

BPRA Committee Reports and Updates for the August 2022 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 (Ted Bechtol, Chair):

Georgetown Aquatics Contract: Board has approved the increased cost of the current years contract. A separate invoice will be submitted. Operations have been going well with the completion of a great swim team season.

Georgetown Aquatics staff will be invited to the Aug 2nd board meeting.

Joey Moeller has largely completed his repair projects.

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

No update provided for August. kp

3) Neighborhood Dispute Resolution Committee (Chair TBD):

Rod will provide an update of the Broomall Lane issue at the meeting.

4) Finance Committee (Dave Pullen, Chair):

a. Bookkeeper (no change since last report)

We continue pursuing/considering a relationship with Arrow Bookkeeping, a Silver Spring-based firm, to serve as BPRA Bookkeeper.

b. Assessment Collections

2022 Assessment payments have been received from 96.78% of the membership as of 7/27. Further, we have achieved resolution with 78 delinquent accounts so far. This still leaves 25 homeowners whose payments have not yet been received (not counting accounts at SCHILD). Of the 25 outstanding, 21 owe the full amount plus penalties, interest, and collection costs (currently, \$403.75 – with additional interest accruing on the first of every month); and the rest owe sums ranging from \$10.28 to \$204.50. **NOTE: *Third and final appeal*** to any remaining delinquent homeowners will be issued right after Labor Day. Accounts not paid in full by the end of September will be referred to SCHILD Law Group for collection.

c. Overdue Collections/Schild Law Group

A total of 7 homeowners remain within SCHILD's scope of action on behalf of BPRA (5 who owe 2021 Assessment in full; 2 who have a SCHILD-approved payment plan in place). While SCHILD is authorized to negotiate such plans, we have requested that they insist that any plan result in full pay-back within a reasonable period of time of less than a year.

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d. Assessment Assistance Committee (no change from previous report)

No claims are pending before the Committee. A homeowner contacted me in May inquiring whether he/she may negotiate a payment plan. I have advised this owner he/she is well past the recommended deadline for seeking relief, but that I will call her to discuss her parameters and then engage the Committee to determine whether it will accept an application this late.

e. Change in BPRA Fiscal Year and “Short Year” Tax Return (no change from last report)

Larry Vaught completed our “short year” tax return in April, and filed it electronically after review by the President and Treasurer. Now we are moving forward to file our “automatic approval” application to change our fiscal year to align with the calendar year.

f. Tightening Procedures for Reporting Guest Pass Purchases (no change from last report)

Pool staff have adjusted to better controls over reporting and accounting for cashbox transactions (guest pass purchases).

g. Insurance Claim Filed

Our insurance claim as a result of the 5/27 tree damage to the Pool Property, including fencing repair, has yielded an initial payment to BPRA of \$6,950 (after deductible). Fence repair costs (\$950) are fully covered; tree removal cost is *under-paid* by approximately \$1200. We are marshaling arguments for a supplemental payment to recover more of the tree removal costs.

i. Audit Coordinator (Mark Foraker)

Mark will provide an update at the August meeting.

j. Finance Committee (Dave Pullen)

Member-availability for a late August meeting is being solicited to: (1) discuss possible amendments to the BPRA Assessment Collections Policy, and (2) to begin 2023 budget planning. **All Committee Chairs are asked to submit 2023 budget requests to me by no later than August 15.** With legislated Reserve requirements effective as of October 1, robust budget planning and discipline in abiding by budgeted amounts may be a 2023 point of emphasis.

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 (July 2022):

1. 2812 Bel Pre Road - status of account
2. 2812 Bel Pre Road - HOA documents
3. 2603 Belle Crest Lane - HOA documents

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4. 13404 Bingham Court - status of account
5. 2932 Birchtree Lane - status of account
6. 2932 Birchtree Lane - HOA documents
7. 3120 Birchtree Lane - status of account
8. 2804 Blazer Court - HOA documents
9. 14117 Blazer Lane - HOA documents
10. 14117 Blazer Lane - status of account
11. 13408 Hathaway Drive - HOA documents
12. 13408 Hathaway Drive - HOA insurance document

b. Recreational Facilities Policy updates (no changes)

Items to be considered in the next update of the Recreational Facilities Policy:

- Revise § 216 (Summer Entertainment Series and Summer Community Affairs Forum Series) to implement the Board's April 5, 2022, decision that guest fees be waived for anyone while attending Summer Entertainment Series events. Possibly also include Summer Community Affairs Forum Series events.
- In § 606 (Attendance Limits) - replace "Fifty Plus Club" with "Over 60 Club"
- Section 607 (Guest List) uses the word "guest" two different ways. To avoid ambiguity, replace "expected guest list" with "expected attendees list".
- In § 609 (Fees) - replace "Fifty Plus Club" with "Over 60 Club"

c. Documents Retention Policy (no changes)

The Governing Documents Committee last worked on the Documents Retention Policy on July 29, 2021. 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.

d. Covenant enforcement (updated)

The next big project for the Committee will be drafting the Land Use Covenant Enforcement Policy. 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

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

e. Opt-In Homes and Other New Memberships (no changes)

When time permits, the Committee will attempt to codify and update the policy that the Board adopted May 2, 2017, on how homes within Strathmore Bel Pre that are not currently within the BPRA can join the BPRA. Also, the committee will look at what the process should be for homes that are just outside of Strathmore Bel Pre, but want to join (e.g., the Layhill Village homes on Village Lane and Rippling Brook Drive; and the Georgian Forest homes on Verona Court).

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f. Special Projects (updated)

- Continued identifying the section number for each street address within the BPRA – **this month added:**
 - **Bel Pre Road**
 - **Belle Crest Lane**
 - **Beret Court**

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):

Mark will provide an update in-person at the August meeting. That will meet the deadline in order for us to mail the names of the candidates to the community.

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, 3/23/22, with PM+ Reserves (Stacey O’Bryan). 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. On 5/2/22, PM+ Reserves sent a list of questions and additional information needed. On 5/5/22, Karen sent the requested information to PM+ Reserves.

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- On 5/10/22, PM+ Reserves sent a draft Reserve Study.
- On 6/2/22, Karen Purdy, Ted Bechtol, Joe Moeller, Maria Stagnitto and Dave Pullen met via Zoom with PM+ Reserves (Stacey O'Bryan) to review the draft study. Karen will send additional information and questions to PM+. PM+ will revise the study based on the meeting and additional info to be sent and send a revised draft. There may be several versions of draft study before it is ready to present to the entire Board.
- On 6/13/22, additional information was sent to PM+.
- On 7/5/22, PM+ sent a revised Reserve Study.
- A meeting has been scheduled for Tuesday, 8/9/22, 7:30pm via Zoom for PM+ Reserves to present the most recent version of the reserve study to the entire Board.

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

Generally the above average rainfall this summer and additional gardening work of many volunteers have really benefited the quality of the pool grounds. Unfortunately the heavy schedule of swim meets will require some turf renovation this fall.

Commemorative trees: The tree plaque for Brenda Henry has been delivered and has been installed. Steve has made contact and she is interested in a dedication Saturday Aug 20.

9) Tennis & Pickleball Courts Committee (no change from last report)

Mid-Atlantic Asphalt Company has completed its annual power-washing of the courts. We are seeking discussions with the company to discuss responsibility for, and remediation of, emerging cracks and (what appear to be) repair failures on the courts.

10) Administrative Assistant's Report:

This position is vacant. No report is being produced. kp

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

Jim Eaton is responsible for tennis/pickleball court key distribution.

Carmen Wong is Pavilion Scheduler.

Karen Purdy has been taking care of eSoft Planner issues.

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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 (no change since last report)

Two opt-in properties recently have joined BPRA:

6 Hathaway Court (Silvio Morales & Julie Palencia)

5 Deckman Court (Bethany & Adam Johns).

14) Web Master Report (Billy Ruppert):