



## **BPRA Committee Reports and Updates for the April 2022 BPRA Board of Trustees Meeting**

- Tracy K. Face painting/kids activities
- Dave P. Tennis/Pickleball clinics
- Jan W. Over 60 club/Quilts of Valor
- Rod O. Speakers for music, grill for burgers, working on getting a fire truck.
- Billy R. Basketball tournaments for younger and older age groups
- Joe and Jackie: S'mores
- Cookie. Games including bean toss, tricycle obstacle course, working on a Soccer clinic and contacting vendors who advertised in the March 2022 Bugle.

### **c. Yard Sale**

- The Civic Association has decided to hold the Yard Sale in the Fall - **date TBD**.
- Parking lot use will be requested at a later time.

### **d. Summer Music Concerts**

- Hope to have proposed dates by the **May** BPRA Board meeting.
- Paulette Ladas has offered to sponsor a food truck. The Civic Association Board is considering this at one of the concerts.

### **3) Neighborhood Dispute Resolution Committee (Chair TBD):**

There was one complaint filed through the website form. A community member stated that their neighbor had debris in their yard. Two Board members separately drove past the property and agreed that there was a mulch pile but nothing resembling debris or anything out of the ordinary. A follow up email was sent to the neighbor who filed the initial complaint.

### **4) Finance Committee (Dave Pullen, Chair):**

#### **a. Bookkeeper**

We have been delayed in pursuing/considering a relationship with Barbara J Smith Accounting to serve as BPRA Bookkeeper. Also, based on a community member recommendation, I have reached out to Arrow Bookkeeping, a Silver Spring-based bookkeeping firm to invite its expression of interest.

#### **b. Assessment Collections**

2022 Assessment payments have been *received* from 81.7% of the membership as of 3/31. This still leaves 131 homeowners whose payments have not yet been received. Notably, to date use of online payment method has increased 145% over 2021 levels. Breakdown of payments received is 58% by check and 42% by online transaction. Also, to date we have received \$700 in Pet Waste Station contributions; \$4,005 in Dolphins contributions; and \$4,140 in SBPCA

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contributions. Disbursement of contribution \$\$ is planned for 2nd week of April (leaving time to capture any late-arriving – 3/31 postmarked – payments).

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

A total of 9 homeowners remain within SCHILD's scope of action on behalf of BPRA (7 who owe 2021 Assessment in full; 1 who paid BPRA (after referral) the base Assessment but not any of the legal fees; 1 who has a SCHILD-approved payment plan in place. (NOT referred to SCHILD is one homeowner who owes BPRA less than \$60 of unpaid 2021 Assessment money -- paid the base Assessment but not late fees, interest, or collection costs).

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

There are no requests for relief pending before the Assessment Assistance Committee at this time. Note that Maryland has initiated a financial assistance program for renters/homeowners delinquent in paying HOA dues (among other things). To be eligible, an applicant must document at least 15% reduction in pay (or increase in expenses). BPRA should consider amending its posting of its Collections Policy to inform homeowners of this alternative.

### **e. Change in BPRA Fiscal Year (no change from last report)**

Continuing to work with Larry Vaught on "short year" tax return preparation, as that is a prerequisite to formal application to change our fiscal year to align with the calendar year, as approved by the membership.

### **f. Roll-out of Electronic/on-line Pool Management Services (eSoft)**

The StrathmoreBelPre.org pages associated with eSoft Planner have been revised. kp

### **f. Audit Coordinator (Mark Foraker)**

An update will be provided at the April meeting.

### **g. Finance Committee (Dave Pullen)**

No meetings are planned at this time.

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

### **a. HOA document requests (updated)**

Requests for HOA documents, etc. handled by the Chair of the Governing Documents Committee (March 2022):

1. 13929 Bethpage Lane - HOA documents
2. 3212 Birchtree Lane - status of accounts
3. 2604 Bluhaven Court - HOA documents

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4. 2228 Deckman Lane - HOA documents (this is an opt-in home where the new owners are considering joining the BPRA)
5. 13407 Norden Lane - HOA documents
6. 13704 Rippling Brook Drive - fence covenants
7. 13913 Rippling Brook Drive - status of accounts

### **b. Waiver of liability (new)**

At its March 1 meeting, the Board declared the Recreational Facilities Policy to be reinstated, with the proviso that the Policy should reflect that users of the facilities accept the risk of COVID-19 and other hazards. The Governing Documents Committee was tasked with drafting a suitable provision for consideration at the Board's April 5, 2022 meeting. The Committee met on March 15 and is close to finalizing its recommendations to the Board. The Committee expects to complete its recommendations at its April 21 meeting, and send out its recommendations so the Board can act on this at the Board's May 3 meeting.

### **c. Virtual meeting rules (updated)**

Since the April 2020 Board meeting, the BPRA Board of Trustees has been meeting by Zoom, based on special authority granted on March 6 and April 2, 2020, by the Montgomery County Commission on Common Ownership Communities. The CCOC granted permission to all Montgomery County homeowners' associations, condominium associations, and housing cooperatives to hold board, committee, and general membership meetings by "telephone, live streaming, or some other electronic means" during the COVID-19 pandemic.

In 2021, the State Legislature enacted § 11B-113.6 of the Maryland Homeowners Association Act, which permanently authorizes homeowners' associations to hold meetings by "telephone conference, video conference, or similar electronic means" – as long as certain requirements are met.

At its March 15 meeting, the Governing Documents Committee finalized a recommended change to the BPRA Plan of Organization to be able to apply the new law to BPRA Board and committee meetings – for possible consideration by the Board at the Board's April 5 meeting.

At a later date, the Committee intends to review how the new State law may be applied to allow BPRA elections to be conducted by balloting the way we have the last two years. This may require an amendment to the BPRA ByLaws.

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### **d. COVID Era Election Rules (updated)**

The COVID Era Election Rules (§ 405 of the BPRA Plan of Organization) were originally prepared with the assumption that 3 seats would be elected each year. The rules did not take into consideration that when a vacancy occurs on the Board, that the Board temporarily fills the vacancy until the next Annual General Membership Meeting, and that if there is any remaining time on that vacancy that the General Membership elects who will fill the remainder of the vacancy. For instance, if a Board member resigns during their first year, the Board can fill the vacancy for the months remaining until the next Annual General Membership Meeting and then the General Membership would elect the person to serve for the remaining 2 years of the original term.

At its March 15 meeting, the Governing Documents Committee finalized a recommended set of changes to the BPRA Plan of Organization – for possible consideration by the Board at the Board's April 5 meeting.

### **e. Conflict of Interest rules (updated)**

The Committee met on March 15 and is close to finalizing its recommendations to the Board. The Committee hopes to complete its recommendations at its April 21 meeting, and send out its recommendations so the Board can act on this at the Board's May 3 meeting.

### **f. Documents Retention Policy (updated)**

The Governing Documents Committee last met on Thursday, July 29, 2021, 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. The Committee plans to resume work on drafting this policy this year.

### **g. Covenant enforcement (no changes)**

Once work is done on the Documents Retention Policy and the Conflicts of Interest Policy, and recommending adjustments to the Plan of Organization to conform to 2021 changes in the Maryland Homeowners Association Act, 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

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- 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
  - In the 2021 session of the State Legislature, the Legislature placed restrictions on the authority of HOAs to regulate:
    - Composting - Maryland Homeowners Association Act § 11B-111.9
    - Electric vehicle charging equipment – Maryland Homeowners Association Act § 11B-111.8
    - Low-impact landscaping - Maryland Real Property Code § 2-125
    - Portable basketball apparatus - Maryland Real Property Code § 2-124
  - Other county, state, and federal laws specifically limit HOAs authority to regulate:
    - Antennas - FCC Over-the-Air Reception Devices Rule (47 C.F.R. § 1.4000)
    - Clotheslines - Maryland Real Property Code § 14-130
    - Facilities for individuals with disabilities and group homes – Fair Housing Act (42 U.S.C. § 3601, et seq.); and Fair Housing Act Regulations (24 C.F.R. part 100)
    - Family day care homes and no-impact home-based businesses – Maryland Homeowners Association Act § 11B-111.1
    - Political signs - Maryland Homeowners Association Act § 11B-111.2
    - Roof materials - Montgomery County Fire Safety Code § 22-98
    - Solar panels and other renewable energy devices – Maryland Real Property Code § 2-119(b); and Montgomery County Code § 40-3A
    - U.S. flag - Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 nt., Pub. L. 109-243, 12 Stat. 572); and Maryland Real Property Code § 14-128
- 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?
  - General rules

## **BPRA Committee Reports and Updates for the April 2022 BPRA Board of Trustees Meeting**

- Complaints concerning discrimination by race, color, religion, sex, etc.
- Accessory dwelling unit licenses
- Duplexes and other multi-family construction

### **f. Special Projects (updated)**

- Continued identifying the section number for each street address within the BPRA -- this month added:
  - Bethpage Lane (divided between SBP Sections 3, 4, 6, and 9)
  - Rippling Brook Lane (divided between SBP Sections 3, 5, 15, 16, and 17)

Initially, this is being used to update the “Streets within SBP” webpage.

Once all the homes in SBP have been 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.

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

Nothing to report this month.

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

No meetings currently scheduled. Next steps: find an architect to discuss bathhouse concepts and options with. On hold pending the results of the Reserve Study.

Reserve Study: A site visit was held on Wednesday, March 23, 2022 with PM+ Reserves. Karen Purdy, Ted Bechtol, Joe Moeller and Maria Stagnitto attended on behalf of the BRPA. Additional information was sent to PM+ Reserves after the site visit. PM+ Reserves will send a list of questions and additional information needed after setting up the draft study.

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

Landscape Management: Kollins has provided a proposal for this year with price increases of about 7% for labor, this is the first significant increase in 5 years. While routine mowing service is fixed at \$195.00 per visit other activities are time and materials. Estimated total cost of this service is \$8500.00. This requires Board approval.

There have been several complaints from immediate adjacent property owners about brush and vines invading the fence line and their properties. I will get a cost from Kollins to clean the fence line especially on the eastern side.

Commemorative trees: A date for dedication for Louisa Hoar's tree needs to be established.

For the Board's consideration I would suggest that a White Oak tree be planted for Brenda Henry and that it be located in the lawn on the parking lot side of the pool adjacent to the Life Guard's stand.

Researching rubber playground mats that would be used with the 5 swings. I will send out a photo of a possible mat we might use. They are made out of recycled rubber with a fall height rating of 4'. Size is 2 ¼" thick, 32" wide, and 54" long, earth tone color, and 80lbs. Cost is about \$102 each at the current 25% discount and about \$300 to ship.

I am working with Cookie Stagnitto to organize a small group of garden volunteers that would help with fine gardening tasks and improving the plantings.



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### **9) Tennis & Pickleball Courts Committee (no change from last month)**

The Board has approved expenditures not to exceed \$2,300 (the balance available under the original authorization for court repairs) 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 and new signage have been purchased and are in service. We are coordinating with Joe Moeller re: selection of benches, trash can, and display board.

### **10) Administrative Assistant’s Report:**

The Administrative Assistant's Report was not produced for the April, May, June, July, August, September, October, November, December, January, February, March or April meetings. The only changes to report include the completion of CCOC training by those Board Members elected in November 2021. kp

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

Jim Eaton is responsible for tennis/pickleball court key distribution. Karen Purdy has been taking care of eSoft Planner issues.

Carmen Wong has agreed to take over as Pavilion Scheduler.

We need a volunteer to take over administration of eSoft Planner. kp

### **12) MapMaster Report (Paul Spelman):**

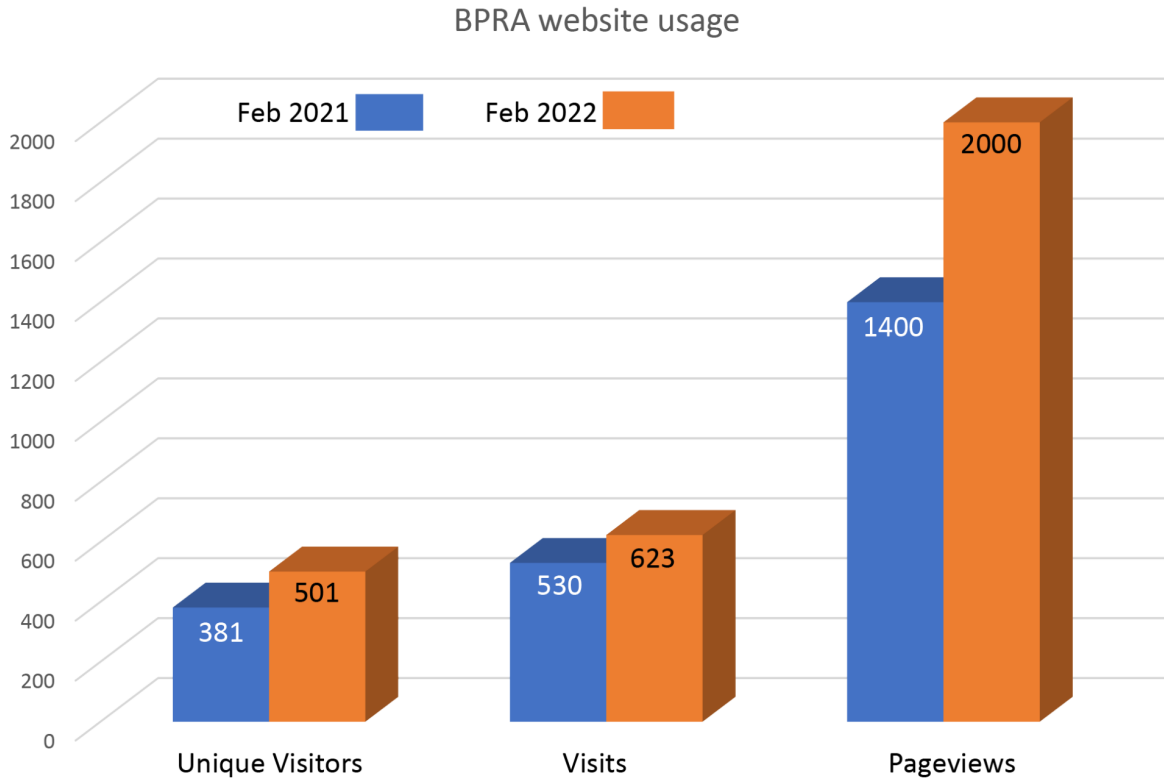
Working on adding overlay to the community map to show each of the “sections” of Strathmore Bel Pre.

### **13) New Member Recruitment Report (Coordinator TBD)**

Nothing to report. kp

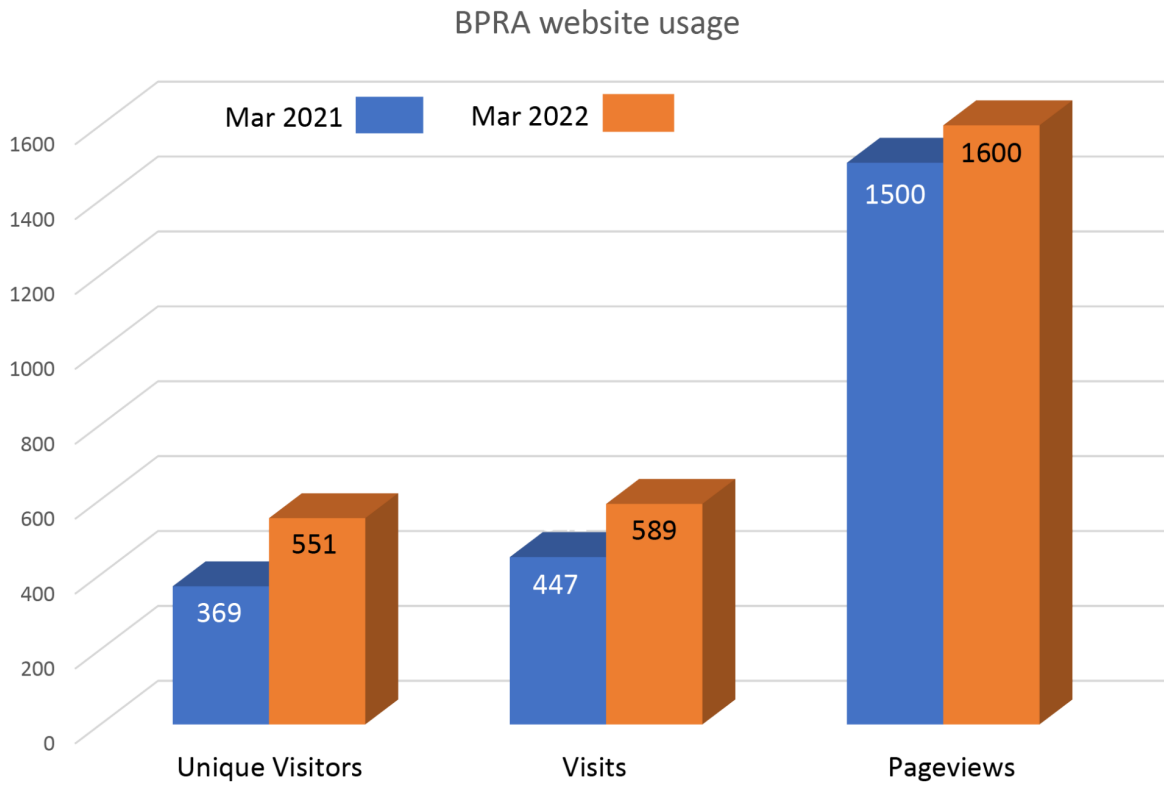
## BPRC Committee Reports and Updates for the April 2022 BPRC Board of Trustees Meeting

### 14) Web Master Report (Billy Ruppert):



Visits by Device	Feb 2021	Feb 2022
Desktop	436	506
Mobile	87	99
Tablet	7	18

## BPRC Committee Reports and Updates for the April 2022 BPRC Board of Trustees Meeting



Visits by Device	Mar 2021	Mar 2022
Desktop	355	446
Mobile	121	140
Tablet	1	4