

BPRA Committee Reports and Updates for the August 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):

On the evening of Friday, July 23, there was a fecal incident in the pool. Georgetown Aquatics worked diligently to take care of the situation, strictly following CDC guidelines for this type of incident. The incident delayed the start of the swim meet scheduled for Saturday morning by about 2 hours. The swim meet finished around 1pm and the pool opened up to the membership before 1:30pm. kp

Pool operation is generally going well. Board to discuss whether or not to extend the pool season beyond Labor Day at the August 8 meeting. kp

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

Memorial Tree Dedication for Maury Potosky

The Civic Association would like to host the dedication of the Memorial Tree for Maury Potosky on Wednesday, August 25, at 7 pm. The plaque will be presented, with dedication speeches offered by Civic Association current and past Board Members, Potosky family members, and other Community members, including Civic Association members who are not Rec Association members. The Potosky family in attendance will be between 15 and 20 members. No refreshments will be provided.

BlocktoberFest -- October 9th or 10th

The Civic Association is willing to split the costs of BlocktoberFest with the Recreational Association. Costs include the road closure permit for the block party, School room rental if available (if not, porta potties?), signs, and any paper goods and/or tableware.

Movies at the Pool

The weather finally cooperated and movie goers were treated to a showing of Raja and the Last Dragon at the pool grounds on a lovely Saturday evening, July 24th. The next movie will be Forrest Gump, on Saturday, August 7th.

3) Neighborhood Dispute Resolution Committee (Chair TBD):

Nothing to report. kp

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

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 6/15 were sent to 9 homeowners who paid partial, but incomplete payments. Separate letters were sent to 20 homeowners who have not yet made any payment. (Does not include homes referred to SCHILD for prior-year arrearages). As of 7/26, we have remaining: 11 homeowners who have made no payment; 4 homeowners who have made partial payments; and 9 properties referred to SCHILD (see following). Additionally, a settlement was reached with two current property owners regarding disputed payment related to 2019/2020 Assessments; and one property owner substantiated they had, in fact, paid the 2020 Assessment (albeit in November).

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

Authorizations to file suit have been signed and delivered back to Schild for 9 properties, per the Board's decisions at the April meeting. Additionally, one referral to Schild was closed in July; and one homeowner continues on a SCHILD-negotiated payment plan. *No new referrals to Schild have been made in July.*

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)

Karen has continued performing eSoft Planner "Help Desk" activities all summer. An information campaign for the 2022 Assessment and pool check in will likely be included in the fall Bugle. The StrathmoreBelPre.org pages associated with eSoft Planner will be revised in the fall to provide additional information about assessment payment and pool check in. kp

f. Audit Coordinator (Mark Foraker)

An inquiry has been submitted to a new auditing firm and a verbal update will be provided at the Board meeting.

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

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

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

NEW: new Maryland statute requires HOA's to report/list reserve funds and planned expenditures in its annual budgets as communicated to homeowners. Additionally, the law requires HOA's to conduct a new reserve study at least every five years; and if its previous study was conducted before 2017, to conduct a new reserve study by no later than October 2022. **This means BPRA must fund/contract for a new Reserve Study in the FY23 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 (July 2021):

1. 2905 Beaverwood Lane - status of account
2. 14020 Bethpage Lane - HOA documents
3. 2932 Birchtree Lane - HOA documents
4. 2932 Birchtree Lane - status of account
5. 3017 Birchtree Lane - status of account
6. 3017 Birchtree Lane - certificate of insurance
7. 13800 Blair Stone Lane - status of account
8. 3009 Bonview Lane - HOA documents
9. 14020 Breeze Hill Lane - status of account
10. 14113 Burning Bush Lane - HOA documents
11. 13321 Hathaway Drive - HOA documents
12. 13321 Hathaway Drive - status of account
13. 13414 Hathaway Drive - status of account
14. 13414 Hathaway Drive - status of account
15. 13704 Rippling Brook Drive - HOA documents
16. 13704 Rippling Brook Drive - status of account
17. 13301 Rockview Court - 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. The Board reviewed the proposal at its July 6 meeting and referred the proposal back to the Committee. The Committee met on July 13 and, based

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

on the Board's July 6 discussion and other recommendations by Board members, revised its recommendations. The revised recommendations were forwarded to the Board on July 26.

c. Documents Retention Policy

The Governing Documents Committee met on Thursday, July 29 and resume working on the Documents Retention Policy. The Committee has agreed on minimum retention dates for documents (by category) and come to at least preliminary agreement on how each type of document should be stored and in what format. The Committee plans to meet next in August or September to continue working on this proposed 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:

- 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

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

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:

- 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.
- If a Board member (or a member of their family) is compensated (other than reimbursement of out-of-pocket expenses) by an organization that has business before the Board, that Board member should abstain from voting on those items.
- Define "family" for purposes of the Conflict of Interest Policy.

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

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?

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 August 1, 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:

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

- 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 (missing Board minutes for 8/2/16, 9/10/16, 3/18, 4/18 monthly meeting, and 4/18 property walk-through; and annual meetings for 2016-19)

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. A committee meeting was held on 7/08/2021 at the pool pavilion. It was attended by Mark, Cookie, Elliot and Chris and initial input was received by a community member. Deliverables were set and we will be developing strategies to implement outreach throughout the year and we will establish an activities calendar. We also agreed that we should have a “brochure” to distribute to any interested community member, and we are working on a welcome letter explaining the role of the BPRA to new homeowners. This will be included in the packet sent to them upon purchasing a new home. Cookie has drafted this letter. In the future I will propose including the BPRA brochure with the bugle when volunteers distribute it in the Spring and Summer. I will also provide a brief update on candidates at the August Meeting.

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

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

An updated 5 year plan will be submitted to the Board before the October Meeting.

An RFP for a Reserve Study will be written.

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

Still working with a tree label fabricator to generate a layout and pricing for the both Louisa Hoar and Maury Potosky.

Would like to request funding approval not to exceed \$350.00 for Louisa’s plaque.

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

Met with a County representative from the Rainscapes Program (Dept. of Environmental Protection) on Aug 2nd. We walked the complete grounds to look at possibilities in developing rain gardens/ conservation landscapes and to learn how the program and rebates would work.

The large Parking Lot is the first priority for consideration. On first review it appears that storm water running down the entrance drive could be directed into a conservation landscape in the adjacent lawn area. Because of the grading a similar solution does not seem to be available on the exit drive side of the lot. Installation of permeable pavers would be extremely expensive and a poor value.

The second priority would be the Tennis Courts. This would involve installing plantings at the corners to collect and reduce erosion and runoff. This project would require much less engineering.

Bathroom roof runoff could be directed to the parking lot. Rain Garden not practical in front of the Bathroom based on Program requirements. Back of property is already well vegetated but improvements to manage stormwater could still be implemented.

Next step would be to have the County rep. return and meet with a civil engineer whose company designs a wide variety of stormwater management projects and who is donating his time. The objective would be to develop various scenarios and costs estimates that the Board could use in future planning.

Approximately 10 signs were installed in the parking lot replacing ones that were very worn. Thanks Joe for procuring.

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

Mid-Atlantic Asphalt Company has completed repair work on the courts, and final cost is slightly under signed contract value. After also charging relevant tree removal expense to the tennis court repair maximum budget of \$75,000, approximately \$2,300 remains. At the August meeting, the Board will be asked to approve expenditures not to exceed \$2,300 for new signage and new/ replacement equipment (two permanent benches, 1-2 new rollers, a broom, a new trash can for collecting waste (ball cans, etc.), and a new "display board" to be installed outside the entry gate for relevant Recreational Facilities rules, tennis/pickleball rules of play, and announcements. Following a 7/15 Committee meeting, the Board also will be asked to approve 9/4 for a "court re-opening" event (although we have re-installed old nets and announced re-opening of the courts to community use effective Monday 7/19).

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

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):

Jim Eaton is taking care of tennis/pickleball court key distribution.
Carmen Wong is the current Season Pass Coordinator.
Karen Purdy has been taking care of eSoft Planner issues.
We need volunteers to take of eSoft Planner and Pavilion Scheduling. kp

12) MapMaster Report (Paul Spelman):

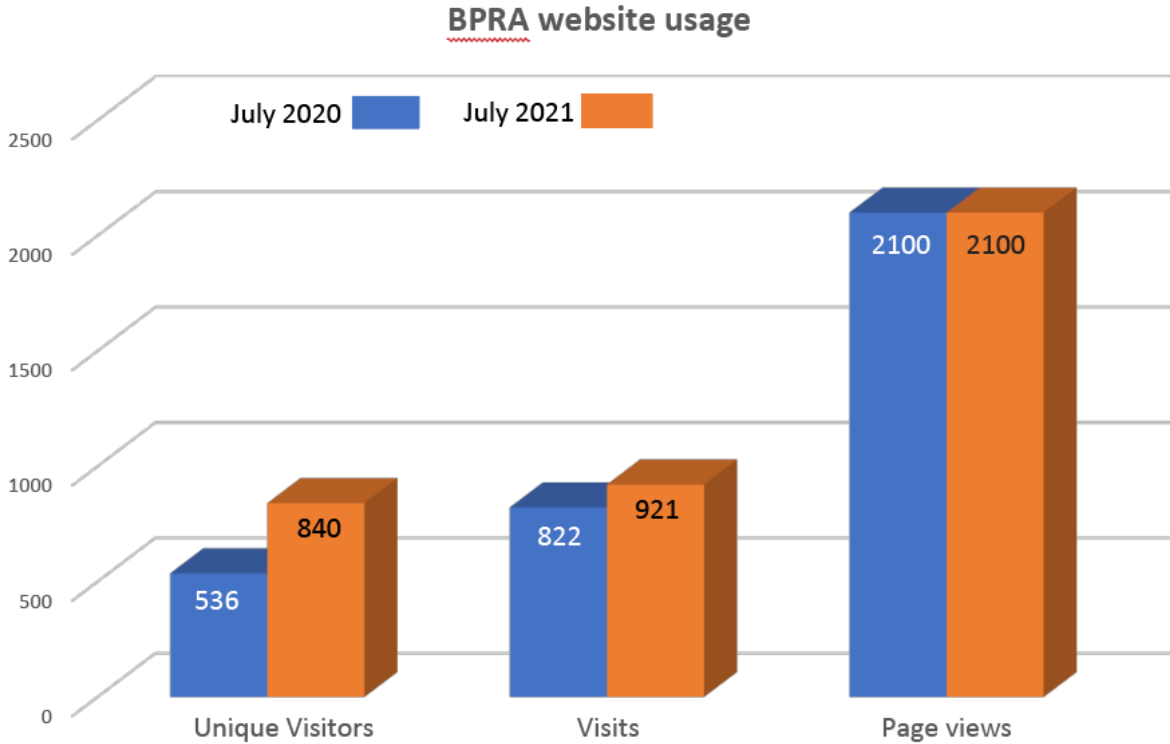
Working on adding overlay to the [community map](#) to show each of the “sections” of Strathmore Bel Pre.

13) New Member Recruitment Report (Coordinator TBD)

One owner completed paperwork for adding 13507 Rippling Brook as a BPRA member-household. Dep

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

14) Web Master Report (Billy Ruppert):



Visits by Device	July 2020	July 2021
Desktop	410	453
Mobile	400	453
Tablet	12	15