

BPRA Committee Reports and Updates for the November 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 (Maria Stagnitto, Chair):

Clark had informed Joe that short of winterizing, he has completed the closing procedures for the pool season.

Joe, Ted and I met at the pool on 10/28/21 and we have identified several items that have not been completed including emptying the trash, securing/storing paper products, removal of chlorine in the filter pump room and disposing of food items in the guard's office.

Joe will send a formal list to Clark. Joe will keep Ted and I posted on the completion of these closing procedures and when the winterizing is completed.

Ted will let Clark know that I am now the Chair of this committee.

I have begun to review the 3 architect's reports regarding the Facility Report. Interesting side note, the first report is dated 10/20/1992 and Paul Stagnitto was President of the BPRA.

Louisa Hoar has responded to me regarding her tree dedication. She would like to wait until next summer so her daughters can attend.

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

a. BlocktoberFest -- October 10th, 3pm to 6pm

The return of BlocktoberFest was a big success, with lots of people in attendance. Thanks to:

- Cookie Stagnitto and Claire Pak for coordinating the event
- Dave Pullen and Kye Pak for securing the permits
- Phil Kominski and Kye Pak for tech support
- Paul Stagnitto for all-around help and support
- Paul, Erin, Billy, Jeremy, Billy, and Janie Spelman for the best pizza in town
- Joe and Jackie Moeller and the hardworking Boy Scouts of Troop 763 for logistics, and for the awesome firepit
- Strathmore Bel Pre Civic Association, for co-sponsoring (and co-funding) the event

b. Movies on the Parking Lot (aka Drive-In Movies) - season complete.

The Heights (Saturday, October 2) was the last movie of the season. It drew an excellent audience -- in a drive-in movie format -- with about 30+ people, good for this summer of COVID. Polling the community for movie ideas helped boost the turnout. Thanks to John Bogasky and his team of volunteers, for making the summer movies happen.

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The Civic Association would like to have another drive-in movie in the Spring, date TBD.

c. Trunk or Treat -- Saturday, October 30

Elizabeth Kominski will be coordinating a 1 hour Trunk or Treat in the parking lot from 7 to 8 pm.

3) Neighborhood Dispute Resolution Committee (Chair TBD):

A community member who lives on Bethpage Lane submitted a request via the website to help resolve a dispute with their neighbor. Mark reached out to the homeowner and then followed up with the neighbor. The issue appears to be a misunderstanding and the concern is resolved. If future issues arise, the neighbor will reach out to Mark and details will be reported back to the Board. (mk)

4) Finance Committee (Dave Pullen, Chair):

a. Bookkeeper (no change)

Per my previous conversation with a friend who is a former Vice President of the MD Assoc. of Non-Profit Accountants, one candidate he endorses contacted me to explore a relationship. I will reach out to another potential candidate/firm regarding its possible interest. Any candidate clearing the initial conversation will then advance to a formal "interview" involving at least 3 community members. The goal remains to identify and retain a "permanent" firm or individual to fill our bookkeeping needs by the end of this calendar year.

b. 2021 Assessment Collections

Eight homeowners who have neither paid the 2021 Assessment, nor responded to any of the 3 letters sent to them seeking payment, have been referred to SCHILD LAW GROUP for collection action, per the Annual Dues Collection Policy and as authorized by the Board.

c. Overdue Collections/Schild Law Group (no change since last report)

Authorizations to file suit have been signed and delivered back to Schild for 9 properties, per the Board's decisions at the April meeting. Another 9 properties were referred in early October, per the Collections Policy timeline. On October 15, Intent to File Lien notices were sent to each homeowner who had not responded. Four properties have responded to demand letters and paid in full. One homeowner is in the process of selling their home, and a "payoff letter" from Schild has been sent to the settlement company for resolution at sale closing. Additionally, one homeowner continues on a SCHILD-negotiated payment plan. **A total of 14 homeowners remain within SCHILD's scope of action on behalf of BPRA.**

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

The one homeowner who applied for, and was granted, relief by the Assessment Assistance Committee has successfully completed the payment plan agreed to.

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

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)

The audit work is still in process and there is nothing to update. All requested information for all three audit years has been submitted.

g. Finance Committee (Dave Pullen)

The Committee is readying it's advocacy campaign to encourage members to support the proposed Bylaw amendment to align BPRA's fiscal year with the calendar year. November meetings with Governing Documents leadership are planned to develop any recommended changes to the Annual Dues Collection Policy they might mutually propose to the Board for application to the FY2023 Annual Assessment payment cycle.

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 (October 2021):

1. 2917 Beaverwood Lane - status of account
2. 3165 Beaverwood Lane - certificate of insurance (the property is a townhome outside of BPRA)
3. 3436 Beret Lane - HOA documents
4. 3505 Beret Lane - status of account
5. 13909 Bethpage Lane - HOA documents
6. 13909 Bethpage Lane - assisted living covenants
7. 13909 Bethpage Lane - status of account
8. 3228 Birchtree Lane - certificate of insurance
9. 3228 Birchtree Lane - status of account
10. 3228 Birchtree Lane - land use covenants
11. 13900 Blair Stone Lane - status of account
12. 13901 Blair Stone Lane - HOA documents
13. 13901 Blair Stone Lane - status of account
14. 14028 Breeze Hill Lane - HOA documents
15. 14028 Breeze Hill Lane - status of account

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16. 14028 Breeze Hill Lane - outstanding violations
17. 14040 Breeze Hill Lane - HOA documents
18. 14113 Burning Bush Lane - status of account
19. 13308 Ewood Lane - status of account
20. 13500 Round Tree Court - hard copy of HOA documents

b. Proposed amendments to the Plan of Organization (no change)

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 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. The Board discussed the revised recommendations at its August 3 meeting. Further action was deferred to a later date.

c. Documents Retention Policy (updated)

The Governing Documents Committee last met on Thursday, July 29 to work 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. Further work was deferred until the final version of the Plan of Organization is completed. The Committee plans to meet early next year to resume working on this proposed policy.

d. Conflict of Interest rules (updated)

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.
- 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.
- It has been a long-standing tradition for BPRA Board members to simultaneously serve as non-compensated officers, directors, or leaders of other neighborhood non-profits that deal with the BPRA (e.g., local PTAs, the Civic Association, the Dolphins Swim Team, Scout Troop/Pack 763, and the Friends of the Aspen Hill Library). Candidates for BPRA Board positions regularly disclose these affiliations in their candidate statements in *The Bugle*. While these affiliations (as long as the positions are not financially compensated) do not reach the level where the *Henry v. Guirand* decision would require that the director recuse themselves, it may be appropriate to have these affiliations disclosed -- at least in an annual disclosure statement.

e. Covenant enforcement (no change)

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

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- 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 (updated)

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 October 28, 2021, the CCOC website indicates that authorization is still in effect and will remain in effect "until further notice."

g. Special Projects (no change)

- 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 (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.

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

Phil Kominski resigned from the Board in October. That leaves four seats for the four candidates up for election this year. The three candidates with the most votes will be elected to fill the three seats up for election this year. The fourth candidate will complete the remainder of Phil's term which is up for re-election in 2023.

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 was adopted at the October Board Meeting.

A draft RFP for a Reserve Study has been written and will be reviewed at the November Board Meeting.

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

Second round of fall fertilizer has been applied to turf areas and fertilizer for the shrub and flower beds has also been applied.

As per Cookie Stagnito, Louisa Hoar is interested in a dedication of her commemorative tree sometime in the Spring.

I participated in a Zoom meeting with stormwater management engineers from Wilson T. Ballard Engineering in Owings Mills, MD earlier this week. In reviewing a topographic map of the site they felt that there was insufficient open green space to accommodate the size necessary to address all the run-off from the parking lot. This assumes that no trees would be removed and that lawn areas around the pool are left in turf to support swim events.

A conservation landscape could be designed and installed around the tennis courts and this would be relatively much less expensive than any trenching and piping project or modification of the parking lot with permeable pavers or regrading and collecting run-off in vegetated swales. The max lifetime credit with the County program for HOAs is \$20,000.

I can review these scenarios at a future in-person meeting when I have a large site map.

No plans at this time for any additional brush clearing, tree work or tree planting for the rest of the fiscal year. Any storm damage would need to be addressed.

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9) Tennis & Pickleball Courts Committee (Dave Pullen, Chair) (no change)

The tennis backboard was reinstalled 9/26 through the efforts of on-site Boy Scout volunteers and near-by residents and Committee members. The Board has approved expenditures not to exceed \$2,300 for new signage and 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 posting of relevant Recreational Facilities rules, tennis/pickleball rules of play, and announcements. Rollers have been purchased and are in service. We are coordinating with Joe Moeller re: selection of benches.

10) Administrative Assistant’s Report:

The Administrative Assistant's Report was not produced for the April, May, June, July, August, September, October or November 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 care of eSoft Planner and Pavilion Scheduling. kp

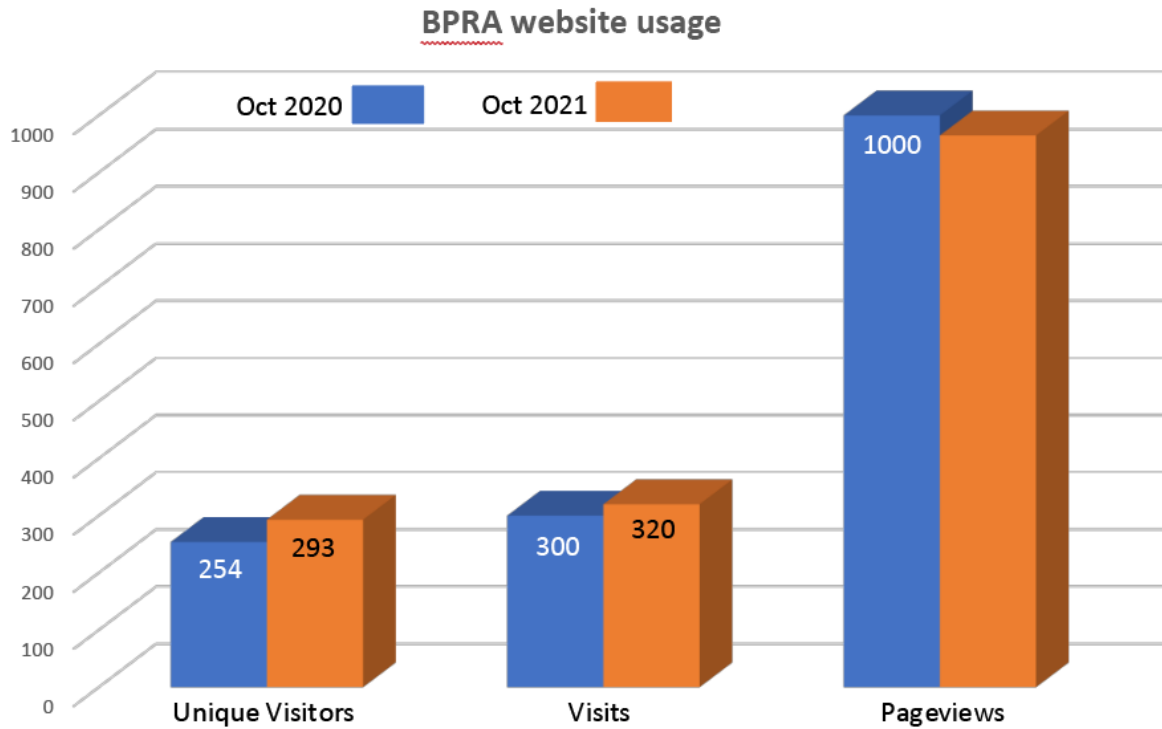
12) MapMaster Report (Paul Spelman):

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)

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14) Web Master Report (Billy Ruppert):



| Visits by Device | Oct 2020 | Oct 2021 |
|------------------|----------|----------|
| Desktop | 234 | 229 |
| Mobile | 61 | 87 |
| Tablet | 5 | 4 |