

Fall 2010

July - September



Drum Point Light

Drum Point

Property Owners' Association

401 Lake Drive, Lusby, MD 20657

www.dppoa.org

office@dppoa.org

410-326-6148

Road Turnover Question Decided

After nearly 15 years of back and forth claims and counter-claims, the issue of whether or not to turn Drum Point's Roads over to the County has been resolved – again.

Last Fall, a group of Drum Point residents requested a vote by all property owners to resolve the issue. There had been a vote in late 2008 at a General Membership meeting where the community said the roads should remain the responsibility of the community and NOT to invest further funds in upgrading any roads to County Standards.

Despite that vote, a group of residents again claimed that not all members of the Association had the opportunity to vote, and a quorum of members-in-good standing at a duly called meeting was not sufficient for such a decision.

In response, the Board of Directors agreed to include the question in a survey of possible projects

to be presented as part of the Special Tax District (STD) petition being prepared.

After the survey indicated majority support for maintaining the status quo, a group alleged the survey was not fair since it offered "too many options", i.e. strongly oppose, somewhat opposed, neutral, favor, and strongly favor.

As part of the signing of the STD Contract with the County, it was highly recommended the Board hold a Community-wide ballot with all lot owners being permitted to vote.

Members of the Board of Directors prepared a position paper citing reasons not to invest further funds, while other Board and community members drafted a position paper citing reasons to proceed with investing more funds. A Public Forum, attended by about 40 residents, provided an opportunity for both sides to present their arguments and

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DRUM POINT DAY 2010 — *All Aboard for a Good Time!*

What: An outdoor party you'll treasure - and it's free! **Who:** All ye who live in Drum Point are invited. **When:** Sat. Sept. 11 from 4 - 7 p.m. **Where:** the Drum Point Clubhouse

This swash-bucklin' good time for all ages will include: free vittles & drinks, a jolly-fun waterslide, a pirate treasure hunt, door prizes, face painting, land-lubber field games, ultimate Frisbee, Frisbee golf, badminton, volleyball, time to hang with the mermaids and swim at the beach, "Neighborhood Bingo", craft table, nature walk, history of Drum Point & a cannon (water balloon) toss.*

(For those who don't like to rock the boat, bring your own Captain's chair to sit and relax in.)

In remembrance of 9-11, we would also like to hold a brief commemoration of those Americans who lost their lives and those who serve to protect ours

Crew wanted: all hands on deck are needed to launch this good time. Interested in set up, clean up or in helping with a station/activity for even just 30 minutes? Contact Jen Youngerman at 410-326-2289 or jenyoungerman123@yahoo.com.

Hope to see you all there!

President's Page

Gary Heal - DPPOA Board of Directors President



Let me open by thanking all of you for your support and confidence shown through your votes to fill the openings in your Board of Directors (BOD). The result was the placement of some new faces mixed in with some proven experience. Consequently, I was elected President, Amy Rispin is your Vice President, Max Munger is Treasurer and John McCall is your new Secretary. Other Board members are Duane Heide-mann, Dan Mathias, Tricia Powell, Sam Bergeson-Willis, and Dale Maxwell.

The results of the Vote not to turn over DPPOA roads to the County tells me this Board has a mandate from the community to keep our association assets in outstanding condition. I will work diligently to that end

As the President of your Board of Directors, my approach to administrating the affairs of DPPOA will be to create an atmosphere of civility and an attitude of openness that allows for the free exchange of ideas without discourteous, undermining or inflammatory words, deeds or actions.

We feel that we still have significant issues to overcome to have the funds we need to support our community obligations and hope the Board of County Commissioners and their staff will help us over these hurdles. Every member of this community can be sure that I have been and will continue to work with the Board of County Commissioners, their staff and other election officials to promote DPPOA.

The Drum Point Community decided by a wide margin to not turn over our roads to the County. With that decision comes the charge to responsibly manage and maintain them.

Your Board of Directors, in my opinion, is up to the task.

Let me explain how I would like to have this Board conduct its business; I would like to have meetings more open to comment from the Community. Everyone must understand that when the DPPOA BOD assembles for a meeting, it is not obliged to allow property owners to speak during debate since the purpose of a Board meeting is to conduct the business of the community without distraction. However, since the BOD is conducting the business of the Property Owners, I feel that we should allow some Property Owner involvement during the discussion phase of our meetings. This is in line with my push for a more civil community.

- I will be running these meetings (as we always have) using Roberts Rules of Order as a guide.
- I expect all attendees to respect and abide by those rules. Without that order, as the Chair, I will take appropriate action.
- I will be making a few small changes that I believe are within my purview, such as exercising my right to make motions, or second them. Also I will be looking for a second for motions such as “call for the question” and perhaps some other small changes.
- I will be setting a tone of orderly openness with the hope that all members will feel like they have a forum with this Board of Directors.

Thanks for taking the time to read the newsletter,

Gary

Board Elects New Officers

In its first meeting, the Board of Directors of the Drum Point Property Owners' Association elected officers for the 2011 Fiscal Year.

Gary Heal was elected President; Amy Rispin was elected Vice-President; Max Munger, Treasurer and John McCall, Secretary.

In agreeing to serve as president, Gary Heal emphasized the need for all members of Drum Point to strive for a more 'Civil Community', the platform on which he and Amy Rispin ran during the Spring election.

During the meeting of the Board of County Commissioners, held August 10th, John McCall, the outgoing DPPOA Board President, presented the first annual DPPOA status report and introduced Gary as the incoming President of the Association Board. The status report was extremely well received by the Board of Commissioners.

Board of Directors Contact Information

Here is the updated contact information for the Board of Directors. The Directors ask that calls be restricted to afternoons and early evening.

Police and Medical Emergency.....	911
Gary Heal, President.....	410.326.4703
Amy Rispin, Vice President.....	301.656.8537
Max Munger, Treasurer.....	410.326.9024
John McCall, Secretary.....	410.394.0058
Sam Bergeson-Willis.....	410.326.1496
Duane Heidemann.....	410.394.6103
Dan Mathias.....	410.326.2568
Dale Maxwell.....	410.394.1440
Tricia Powell.....	410.394.0211
Rhea Webster - Community Mgr.....	410.326.6148

DPPOA Board of Directors Sets Goals For 2011 Coming Year

As one of its first priorities, the Board of Directors has agreed upon goals for the current fiscal year that began July 1st.

DPPOA President Gary Heal originally proposed the idea as part of the 'More Civil Community' campaign. Rather than setting construction or "spend down" programs, he and Vice President Amy Rispin want to improve the exchange of ideas between the Board and all groups within the greater Drum Point Community.

Goals established are:

- Build a working relationship with the County Commissioners and staff.
- Create and maintain an atmosphere and proc-

ess that allows the entire community to have a say in its governance.

- Resolve issue about Special Tax District and Funding.
- Monitor and control contracts, work and spending to ensure DPPOA gets the best value for our money.
- Maintain DPPOA infrastructure and assets in a cost effective and responsible manner.
- Establish a Historian/Archivist to assemble and record the history of Drum Point.
- Find a way to correct our voting issues so that all property owners have a vote that allows self-determination without a loss of revenue.

Newsletter Staff

Editor in Chief - Gary Heal
Editor - John McCall
Formatting Editor & part-time writer - Rhea Webster
Contributing Editors in Charge of Review -
Board of Directors

Unless otherwise noted,

articles without a by-line are reviewed
and approved by the
Board of Directors.

Drum Point, Where We Have B

In August, the Board of Directors reported to the Calvert County Board of Commissioners on the accomplishments of the community more aware of the Goals established. The watermark on the page is a drawing of the Roman god

In January, 2010, a new Special Tax District Agreement (STD III as amended), was approved by the Drum Point Property Owners' Association (DPPOA) and the Calvert County Board of Commissioners after more than five months of negotiation. Under the new agreement, the STD budgets for the next three years are \$268,000; \$234,560 and \$249,200. Of these amounts, the Capital expenditures budget will increase from 58 per cent in 2010 to 67 per cent in 2012. Administrative costs charged to the STD, on the other hand, will decrease stepwise from 30 per cent in 2010 to 20 per cent in 2012. The remainder of the STD budget is for Operations and Maintenance items which involve only repairs to the existing road-related infrastructure. STD fees will be \$50 per lot.

As before, all Capital expenditures must be approved by the Department of Public Works for compliance with the Commissioners' guidelines, with all funding to be approved by the County Finance Department. In addition, ongoing inspections of Capital projects will continue to be required, with inspections to be scheduled by the Department of Public Works. If any work is not inspected and approved by the Department of Public Works, the County has the option of requiring the contractor to re-do all work performed since the last approval date.

The reduction of the STD from \$192 to \$50 significantly cut funding for administrative costs and effectively reduced the amount we are permitted to spend on restoring the beach and maintenance of DPPOA-owned easements to the water, as well as any non-road related maintenance.

No repairs or Capital Expenditures for amenities are specifically authorized by the STD Agreement. However, the Commissioners, after inspecting damage to the DPPOA Beach, have indicated that DPPOA may request special authorization for projects per procedures required by Title 4 of the public local laws of Calvert County, including but not limited to, convening a public hearing on the request.

During the 2009/2010 winter season with total snowfall in the area exceeding all official records, we nonetheless had enough in reserves and in contingency funds to carry Drum Point through the crisis and pay for treating and plowing the roads (\$129,000) and removal of trees felled by snow and wind storms.

Maintaining Community Support

Membership Decisions for Dues Increase and Budget

In order to immediately adjust to the changes in the Special Tax District (STD III) Agreement finally agreed upon, it was necessary to more than double our voluntary membership dues from \$25 per year to \$60. This request was presented to the membership at the March General meeting and passed by a two to one majority, with more than 60 members in attendance. With the increase in dues, the total cost of being a member in Good Standing is \$60 in membership dues, \$50 for STD Fees and the \$10 Covenant Fee. This is a total of \$120; a net reduction in total costs of \$107 from last year's cost to homeowners of \$227.

The annual budget reflects income from STD funds, dues, Covenant fees, and State Highway User Revenue, as well as any FEMA funding. SHUR funds have sharply dropped this year. At the June meeting, the Board of Directors recommended, and the membership approved, the Drum Point Property Owners' Association (DPPOA) budget, reflecting the impact of the reduced STD

funding for administrative costs, by a 34 - 1 vote.

Board Elections

Once the budget was agreed upon, the nominating committee sent out ballots for the election of new FY2011 Board members to the members in good standing of the DPPOA. Five seats on the Board of Directors were up for election. Although a slate of candidates was brought forward by a small minority, two incumbents were reelected. The new Board of Directors includes, Sam Bergeson-Willis, Duane Heidemann, Gary Heal, John McCall, Dan Matthias, Dale Maxwell, Max Munger, Tricia Powell and Amy Rispin. There was insufficient support for the most visible of the challengers.

Roads Ballot

The year culminated with the vote on whether or not to fund road improvements for turnover of certain roads to the County. The vote was extended beyond DPPOA membership to include all 1300 Drum Point property owners. Issues and facts were laid out in a public forum May 12, 2010 and Pro's and Con's published in the summer issue of the community newsletter. Ballots were counted by neutral judges. By a nearly 3 to 1 majority, the Community's mandate for the Board was to keep the roads under Drum Point management. The final result of the vote was 261 against investing monies necessary to upgrade roads to County standards for turnover and 96 favoring upgrade of the roads to County standards for turnover. Results were announced via email and a news release to the local media.

The vote on Roads Turnover cost the Drum Point Property Owners' Association many hours of volunteer time in researching factual data, preparing position papers and in discussions within the Board of Directors and with those representing the minority viewpoint. Financially, we estimate the full Community-wide vote cost approximately \$2,500 to cover the cost of postage, stationery, administrative hours, and the salaries for impartial State employees to count ballots (as well as publicizing the vote and newsletter costs). In addition, \$14,000 was spent in a pilot engineering survey to obtain accurate cost estimates for upgrading two roads to meet County standards for possible turnover.

Mandate

We believe the results of these four ballots confirm the Board's continuing position as representing the wishes of the Drum Point Community and that the policies established over the past years fairly represent the Community's desires.

Infrastructure Improvement

Roads and Storm Water Management

The Board of Directors has prioritized road and storm water drainage needs and has identified and acted on the following essential projects:

- Funds have been spent on the completion of storm water drainage mitigation at Harbor and Marine Drives in the amount of \$49,675 for construction and nearly \$19,000 in engineering costs.
- The storm water management project at Beech Drive cost nearly \$24,000 in engineering and construction costs.
- The ongoing under-road pipe repair and replacement project

een and Where We Are Headed

s of the past year as well as its plans for the forthcoming year. This is a synopsis of the report in order to make the d Janus, the god of doors and gates. The world still knows his name as January, the beginning of a new year.

for the Community will total nearly \$59,000.

- Contracts are being advertised for: a major road repair, estimated to cost between \$12,000 and \$13,000; two sets of guard rails at dead end streets, estimated to cost \$14,000; and major improvement of River View Drive, to correct the shoulder and road erosion at an estimated cost of \$25,000.

FEMA (Federal Emergency Management Agency) Grant Applications

The Board of Directors has researched, identified and applied for two FEMA Hazard Mitigation Grants:

- Restoration of the Community beach and protection of Drum Point Lake, the last tidal lake on the Western Shore of Maryland.
- \$800 for the improvement of the Emergency Communications Center

FEMA Disaster Relief

As a Special Tax District, the Drum Point Community is eligible for FEMA Disaster Relief for the February Snowmageddon. The Board's initial application has been accepted for approval, and we are awaiting contact from our FEMA/MEMA representative. We expect to receive between \$20,000 and \$30,000 in funds to at least partially cover the cost of snow removal and tree trimming and removal due to the storms. These monies will replace Special Tax District funds expended for these purposes.

Emergency Preparedness

We have upgraded the Association Office as an Emergency Communication Center (ECC). Most importantly, because of the many recent electrical failures, an electrical generator was installed as a backup so the office can serve as an emergency coordinating center. The office can provide backup communications (CB radio net) within the community and to the County Emergency Operations Center (EOC) via short-wave radio.

Community Emergency Response Team (CERT) Volunteers are trained first to assure their own safety and that of their families. Then they are trained to step in as first responders if 911 professionals are not able to assist on an immediate basis. These volunteers are registered at the County Emergency Operations Center, and may be asked to volunteer to assist the County. For emergency response purposes, the DPPOA community is divided into two sections: East and West divided by Barreda Boulevard. There are two CERT Co-Coordinators assigned

Environmental Issues

Recent changes in the Critical Area and Buffer Zone Requirements as well as the latest change in Storm Water Management Requirements were instrumental in the establishment of an Environmental Committee for Drum Point. This committee, led by Dr. Amy Rispin, will be responsible for overseeing environmental issues within the community including control of invasive species, landscaping recommendations that will benefit the environment and environmental education for the Community. One of the first recommendations of the Drum Point Environmental Committee is to suggest that the present infrastructure be modified with Storm Water Management, Public Works and Critical Area Rules being placed under common management

Completing the Transition

As part of Drum Point's plan to move away from primary reliance on the STD and toward community-based funding, we have begun a process to update our Covenants and By-laws. We will approach the Board of County Commissioners for assistance in amending the Drum Point Covenants voting procedure. We have not yet determined whether to approach this through legislative means with the State Legislature or through a challenge to the Court on the basis that the current procedure denigrates the value of the ballots actually cast, creating a disparity in the "one person, one vote" concept.

In a nutshell, our Covenants require that a majority of the property owners approve any change in the Covenants; however at present, any ballot not returned is considered a "NO" vote. This unusual approach to voting virtually assures there will be no changes to our Covenants which have been in existence since 1947 when the Community was first planned. Imagine an election for Commissioner that would require any candidate who does not receive 51 percent of the REGISTERED voters' votes not be elected to office.

When the voting clause is changed, we will be able to present to the Community an alternative to our Covenants, whereby all property owners will be assessed an annual mandatory Covenant fee to support the Community. Costs would be assumed by ALL property owners, not just those who voluntarily pay the Association Dues. This approach will eliminate the present voluntary dues and allow equal sharing of the operating costs of the Association.

In compliance with the direction of the BOCC, we have reduced our Administrative Expense chargeable to the Special Tax District. For FY2010, the Budgeted amount was some \$81,000. Actual Expenses chargeable, per the County Finance Office were nearly \$7,000 below that amount - Attachment I (available in the Association office or online at www.dppoa.org).

We expect that due to the fact that the Special Tax District status qualifies the Community for FEMA and SHUR funds, there will be a continuing need for a Special Tax District assessment. We have compiled a Legislative History of Drum Point Special Tax Districts and included that as Attachment II (available in the Association office or online at www.dppoa.org).

Moving Forward Together

This has been a tumultuous year for Drum Point and the Board. We worked hard to try to understand and comply with the wishes of the community and the Commissioners.

Many of the situations that arose in FY 2010 were the result of strong advocacy of minority viewpoints. We strongly urge the Board of County Commissioners and their staff to seek more than one source of information. You can count on the Drum Point Board of Directors and its office to do everything possible to provide information and promote a free flow of information.

In the future, the Board of County Commissioners and the DPPOA Board must work together more closely. When information is not shared among parties, the probability of misunderstandings in the decision-making process expands exponentially.

CONSTRUCTION PROJECTS PRESENTLY UNDERWAY IN DRUM POINT COMMUNITY

UNDER ROADWAY PIPES: 52 of the 53 identified under the roadway pipes have been cleaned, repaired or replaced within the original scope of the contract and at the bid cost. After discussion with the contractor and the County Department of Public Works about the possible need for an amendment to three portions of the original contract, it was agreed that all work could be accomplished with only one change (the addition of a drain box at one location), which added \$2800 to the overall cost of the project.

BAY DRIVE AT BAYVIEW DRIVE STEPS REPLACEMENT: All critical areas and building permits are in place and the work is complete. The horror stories about the permitting process did not prove true. The ruling by the Critical Areas Board was received in writing by the contractor and were followed to the letter. At the insistence of the County permits people, the building permit was issued under the name of the adjacent property owner even though the land is DPPOA property.

EASEMENTS AND PUBLIC ACCESS AREAS: The 16 easements and accesses to the water have been evaluated for possible improvement. Seven of these should not be upgraded because there are existing access areas to the body of water on which they lie and/or any upgrades would be entirely too expensive. Two others; one at Drum Point Lake and one at Lesson Cove could be improved at some future time as secondary access points. The remaining could be maintained and possibly improved for use by property owners. The possibilities vary, from moving boulders at Lake Vista or bush hogging at Surf Drive to restoration of the community beach (dependent upon obtaining \$200,000 of grant money).

OVERLOOK DRIVE DRY HYDRANT CRITICAL AREAS PERMIT: The application for the Critical Areas permit for the gravel staging area in front of the dry hydrant at Lake Vista was submitted before July 15th. The revised application calls for a 351 sq ft graveled area in a trapezoidal shape shown on an attachment that is required to meet fire department requirements. The Board is hopeful the permit will be reviewed in time for the September meeting of the Critical Area Appeals Board.

RIVER VIEW DRIVE: A pre-bid meeting was held July 30th with several contractors. The revised statement of work and location drawing were discussed including our desire to harden the shoulders to prevent a repetition of the problem. The contractors present understood that this option is dependent on results of the Critical Areas permitting process.

CHESTNUT DRIVE: The Scope of Work and location drawing package were sent to four contractors in order to determine whether the work involved would rise above the \$15,000 limit set forth in the STD Agreement (Section IV, paragraph 1 - Contracts for the purchase of supplies or services and supplies involving \$15,000 or more shall be by formal bidding procedures).

CALVERT DRIVE (NORTH SIDE) STORM WATER PROBLEM: There is long-term (40 years) erosion on lots 1, 2 and 3 north of Calvert Drive at the discharge of an under road pipe at lots 9/10 and the public access to Mill Creek. This area is a steep drop off of 72 feet to about the elevation of Mill Creek. The erosion is entirely on private property. There is minimal damage to the two feet of right of way beyond the paved road. There is no pavement damage. Five possible fixes are under consideration:

- ◆ A curb and drain system on the north side of the right of way to carry water not collected on the south side to the pipe.
- ◆ An extension of the existing pipe directly down the ravine on private property to stone work at the bottom on lot 2 Block B section 21
- ◆ An extension of the existing pipe down the ravine on DPPOA easement property to stone work at the bottom near Mill Creek.
- ◆ Close the pipe and provide a French drain on the south side of the right of way.
- ◆ Provide dry wells on the north side to minimize run-off across the road.

Quotable Quote

“Bad officials are elected by good citizens who do not vote.”

George Jean Nathan

A Primer on

Drum Point Finances

Beginning with this issue of the Drum Point Light, the Board of Directors will present a primer on Drum Point Finances.

This series will include income sources; how we are limited in expenditures; financial forecasting; understanding the Budget Process; and Financial Options.

Sources of Income

- **Covenant Fees** - Set by the Covenants developed by Paul Kerman in 1947 at \$10 per lot. Covenant Fees can only be spent on roads and road maintenance. Total income is about \$13,000 per year.
- **STD Funds** - Currently \$50 per lot, set by the County Commissioners. Funds must be primarily spent on roads and road related items. Administrative costs to be minimized to some 15 percent of STD revenue by 2013. Present income is approximately \$75,000 per year.
- **DPPOA Dues** - Presently \$60 per year, this allows members who have paid the \$60 to vote on all Association Business including elections, budgets, etc.. May be used as Community approves the Annual Budget. Projected income is between \$35,000 and \$40,000 for 2011.
- **SHUR Funds** - We receive funds annually, when available from State Highway User Revenue funds based on the road mileage in Drum Point. Last year we received some \$70,000 in SHUR funds. The amount and availability of these funds is uncertain in upcoming years.

Road Turnover Cont. from Page 1

positions. Approximately 1300 ballots were mailed to property Owners with some 367 valid votes received by the due date. The final result of the vote was 261 against investing monies necessary to upgrade roads to County standards for turnover and 96 favoring the investment of funds necessary to upgrade the roads to County standards for turnover.

Help Wanted

Fall Cleanup - Oct 9th!!

Drum Point's semi-annual "Clean Up" Day is set for Saturday, October 9, from 8 a.m. until 2 p.m.

Calvert County Waste Management has established tighter restrictions on what items can be accepted for disposal. The following types of items **cannot** be accepted at the drop-off:

- Tires
- Batteries
- Tree branches
- Yard Waste
- Paints, stains, or other hazardous materials
- Televisions

Two dumpsters, one for metal objects and the other for all other types of materials, will be at the vacant lot across from the office on Lake Drive. Please be willing to help unload your vehicle. Members of the board of Directors will also be available to help.

Anyone wishing to help at this worthwhile event should contact our Community Manager, Rhea Webster at 410.326.6148.

CERT TRAINING SET FOR OCT 16 & 23

The Community Emergency Response Team (CERT) training for October is right on schedule for the 16th and 23rd of October. The only question is when we do we schedule the end "live exercise."

The "live" 12-hour exercise is worthwhile training. Those who have already had the CERT course, should be able to "re-certify" and lend a teaching hand to those who are taking the course for the first time.

The following persons have signed up for the class: Ray Wright, June and John McCall, Peg Duffy, Max Munger, Joe Roberson, Susan Holt, Joe Frost, Cindy Avice, and Vince Barrazone.

Drop in at the DPPOA Office at the corner of Barreda Boulevard and Lake Drive (410 326-6148) and fill out a CERT Application form (this is required by FEMA). Leave it at the Office, and we will forward them to the County. The training will be at the Drum Point Club.

*****ATTENTION*****

- Do not leave basketball hoops in the streets
- Do not place yard debris in the rights of way as the debris will block the recently cleared pipes and swales.

General Membership

2010 Meeting Schedule

**September 29, 2010 - 7:30 p.m. at the
Drum Point Club**

**December 11, 2010 - 10:00 a.m. at the
Southern Community Center**

All meetings will be conducted according to 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 Membership

Meeting Agenda

**Wednesday
September 29, 2010 7:30 p.m.**

Drum Point Club

**Call to Order
President's Remarks
Approval of Minutes
Treasurer's Report
Old Business
New Business
Public Comments
Adjournment**