

Winter 2009

# Drum Point Light



## Drum Point Property Owners' Association

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## Is it time to move in a new direction?

How about determining our own financial future by a vote of the entire Drum Point Community? What about being more flexible in what the community WANTS to do, not what someone 15 miles away thinks we should be doing?

We need to look at Community-Based Funding, which would allow the community to determine its own fate, rather than relying on politicians to decide what is best for Drum Point.

Here are the basics of the Special Tax District (STD) program that have been utilized by Drum Point and other common-ownership communities in Calvert County

The original idea of the first STD was developed and submitted to the Maryland legislature by Delegate Anthony O'Donnell

and Drum Point resident Don Randall. It was developed as a means of providing tax funds for roads, green space, amenities and general administration of the community. This concept remained stable until our most recent STD petition was changed with no notice of hearing.

The STD process does not **require** any public input before submission, other than a public hearing to be held by the County Commissioners. While this Association's Boards of Directors have always requested your input and recommendations, the process does not require community approval.

The STD is subject to the beliefs of the County Commissioners; they have the authority to change the amount, up or down

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# President's Page



## John McCall, 2009-2010 DPPOA President

Where are we?

As the new president of DPPOA, I feel that is the main question your Board of Directors is trying to answer. It seems as though we are so busy “killing alligators that we cannot drain the swamp.”

Yes, there have been setbacks in our plans. The Board of County Commissioners threw a major curve ball to Drum Point when the Special Tax District (STD) budget was dramatically changed with no notice of public hearings. It is time to stop the “spinning of the facts” and set the record straight.

1. The Commissioners changed the original STD petition AFTER the public hearing on June 16<sup>th</sup>. Instead of creating a new Special Tax District as proposed, the Commissioners amended STD III at their June 23<sup>rd</sup> meeting. The submitted budget was discarded, and the Commissioners have demanded a new budget, **retroactively severely restricting the spending of monies on hand as well as monies to be collected in 2010, 2011 and 2012.** Administrative costs and general operations are limited to 15 percent of the STD funds collected. These changes forced the Board of Directors to develop a new DPPOA budget which will be presented for approval at the December 5<sup>th</sup> general meeting.
2. The Board of Commissioners has refused to discuss the issue with your Board of Directors, instead relying on “confidential sources” within the community. One commissioner stated the Board of Directors represents a “small minority of the property owners.”

The DPPOA Board sought legal opinions as to options available, and it was recommended that we request mediation or arbitration rather than legal action. Again the commissioners refused.

For several years, members of the Board have asked the community to “Stand up and be heard.” when the same persons at our membership meetings continue to raise the same issues and demand to be heard time and time again. Now, we must stand together.

The Vocal Minority’s tactic is stating “half truths” throughout the community, claiming “Freedom of Speech”. Freedom of Speech is a right guaranteed to all of us by the Constitution and the Bill of Rights. But...Freedom of Speech carries with it the obligation to speak the entire truth, not just the part that benefits your belief. Former Presidential Candidate Adlai Stevenson said, “Every man has a right to be heard, but no man has the right to strangle democracy with a single set of vocal chords.”

It is time to stand up and be counted. Will you sit on the side lines and let a small minority control your future, or will you stand beside **your duly**-elected Board as we move into the future? The choice is yours.

Unless otherwise noted, articles without a by-line  
are reviewed and approved by the Board of Directors.

“New Direction” - continued from front page

at the hearing. They are not allowed to change the stated purpose of the STD without holding a public hearing.

One of the major benefits of the STD is that the County collects the funds as part of the regular Property Tax Bill sent to all property owners in the community. With some 1600 taxable lots, the collection of these taxes, including the accounting, billing and other administrative details, creates quite a workload.

The major drawback in Community-Based Funding lies in determining how to ensure every property owner has a say in the move away from a Special Tax District to a more equitable method of maintaining an adequate income level (a minimal STD would be maintained in order to remain eligible for FEMA funds as was necessary after Hurricane Isabel destroyed the Bay Causeway in 2003). Both neighboring communities, Chesapeake Ranch Estates and White Sands have covenant or mandatory association fees in excess of \$150.

Our present covenants, which date back over 60 years, were set at \$10.00 per lot. In today's dollars, the fee would be about \$95.00. There have been at least five attempts to change our covenants, ranging from increasing the \$10.00 covenant fee to changing the voting procedure. Present rules require that 50 per cent plus 1 of the lot owners must approve a change BUT a ballot that is not returned is counted as a NO vote. In our last attempt, in 2006, the majority of voters agreed but the measure was defeated by the number of non voters.

We have approximately 1297 property owners, of this number 760 have a Lusby mailing address and 27 have a Solomons mailing address. This means that some 510 of our property owners are not residents or are part-time residents.

One idea under consideration is to

See next column...

From previous column...

attempt a legislative change to the covenants or to request legal assistance to challenge the constitutionality of the issue under the 'one man-one vote belief'. It is possible that some law students from the University of Maryland or George Washington university would be willing to take this on as a class project.

Under the Community-Based Funding, there would be no need for association dues since all property owners could vote on any and all matters. Budgets would be approved on either a one or two-year basis, and special projects could be determined by vote.

## **2010/2011 Dues Will there be an Increase?**

The straight answer is, “The Board does not know at this point in time!”

Changes to the STD demanded by the Calvert County Board of Commissioners are being discussed with the County Finance Director and County Administrator to ensure that Drum Point's absolute needs are met with the requirements established by the Commissioners when STD III was amended. With four sources of funding, Covenant Fees; Association Dues, STD Funds and Highway User Revenues, any change to the STD results in a change to all four budgets.

It is hoped that a final agreement can be worked out prior to the December 5<sup>th</sup> General Meeting (scheduled to be held at the Southern Community Center while construction takes place at the Drum Point Club).

According to John McCall, DPPOA Board President, “Until we have hard definitions and hard numbers to work with, any number we could project would be a guess. We know that the STD was reduced by \$142, down from \$192 per lot to \$50 per lot. We may need an increase in Dues.”

# Drum Point Resident

## Nominating Committee

The people and events mentioned on these two pages highlight just a few of the volunteer opportunities in Drum Point. One of the most important jobs each year focuses on the need to find Association members who wish to serve on the Board for the upcoming year. To that end, a nominating committee is formed.

Duties for this committee include finding Association members who wish to serve on the Board and processing the ballots to be sent to each DPPOA member-in-good standing. Ideally, the Nominating Committee should consist of five Association members-in-good standing.

Anyone wishing to serve in this capacity or who is willing to serve on the Board should contact the office at 410-326-5148. Serving on the Board provides an opportunity to see first-hand how the community functions.

### 2nd Annual Spring Yard Sale

It is never too early to start thinking about clearing out the winter's accumulation of treasures that are no longer useful to you and trash that should be tossed. Our newly appointed community event coordinator, Barbara Porter, has agreed the yard sale is a great way to start the spring-cleaning drive.

The date for this year's event is tentatively set for April 17th, the weekend prior to the Spring cleanup, scheduled for Saturday, the 24th of April. Items that do not sell can be held for a week and dropped in the dumpsters on Saturday, the 24th.

Once again, if you have treasures someone else might find useful, we encourage you to donate them to the SMILE Thrift Shop and Food Pantry, located on H. G. Trueman Road, near Middleham Chapel (clean items in good condition only).

Space will be made available again this year in the vacant lot across from the Association office on a first-come, first-served basis. If you would like to reserve a spot, you may contact Barbara at [jandbporter@comcast.net](mailto:jandbporter@comcast.net), or give her a call at (443) 404-5199. If you would simply like your house location added to a map of houses participating in the Drum Point yard sale day, let us know. Maps will be prepared and distributed to the "customers" upon request. Let's hope for great weather and lots of customers.

### Fall Clean-up Day ...

Many thanks to those of you who 'pitched-in' on October 10th to clean up your neighborhood of this past Summer's buildup of trash. This year's Fall clean-up day was not as busy as in year's past. We did fill one and one half dumpsters with trash and nearly two dumpsters with metal for recycling.

The lighter response at this year's clean up may be due to the fact that many residents of Drum Point have cleared their homes of all the unwanted items that tend to lay around one's house. Or it may be many of you were enjoying the day in Solomon's celebrating Patuxent River Appreciation Day. Next year's event will be scheduled to avoid conflict.

If you were one of those who were busy with other activities that day and missed the Fall event, please mark your calendar now for our annual Spring Clean-up Day, tentatively set for April 24th, 2010. Dumpsters will be in place by 8:00 a.m.

If you are able to help out in the Spring or have questions, please contact the office via e-mail at [office@dppoa.org](mailto:office@dppoa.org) or give us a call at 410-326-6148.

Again...Thanks to all who participated and helped make the Fall Clean Up Day a success. We hope to see you again in the Spring!!!

# Step Up to the Plate

## Drum Point Hall of Fame

This quarter's Hall of Fame includes all who stepped forward to volunteer for Board positions or responded to the "DPPOA Classifieds" ad from the Fall 2009 Newsletter. Following is a list of those community-minded residents.

- ♦ **Maria Miller, Carrie Pattison, Curtiss Barrett and Amy Rispin** - volunteers for the Board of Directors. Mr. Barrett and Ms. Rispin were appointed to the two open Board seats.
- ♦ **Dennis Baker** - volunteer for the position of Ombudsman (see related item below).
- ♦ **Barbara Porter** - volunteer for the position of Community Organizer (see related item regarding the Spring Yard Sale on the preceding page).
- ♦ **Judy Angelheart** - volunteer to take on the duties of community Chaplain for Drum Point. Reverend Angelheart was ordained as an Interfaith Minister in 2001 and has a B.S. degree in Behavioral and Social Sciences. Her many qualifications, include experience with Hospice in St. Mary's and Calvert Counties and as a master therapeutic foster parent caring for

high needs children. She also served as a crisis counselor and received training in dealing with Post Traumatic Stress Disorder (PTSD). She has worked part-time at Asbury-Solomons in the Assisted Living and Health Care areas and has had training in home and hospital visitation. We are most fortunate to have someone of Reverend Angelheart's background and experience in our midst.

- ♦ **Barbara Boward** - volunteer to help record important events in Drum Point including Drum Point Day, damage from storms that may occur and other important happenings in our community. Ms. Boward has had a passion for photography for years and likes to photograph, "places that recall in us wonderful special memories and times." We look forward to her contribution to the newsletter and to the community archives.

More information will be forthcoming on all these positions as the jobs evolve. Again, on behalf of the community, the Board extends appreciation to all who are willing to give of their time and talent.

## Ombudsman

As stated above, Dennis Baker volunteered and was appointed to fill the newly-created position of Ombudsman for the community. An Ombudsman can be defined as, "one that investigates, reports on, and helps settle complaints." This position was created with the goal of increasing and improving the communication between the community and its elected Board.

To that end, the Board made the decision to have someone outside the Board serve in the position. Those members of the community who may not be able to attend the quarterly membership meetings or who may attend but are reticent to speak up or express

their concerns may seek out the Ombudsman to assist them as needed. He will report to the Board as issues arise.

Those of you who wish to speak with the Ombudsman and remain anonymous may do so. The essential idea of establishing the position was to ascertain where problems may exist in order to resolve those problems.

Dennis can be reached via e-mail at dbakersolutions@aol.com or at his home at 410-394-0126. He asks that if you wish to call him at home, please do so prior to 8:00 p.m. daily and before noon on Saturday. Dennis asks that no one call him on Sundays.

# And Now...

## the Rest of the Story

A petition was recently circulated within the Drum Point Community demanding, "...that no more money be spent by the Drum Point Board of Directors to litigate the decision made by the County Commissioners in regards to the spending of STD Money... and that the DPPOA Board of Directors immediately abide by the directives of the BOCC as stated in the letter signed by the County Attorney..."

One group of petitions, with approximately 100 signatures, was presented to this Board, and the distributors reportedly have obtained more signatures to submit to the County Commissioners.

The stated purpose of this petition is NOT TRUE.

The Board of Directors contacted a local attorney for an opinion on how to proceed after the stated purpose of the STD was changed without a public hearing, and the letter from the County Attorney was a request for a new budget within the guidelines of the amended STD.

The Board of Directors' position is the petition is not acceptable due to the misinformation, and no further action is planned.

### Are You in the Critical Area?

You really need to know.

Determining your property's relation to the Critical Area has become more important than ever since the passage of a new Critical Area law (House Bill 1253) last year. The law established many new procedures and definitions that are now reaching the regulatory stage, and all Critical Area property owners need to be aware of them.

The Critical Area is basically all land in Calvert County within 1000 feet of the tidal high water mark. It's pretty simple to establish that your property is in the Critical Area if your house is waterfront property on the Bay - but things get more difficult inland.

From Bottom of Previous Column

If you have a question, call Calvert County Planning and Zoning at 410-535-1600 Ext 2238. Or, if you would prefer to get your information on line, you can go to this link: <http://www.co.cal.md.us/government/departments/planning/zoningmaps/> and see the critical area defined there by a red line.

It is more important than ever to be aware of your location and the evolving rules. One of the more stringent provisions has to do with what is considered a pervious surface within the critical area. Basically, any man-made material is now considered "coverage" and goes in the impervious column for percentage calculations. There are also strict restrictions for the buffer area that defined as land within 100 feet of the high water mark.

For an overview of the effects of House Bill 1253, you can go online to <http://www.dnr.state.md.us/criticalarea>. When in doubt, however, we suggest you call Planning and Zoning.

## School Bus Safety and the Right of Way

Some of you may have noticed a change in the location of some school bus stops. This was a result of too many elementary students using one stop. The change was to assure the safety of the children and to avoid, as much as possible, disruption to residents and parents.

The Calvert County Bus Transportation Department requires parents of young children to wait at the bus stop with their children. Many times these parents have no choice but to park in what you, as a property owner, may consider a portion of your front yard. Please keep in mind there is a 10' - 15' right of way and utility easement which extends from the edge of the paved road.

While the Association does not want to see these areas, nor the edges of the roads, damaged from vehicles and asks parents to use care when parking in these areas, let us all remember parking there is unavoidable and temporary each school day.

# Facilities Management Update

## Storm Water Management

On-site work for the storm water management projects has begun. Professional engineering, conducted by the firm of Collinson, Oliff and Associates (COA), began in May 2007 and is now complete. All permits are in place.

After the competitive bidding process was completed (to include needed changes made by COA), Morgan Russell Inc. was awarded the contract for work at the intersection of Marine and Harbor Drives in April. Work began on Tuesday, October 8th. The cost of the construction portion of the project for this location is \$42,770.00.

The contract for work at the intersection of Beech Drive was put out for competitive bid and awarded to ABM Construction in the amount of \$18,933.00. Utilities were marked and work began October 21<sup>st</sup>.

Due to the discovery of a septic field in the right of way at the third proposed site, work in that area was cancelled.

Total engineering costs to date for all three projects is \$45,822.00. With storm water management an important factor in caring for Drum Point roads, Special Tax District funds were used for these projects.

## Road Pipe Cleaning and/or Replacement

The contract to clean and replace, where needed, pipes running under Drum Point roads was put out for competitive bid in mid-September. The pre-bid meeting, held on October 2<sup>nd</sup> was well attended and overseen by Board member Sam Bergeson-Willis who took over as Facilities Manager when John Gray retired from the Board.

Just two proposals were received in time for the bid opening, which took place on October 16<sup>th</sup>. After consideration, the contract was awarded to ABM Construction in the amount of \$56,778.00.

With some of the pipes 50-plus years old, the project is an important step in the maintenance of the roads. Initial work began nearly a year ago with inspection and analysis of the pipes done in December 2008. Any required permits will be sought, and work on the project will commence shortly.

Driveway pipes were inspected in November of 2008 and some were cleaned in May and June of 2009 at a cost of \$2,488.00.

Both projects are funded by Special Tax District and State Highway User Revenue (SHUR).

## Dry Hydrant Installations Complete

Dry Hydrants have now been installed at three locations in Drum Point - Laurel Way Causeway, Anchor Drive Causeway and Lake Vista (River View Causeway). All three hydrants were inspected and tested by the Solomons Volunteer Fire Department and passed inspection. Tests will occur periodically to assure the hydrants are in good working condition.

Fires are not common in Drum Point, and it is hoped the hydrants will not be needed anytime soon. However, time is of the essence with regard to putting out a fire; and with the droughts sometimes experienced

in the area, that need may well arise as our wooded lots become dry.

This project was funded by a grant through the USDA Resource Conservation and Development Agency as well as Special Tax District III funds. Total cost to the STD for all three hydrants was \$7,830.00 including \$750.00 for the required permits from the Maryland Department of the Environment and repair to the Laurel Way hydrant after vandalism. As a reminder, if you see anyone tampering with the hydrants, please do not hesitate to contact the Sheriff's Department at 410-535-2800.

# ATTENTION

DUE TO CONSTRUCTION AT THE DRUM POINT CLUB, THE DECEMBER MEETING OF THE MEMBERSHIP WILL BE HELD AT THE SOUTHERN COMMUNITY CENTER.

## **General Membership 2009 Meeting Schedule**

Saturday, December 5, 2009—10:00 a.m.

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## **General Membership 2009 Meeting Schedule**

**December 5, 2009—10:00 a.m. -  
Southern Community Center**

All meetings will be conducted pursuant to Section 5-206 of the Maryland Code which states: If the number of members present at a meeting does not meet the requirements of a quorum, those present may call another meeting to meet quorum requirements.

At the additional meeting, the members present in person constitute a quorum.

## **General Meeting**

**\*\*\*\*\* Saturday \*\*\*\*\***

**December 5, 2009**

**Southern Community Center**

**10:00 a.m.**

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**Call to Order  
President's Remarks  
STD IV Status  
Revenue Options  
Approval of June Minutes  
DPPOA Dues Discussion  
Treasurer's Report  
Old Business  
New Business  
Public Comments  
Adjournment**