

BPRA Committee Reports and Updates for the March 2023 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):

I have mentioned to Clark Baugher that Jay Staggs will be the Chair of this committee and the Board's on-going representative with Georgetown Aquatics. Joe Moeller will continue in his volunteer capacity focusing on facility issues. I will continue to support as requested/as needed.

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

a. Spring Thing

Saturday, May 6, with a rain date of Sunday, May 7, is the date for the Spring Thing. Volunteers are needed for planning and executing this event.

b. Yard Sale

The Civic Association Spring Yard Sale will be on June 3 (rain date June 4). Paulette Ladas is providing a dumpster, which will remain in the parking lot for two weeks after the Yard Sale.

c. Summer Entertainment Series

The summer 2023 proposed movie dates (all Saturday evenings) are:

- May 5 (rain date 5/13), drive-in movie in the parking lot
- June 3
- July 1
- August 5
- September 2

The June thru September movies will be rain or shine. If it rains, they will be shown in the pavilion. If the weather is good, they'll be shown on the hill. The May and September movies are contingent on the funds raised for the 2023 Summer Movies.

The Civic Association has assembled a list of possible movies and verified that they can be licensed for the Pool this summer. They're conducting a poll through the community listserv through March 15. **SBPCA Summer Movie Poll**

Board approval is needed for the movie nights – to use the hill above the Pirate Ship, the Pavilion, or parking lot. For movies held inside the pool fencing, a pool manager is required to be present until the movie is over. Movies generally start at dusk. The drive-in movie does not need use of the bathrooms. Movies are open to the entire Strathmore Bel Pre Community, pursuant to the BPRA Recreational Facilities Policy.

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d. Summer Community Affairs Forum Series (no changes)

The Civic Association is considering restarting the summer forums, which had been discontinued due to the pandemic.

3) Neighborhood Dispute Resolution Committee (Patrick Welteroth):

Nothing new to report.

4) Finance Committee (Dave Pullen, Chair):

No updates provided. See February Committee Report.

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 (February 2023):

1. 2603 Belle Crest Lane - HOA documents
2. 2603 Belle Crest Lane - status of accounts
3. 2603 Belle Crest Lane - certificate of insurance
4. 3212 Beret Lane - garage addition and conversion to living space
5. 3208 Birchtree Lane - HOA documents
6. 3208 Birchtree Lane - commercial vehicle covenants
7. 3208 Birchtree Lane - status of accounts
8. 2808 Blazer Court - solar panels covenant
9. 14105 Blazer Lane - HOA documents
10. 14105 Blazer Lane - status of accounts
11. 14117 Blazer Lane - status of accounts
12. 2828 Blue Spruce Lane - driveway repairs covenants
13. 2600 Bluhaven Court - HOA documents
14. 2355 Deckman Lane - draft covenant to bring this property into the BPRA
15. 13400 Norden Drive - status of accounts
16. 3013 Regina Drive - rules governing the property

b. Accessory Dwelling Unit (new)

A request has been received from a homeowner in Strathmore Bel Pre Section 21 for HOA approval to renovate and expand their garage to convert it into a suite for their mother. The expansion of the garage would be on the back side of his house. The renovation would include adding a kitchen. The homeowner would not charge their mother rent.

Normally, we would tell the homeowner that we do not have a pre-approval process and the homeowner should talk with their neighbors before proceeding because it's the neighborly thing to do and because anyone in Section 21 could sue him in Montgomery County Circuit Court to enforce the covenants.

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The problem here is that the Montgomery County Council adopted an ordinance a few years ago that requires that before the County will issue a permit for an Accessory Dwelling Unit, the local homeowners' association must approve it. Without the HOA approval, the County will not issue the appropriate permits and licenses. This appears to be the only instance where the County requires HOA approval before licenses and permits will be issued.

This is the first time the BPRA has received a request from a homeowner to approve an Accessory Dwelling Unit.

The statute is Montgomery County Code §29-19(b)(1)(C) and can be found at https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md/0-0-0-137028.

c. 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"

d. 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 will resume work on drafting this policy when time permits.

e. Covenant enforcement (no changes)

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

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

f. 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

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homes on Village Lane and Rippling Brook Drive; and the Georgian Forest homes on Verona Court).

g. Special Projects (updated)

- Continued identifying the section number for each street address within the BPRA – this month added:
 - Hathaway Drive (revised again)

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. Kp

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

No change since January 2023.

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

Kollins has provided a proposal listing costs for services for this season. Lawn mowings will be \$195.00 as was the rate last season. Other services have stayed about the same including a minor decrease in per man labor and disposal charge.

They have proposed to provide a one day perimeter boundary fence clearing of \$2400. I recommend that we continue with Kollins, this will require Board approval.

The volunteer Garden group will make at least two visits this spring and hope to enhance perennial plantings.

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I plan to meet with our tree contractor in March to review tree health across the property and have a proposal for review at the April Board meeting.

9) Tennis & Pickleball Courts Committee (no change)

No updates provided. See February Committee Report.

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:

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

Carmen Wong is Pavilion Scheduler. She has agreed to continue in 2023.

Karen Purdy has been taking care of eSoft Planner issues.

12) MapMaster Report (Paul Spelman):

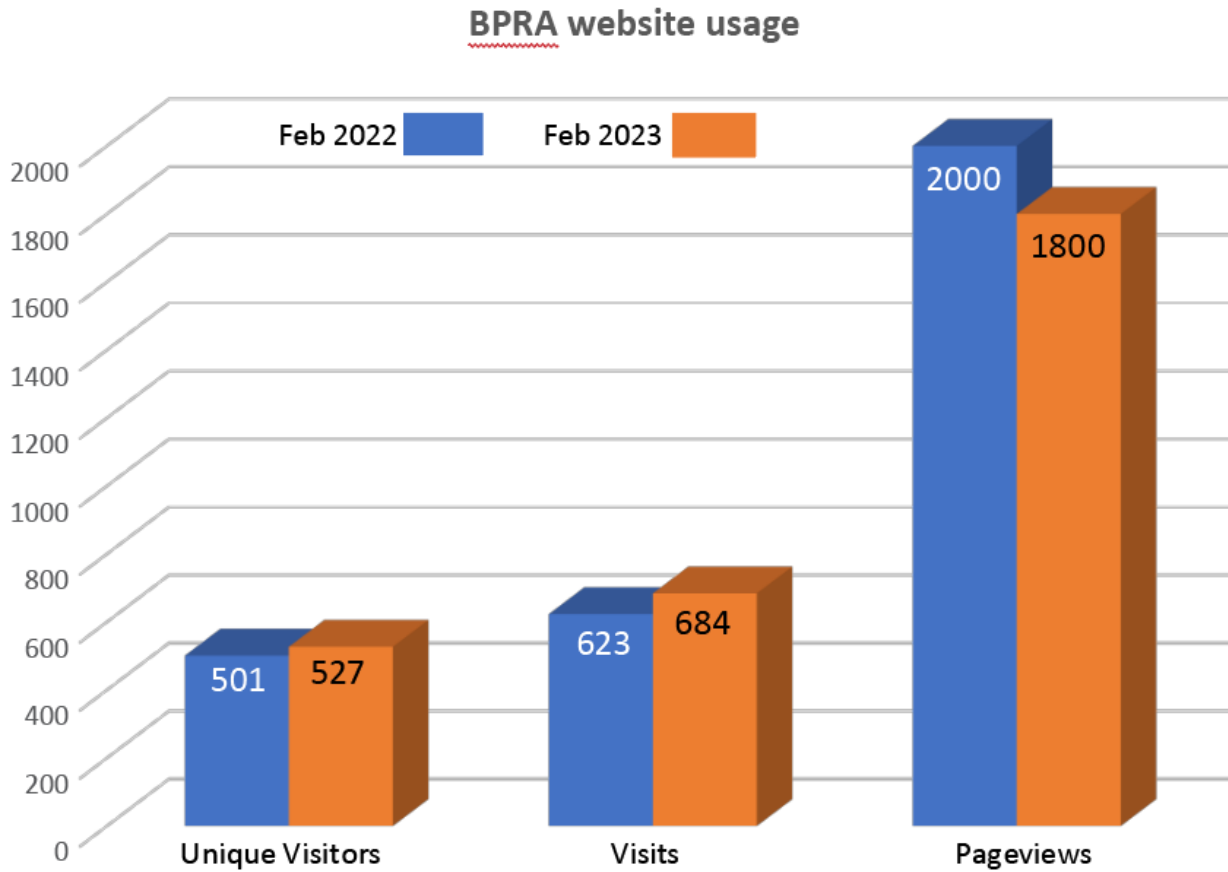
No change since January 2023.

13) New Member Recruitment Report

2355 Deckman Lane has requested BPRA membership. The covenant to bring this property into the BPRA was drafted (see 5. a. 14 in this report) and is awaiting signature by the property owner.

BPRC Committee Reports and Updates for the March 2023 BPRC Board of Trustees Meeting

14) Web Master Report (Billy Ruppert):



Visits by Device	Feb 2022	Feb 2023
Desktop	506	529
Mobile	99	146
Tablet	18	9