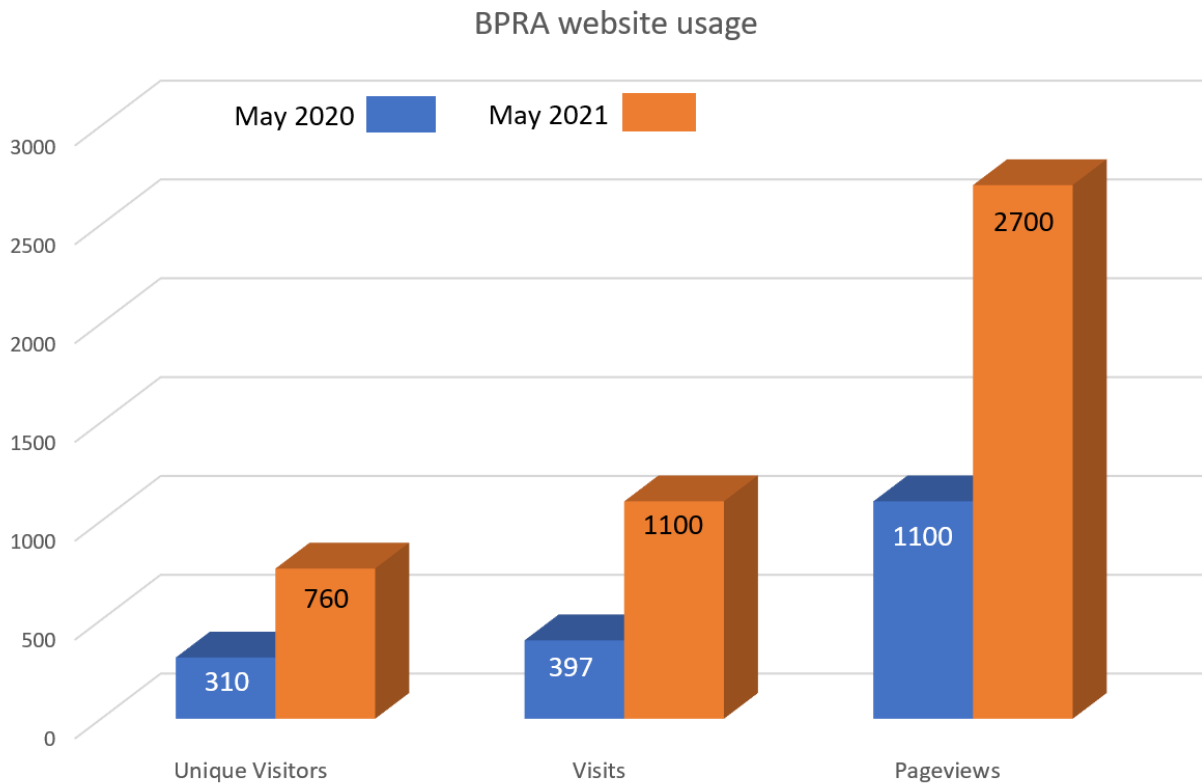
Working on adding overlay to the community map to show each of the “sections” of Strathmore Bel Pre.

BPRC Committee Reports and Updates for the June 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	May 2020	May 2021
Desktop	240	724
Mobile	136	396
Tablet	21	18