

## **BPRA Committee Reports and Updates for the April 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 (Jay Staggs, Chair):**

We need to finalize the date for the walk through.

Waste management services are to begin on May 10th.

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

#### **a. Spring Thing (updated)**

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

#### **b. Yard Sale (updated)**

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.

**Home yard sales on June 3/4 will also be supported with a map given out at the main yard sale in the pool parking lot.**

#### **c. Summer Entertainment Series (updated)**

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

- June 3 - **Everything, Everywhere, All At Once**
- July 1 - **Top Gun: Maverick**
- August 5 - **A Man Called Otto**
- September 2 - **Black Panther: Wakanda Forever**

The 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. A pool manager is required to be present until the movie is over. Movies generally start at dusk. Movies are open to the entire Strathmore Bel Pre Community, pursuant to the BPRA Recreational Facilities Policy.

**Plans are to have 2 live concerts during the summer. Details next month.**

#### **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.

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

#### **a. Bookkeeper (no change since last report)**

We continue pursuing candidates/firms to serve as BPRA Bookkeeper. If others have recommended providers, please let me know!

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

2023 Assessment payments have been received from 85% of homeowners as of 3/31 – meaning up to 110 homeowners are now delinquent (we may yet receive a few payments postmarked no later than 3/31, but I expect more than 100 delinquencies again this year.)

#### **c. Overdue Collections/Schild Law Group (no change from previous report)**

A verbal report on accounts at SCHILD will be presented at the April Board meeting.

#### **d. Assessment Assistance Committee**

One claim was filed with the Committee; it was denied, as the request (to be excused from the Assessment altogether) is outside the Committee's scope of authority.

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

Larry Vaught completed our 2023 Federal tax return and has forwarded it to Purdy and Pullen for review; it will be filed electronically by the May 15 deadline (which is accelerated from our historic July filing deadline, coincidental to our change in the fiscal year).

#### **f. 2023 Guest Pass Purchases (no reports until 2023 pool season)**

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

No updates since the October meeting.

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

The Committee plans to coordinate with the Governing Docs Committee to review the applicability of new, legislated, procedures intended to “protect” homeowners from deprivation of their rights without “due process.” This may affect procedures for how we assess late fees, etc. as well as our existing procedures for suspending members’ access to the Pool Property, whether due to delinquent payments or “behavioral” issues on the Pool Property.

After consultation with Purdy, Pullen has begun exploring “best practice” investment strategies/policies with the goal of maximizing return to the Association while minimizing risk. Exploratory conversations have been held with the wealth management team at TRUIST bank (BPRA's current bank) and through Steve Jennison's assistance, a financial advisor associated with Morgan/Chase. **The Board needs to determine next steps**, including whether a separate

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Investment Committee (or a Subcommittee of Finance) is needed/appropriate for managing this process/activity. If the Board determines a committee of any kind is needed, I strongly recommend creating an exception to our current policy allowing any member who wishes to serve on a Committee to do so. This is too sensitive a project to try to manage with a wide group of people (who may or may not have any substantive experience in the matter). In my mind, this argues for a **Board Committee** to be created as a better alternative.

### **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 2023):

1. 13400 Norden Drive - status of accounts
2. 3011 Regina Drive - current dues

#### **b. Accessory Dwelling Unit (revised)**

At its March 7, 2023, meeting, the Board considered a request from the owner of 3212 Beret Lane for approval to renovate and expand their garage in order to convert it into a suite for the owner's 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. The Board approved the request, proved that the homeowner agreed to sign a document (that BPRA will prepare) to be recorded in the County Land Records, committing the homeowner and all future owners of the property to only using the the expansion/renovation for members of the homeowner's family and not charging any rent for its use. The Board also directed the Governing Documents Committee to propose a policy to the Board on how to similarly handle any future requests of this type. The Committee will try to have a proposal drafted before the Board's May 2 meeting. Work is also underway on preparing the document for 3212 Beret Lane.

**Background:** Normally, in the case of such a request from a home subject to land use covenants, we would tell the homeowner that (1) "the primary purpose of the BPRA is to operate and maintain the community's swimming pool and other recreational facilities" [BPRA Plan of Organization § 100], (2) that we do not have a pre-approval process and (3) 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. The properties in Section 21 have land use covenants, that among other things, provide that:

- § 1(e) - No dwelling or any part thereof shall be used for any purpose except as a private dwelling for one family or as a professional office of a physician, dentist, [etc.] . . .
- § 1(a) - . . . No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling . . .

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- § 1(b) - An attached addition to the dwelling may be erected but only on the condition that it shall not project beyond the front wall of the dwelling or structure as originally erected by the Company . . .
- § 2 - No building, structure, dwelling, garage, carport or breezeway shall be erected, nor shall any alteration or addition to or repainting of the exterior thereof be made, unless it shall conform in architecture, material and color to the dwelling as originally constructed by the Company [i.e., by Levitt & Sons].

The difference here was 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. 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](https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md/0-0-0-137028).

The request from 3212 Beret Lane is the first time the BPRA has received a request from a homeowner to approve an Accessory Dwelling Unit. (The County's Department of Housing and Community Affairs website (<https://apps.montgomerycountymd.gov/DHCA-Licensing/Class3/List>) indicates that a ADU license has been issued for 13410 Norden Drive and is pending for 13407 Norden Drive. These properties are both in Section 18 of Strathmore at Bel Pre. SBP Section 18 does not have any land use covenants, so those properties are in compliance with the covenants as long as they pay their annual dues.)

### **c. Banking and Investment Policies (no changes)**

At its March 7, 2023, meeting, the Board adopted interim policies on banking and investments. The Board asked the Committee to review the adopted policies and, if appropriate, make recommendations for updates to the policies.

### **d. 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"

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### **e. 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.

### **f. 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
- 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

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- 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

### **g. 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).

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

- Continued identifying the section number for each street address within the BPRA – this month worked on updates to:
  - Bel Pre Road
  - Hathaway Drive

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)

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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):**

Was contacted by Pam Degnan regarding the vegetation and weeds along the eastern fence line. In the process of scheduling the brush mowing with Kollins. While she complained about the weeds she was appreciative of our efforts over the years.

Have met with our tree contractor JC Tree and am waiting for a proposal. There is one pine blowdown to clean up and several other small trees that have died.

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

**9) Tennis & Pickleball Courts Committee (no change)**

Senior Mid-Atlantic Asphalt Company representatives re-visited the BPRA tennis/pickleball courts in October 2022 to review apparent cracks, etc. and to discuss responsibility for, and remediation of, same and/or other repair failures on the courts. Remediation is now planned for Spring 2023 (repair process is dependent on ambient temperatures of 65 degrees or higher). Members have reported decay of net straps on the pickleball courts. We will research best replacement options (costs) and seek funding for same in early 2023.

**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.

## BPPA Committee Reports and Updates for the April 2023 BPPA Board of Trustees Meeting

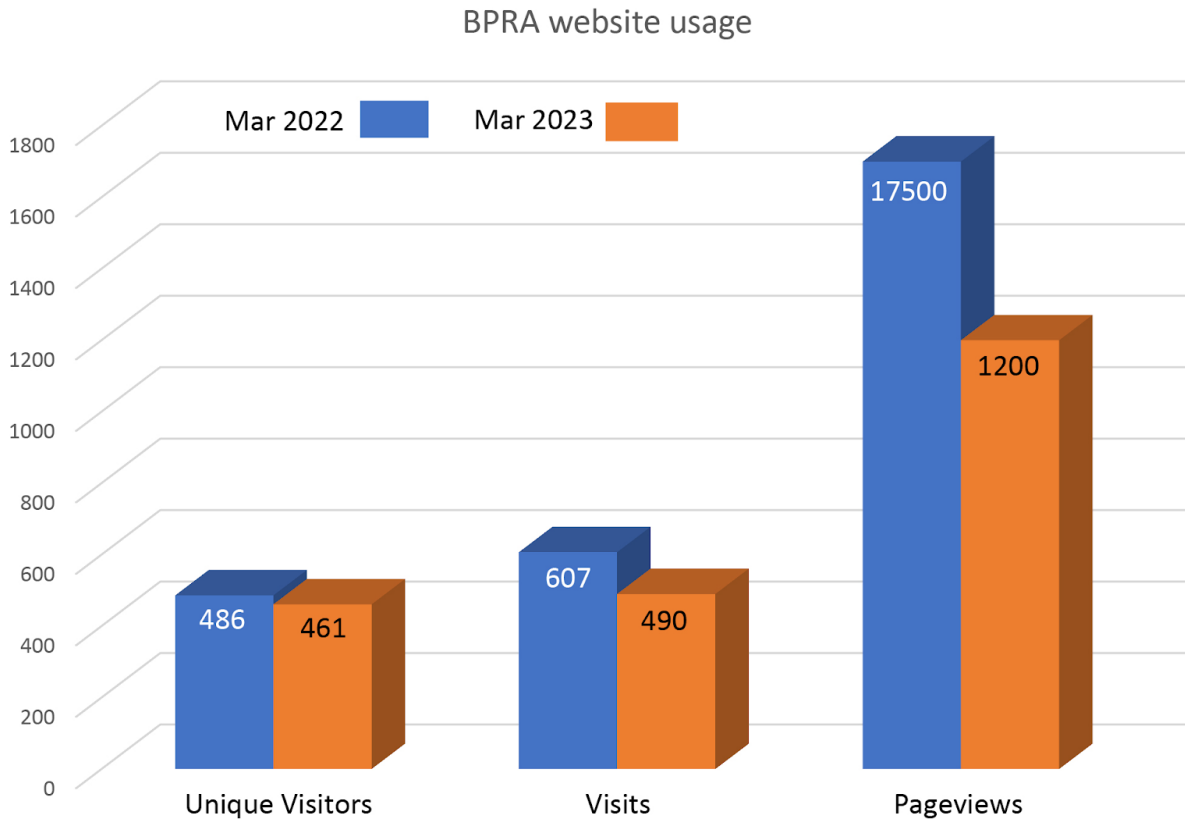
### 12) MapMaster Report (Paul Spelman):

No change since January 2023.

### 13) New Member Recruitment Report

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

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



Visits by Device	Mar 2022	Mar 2023
Desktop	458	351
Mobile	145	133
Tablet	4	6