

**Spring 2011**



# DRUM POINT LIGHT

**Drum Point**

**Property Owners' Association**

[www.dppoa.org](http://www.dppoa.org)

[office@dppoa.org](mailto:office@dppoa.org)

410-326-6148

## Where Do We Go From Here Financially?

Drum Point is facing a major financial crisis. When the current Special Tax District (STD) petition was submitted two years ago, the Board of County Commissioners (BOCC) decided that funds received from that District must be used primarily for roads. No longer would Administrative Costs be primarily covered by the STD; instead, only a decreasing portion of these costs would be covered.

This action by the BOCC was in response to reports that the DPPOA Board did not represent the majority of the community.

Since the STD Agreement was signed in late January of 2010, the DPPOA Board of Directors has worked toward alternative funding sources. Included in these alternatives was the approval by the membership to an increase in the Association Dues from \$25 to \$60 per year. Although the gross amount of income increased, there has been an approximate loss of 12 percent in the membership. Expenses are being slashed; the quarterly newsletter will be self-published in the Drum Point office.

No funds are being expended on office expenses other than items that are necessary for the day-to-day operation.

Ironically, the problem is not due to lack of money but how the spending of these funds is restricted.

To recap the situation, Drum Point Property Owners' Association has four sources of income at

the present time:

- *Covenant Fees - Approximately \$13,000 per year from the \$10 per lot fee. Must be used for roads and road-related costs.*
- *Special Tax District Funds - Approximately \$80,000 per year. Administrative costs restricted to 15 per cent of income, the remainder must be spent on roads and road-related items.*
- *State Highway User Revenue Funds - minimal for the past two years since Maryland has co-opted these funds and applied them to the General budget. Any funds received must be spent on roads and road-related items.*
- *DPPOA Dues - Approximately \$40,000. Only about one-half of the lot owners pay the \$60 per-year dues. Must be used according to the annual budget approved at the June General Membership Meeting.*

Your Board of Directors is evaluating various options to correct the fund allocations and the recommendations will be spelled out in the near future.

### QUOTABLE QUOTE

"Give us clear vision, that we may know where to stand and what to stand for - because unless we stand for something, we shall fall for anything."

Peter Marshall, US Senate Chaplain 1947

# President's Column

## Gary Heal, President

### DPPOA Board of Directors



Mother Nature has been kind to us! I know this may not seem the case to many of you since winter came early, and it has been cold. But, several storms have by-passed us which has had a positive effect on the amount of money we have had to spend for snow plowing and has not created the situation we had last year. So I say, thanks Mother Nature, keep up the good work.

We continue to work to improve our community by improving our procedures, being diligent in our expenditures, working to protect our Critical Areas, soliciting input from the community, working with our County Government and elected officials, and keeping our roads clear and in good repair.

Please take the time to read the article about the Covenant change. This is a very important issue for us.

We have many property owners who are not residents of our community, and many may not have an opinion about the subject on the ballot. As a result, many times property owners simply do not return the ballot, and this is counted as a "no" vote. The proposed change will stop counting "failure to vote" votes, or votes not cast as being against the question on the ballot. In my opinion, counting votes in this way dilutes the impact of those who care enough to vote.

So please, take the time to be aware and voice your opinion through your vote.

Also, let me remind you that you are always welcome to our Board of Directors' meetings. The agenda is posted on the opening page of our website at [www.dppoa.org](http://www.dppoa.org), under "upcoming." We have added things to the website. You might enjoy taking a fresh look at it.

## CLIP AND SAVE \$\$



The two major garden Centers in our area are offering Drum Point Residents, who present this coupon, a 10% discount on Native Trees, Plants and Shrubs this Spring. This discount is to encourage the use of Native plants. Both also offer a complete line of Organic and Environmentally-Friendly products.

The Greenery  
Nursery and Landscaping Center  
44222 Greenery Lane  
Hollywood, MD 20636  
301.573.2573



Wentworth's  
Nursery and Garden Center  
1700 Solomons Island Road South  
Prince Frederick, MD 20678  
410.535.3664

10% off purchase of native trees, plants or shrubs

10% off purchase of native trees, plants or shrubs

“Flush Tax”

## You Cannot Believe What is Being Taxed

The **Bay Restoration Fund** was signed into law on May 26, 2004 and requires that all owners of improved property throughout the state pay a \$30.00 per year fee. This fee, known as the “flush tax”, is collected locally and paid into The Bay Restoration Fund which is used to upgrade sewerage treatment plants, properties with septic tanks and for cover crops.

Two years ago the Maryland Department of the Environment restricted this funding to properties in the priority Critical Area; area within 1,000 feet of the tidal waters of the Chesapeake Bay and tidal tributaries, with failed or failing septic systems. Since that time, 100% of the funds allotted to Calvert County have been used for these properties.

All new homes and all replacement systems on existing properties in the Critical Area are required to have the new system or be connected to a public sewer system.

Properties beyond the Critical Area and those within the Critical Area, without failed or failing systems may be considered if funding is available after assisting the priority area.

### Drum Point Club

#### Sponsors Easter Egg Hunt

The Drum Point Club is sponsoring an Easter Egg Hunt for all Drum Point children 7 years of age and younger on April 24th. It begins at 10:30 a.m. and ends at 11:30 a.m.

## NOMINATIONS

Are you interested in participating in the Drum Point Property Owners' Association? Then, how about running for the Board of Directors and having your say in the management of the community?

The Nominating Committee will release a slate of candidates for the upcoming Board Elections during the March General Membership meeting. Nominations for additional candidates may be made from the floor at that meeting.

Any person nominated must be willing to serve on the board. All candidates for the Board must be members in “good standing” meaning all dues and covenant fees must be current.

Three seats on the board are scheduled to be filled in the next election.

## Drum Point History Book Planned for Fall 2011

Many residents of the Drum Point Community have asked about the history of the community since its inception in the late 1940's.

Hopefully, late this year a history of Drum Point will be written by Dottie Gleason, a former resident and property owner now living in Colorado. Her family bought a lot in Drum Point in 1949 and another lot on Mill Creek in 1955. Ms. Gleason says the book will touch on the earliest history, beginning in 1654, but the major focus will be when the property was purchased by Federico Barreda until the present day.

Ms. Gleason has been able to locate many personal and private photographs of Drum Point in its early life. She visited the Drum Point Office and found pertinent information in those records. Residents who have photos or memories of Drum Point and the Sand and Surf Club should contact: Dottie Gleason at [glea\\_free@hotmail.com](mailto:glea_free@hotmail.com), or write to her at 119 Spruce Rd, Golden, CO 80401. Her cell telephone number is 775-750-5088

# COVENANT CHANGE VOTE COMING

## Current Covenant

“That all of the above restrictions shall remain in force until July 1, 1967 and shall then automatically successively renew for each ten-year period thereafter unless the *owners of a majority of the subdivided lots in the said subdivision of THE DRUM POINT CORPORATION, at least six months prior to any such renewal date, agree in writing to a change in, or an abrogation of, any of the above restrictions and record such writing so amending the aforesaid covenants and restrictions among the Land Records of Calvert County, Maryland.*” (Italieized for emphasis)

## Proposed Change

“That all of the above restrictions shall remain in force and shall automatically and successively renew each year unless the owners of the sub-divided lots in the said subdivision of THE DRUM POINT CORPORATION agree in writing to changing in, or abrogation of, any of the above restrictions by an affirmative vote by a two-thirds majority of ballots cast, provided at least a majority of the lot owners cast a ballot, and record such amendment of the aforesaid Covenants and Restrictions among the Land Records of Calvert County, Maryland.”

### Present Covenant

- \* Provides stability and protection against easy changes

### Proposed Change

- \* Allows community at large to modify covenants to more realistically reflect community needs.
- \* Continues to provide stability and protection against easy changes
- \* Allows covenants to more accurately reflect 21st Century requirements.

## Why Try Again Now?

*The simple answer is We Must...*

As part of the contract signed between the Drum Point Property Owners’ Association and the Calvert County Board of County Commissioners implementing the provisions of Special Tax District III, as amended, Drum Point was asked to:

- \* Hold a vote to decide on whether or not to upgrade roads for turn-over to the County. The Community voted NOT to proceed with the turnover.
- \* Increase DPPOA Dues in an attempt to wean Drum Point from total dependence on STD funds. Dues were raised to \$60 per year
- \* Attempt to change covenants in order to be less dependent on voluntary dues.

In the past year, the community voted to NOT turn the roads over to the county, to increase the dues, and we are now attempting to amend the covenants.

It should be noted that the \$10 per lot per year Covenant Fee is mandatory, but Association Dues are voluntary. At the present time, approximately 675 of the lot owners pay the \$60 per year dues. The remainder appear content to let others pay the way for the entire community.

The DPPOA Board has agreed to make another attempt to gain community approval for a change in the Covenants.

Under the present requirements, 644 of the 1287 lot owners must vote “Yes” to changing the voting covenant. Under the **proposed change**, 644 votes would be required to be cast and of that 644, two-thirds or 430 votes to approve the motion.

The wording above is a balancing act between those who believe the Covenants should not be easily changed and those who believe those who actually cast ballots should have the control of the community.

In the last attempt to change covenants, 778 (some 60 per cent) of the lot owners voted and a substantial majority, 439, voted to change the wording of this paragraph. This vote, while, expressing the will of a majority, did not meet the requirement of “owners of a majority of the subdivided lots agree” (644). Several states with Common-Ownership Communities, notably California and Colorado, have legislatively changed their covenants to similar requirements under the belief that “a non-vote” should not overwhelm the votes of those who cast their ballots in any election.

**Board of Directors Studying Project Management Program Improvement For Savings**

Spending Money to save money?

Sounds strange but everyone does it, insulating homes, buying more efficient light bulbs, purchasing fuel efficient cars, spending cash to save money in the future. That is exactly what is being studied by the DPPOA Board of Directors.

Over the past years, Drum Point has utilized volunteers (and consulted with County staff) to manage major paving projects, storm water management and other facilities management issues. This process has worked in

the past. But...both policies and projects have changed dramatically; Drum Point's projects will be required to meet stiffer environmental standards, Buffer Zones and the Critical Areas requirements are more rigorous. Permitting may become more difficult.

To meet this challenge, the Board requested Calvert County approve the concept of having a professional project manager to oversee all construction and repair in the community. This

Continued Page 7 - Project Manager

**Editor's Thoughts**

**Editorial**

**More Changes Are Needed For Future Total Autonomy**

The proposed Covenant Change Vote is only the first step toward independence from Calvert County management of Drum Point.

Changing the Voting Clause begins the process of improving Financial position of the Community and Financial management with Calvert County. These changes will require Total Community approval of **the annual** budget since the bulk of funding will come from Community resources directly, rather than funneled through the STD Process.

Approval of the proposed Voting Clause (facing page) provides the foundation for building the Drum Point Property Owners' Association into in a financially stable organization where budget decisions on how funds are spent in the future will be totally the decisions of the community, not the County. The strength of this concept is two fold:

1. The Board of Directors **does not** have the authority to change anything without COMMUNITY APPROVAL.
2. Drum Point will not have to rely on the judgment of the Calvert County Board of Commissioners in determining the Community's future or the complaints of the vocal minority.

Yes, Drum Point will need a Special Tax District to qualify for Federal Emergency Management Agency funding in emergencies. However, those funds can then be totally used on roads and road-related issues. No administrative costs or cost of rebuilding amenities need be requested in the Special Tax District submission.

When the Voting Clause is changed, the Board should then request the following clause be amended:

9. *"The grantees further covenant to pay the grantor, its successors or agents, on March 1st following the date of this contract, the sum of TEN DOLLARS (\$10.00) for each and every lot hereby purchased to be used by said grantor in the construction, maintenance and repair of streets in the subdivision ..."*

to read "...\$10 as adjusted from the original date of 1947 according to the increase in the Cost of Living Adjustment as computed annually by the Social Security Administration and the U.S. Government."

As of this writing, as proposed above, the amount **could** increase to approximately \$98.00. Upon approval, the Board **could** then reduce the STD Assessment to \$25.00. If that were the case, the total outgo for every homeowner would be \$123 versus a total of \$120 outgo under our present \$60 Dues, \$50 STD and \$10 Covenant Fee.

Further, the Covenants **could** also be changed to allow spending of funds as the community directs, rather than only on roads and road-related items.

*John McCall, Editor*

# March General Meeting Features Bay Wise Gardening Master Gardeners

Why should I be concerned about the impact of my yard on the Bay and Rivers?

What are the advantages of going with a more environmentally-friendly approach to gardening?

By reducing our use of chemicals and controlling storm-water runoff that carries sediment and pollutants into the waterways, each of us can lessen our impact on the environment and on the Bay and waterways. By changing some of our gardening practices, we can make our yards more interesting and attractive and make some of our gardening chores easier and less costly.

We use the Bay for food, recreation and commerce; and improving its health will help restore our fisheries and seafood production. Our health is tied to that of the Bay as swimming beaches are frequently closed because of health threats, fishing in many areas is prohibited and warnings about eating too much seafood are issued.

Calvert County Master Gardeners have a Bay-Wise program which includes visiting the yards of individual homeowners. Steps you can take in your own yard will be reviewed in this talk given by the Bay-Wise Coordinator in Calvert County. Drum Point homeowners will be invited to participate in this program, available at no charge.

## GET ANSWERS TO THESE AND OTHER QUESTIONS

- \* What is the advantage of 'native' versus non-native plants?
- \* Is going "green" more expensive?
- \* Where can I buy "native" plants?
- \* What types of plants should I use in the Critical Area, the Buffer Zone, and the rest of Drum Point?
- \* I like the looks of a manicured lawn – can I still have it and be environmentally friendly?
- \* What type of fertilizer (s) should I use?
- \* Where can I get expert help?
- \* What is the first step in "Going Green?"

## **Change in Flood Zone Under Review**

Calvert County is in the process of reviewing proposed flood zone changes to zoning ordinances. The Public Comment period is now through February 28th (comments should be made to the County).

To view the draft of the proposal, please visit our website at [dppoa.org](http://dppoa.org). Click on the Environmental link, and you will find a link to the County website where the proposal is posted.

## New Environmental Rules

# *Water Access in Buffer Zones Explained*

In general, parking is not to be permitted in the Buffer. Pre-existing parking areas, so maintained and specifically designated for parking, are grandfathered in. New parking cannot be created by permit. Parking areas that have gone back to a natural state and have not used for more than a year, are not grandfathered in.

In addition, if a road is abandoned for a year or more, it is no longer grandfathered in. Nor could it be permitted. In order to be eligible for a variance, under the new regulations, it would have to meet criteria of "water-dependent use" as well as public safety. Drum Point has many water-access areas already, and we are not be permitted to add any new areas if such areas would involve vehicles.

The parking site of the dry hydrant near Lake Vista was approved at the recent variance hearing because (a) the dry hydrant was already in place prior to the new regulations and is a bona-fide water-dependent use (b) upgrading the area with gravel to support parking by emergency vehicles is a valid public safety purpose.

Surf Drive has not been open to vehicular traffic for many years and has deteriorated, in places, to its natural state. Use of the road beyond the barrier by vehicles for traffic or parking cannot be permitted nor can such uses justify a variance. The use of Surf Drive for foot traffic can be maintained by means of mulch or wood chips, but not by creation of impervious surfaces (paving or gravel).

## Attend March 1 Board Meeting

### **Greening Your Septic System to Comply With New Regulations**

On Tuesday evening, March 1<sup>st</sup>, join the Drum Point Owners' Association Board of Directors semi-monthly meeting to welcome Steve Kullen, Watershed Planner and Bay Restoration Fund Grant Manager and Matt Cumers, Registered Sanitarian with the Calvert County Health Department, as they present information about the 2004 law requiring nitrogen-reducing septic systems in the Critical Area for new homes and existing septic system replacements.

The presentation will also include information about the latest septic system technology and how reducing septic system nitrogen can improve the health of the Chesapeake Bay and its tributaries. A

30 minute question and answer period will follow the presentation.

This meeting will take place at the Southern Community Center at 7:30 p.m. and is an effort on the part of the Environmental Committee of the DPPOA Board to educate property owners about how the proposed changes to the environmental law will affect Drum Point and other common ownership Communities. Future meeting speakers will focus on plant scaping and maintaining your yard in an environmentally friendly manner.

### **Pump Out & Win**

**Pump out or upgrade your septic tank now and qualify to win cash or other great prizes at Patuxent River Appreciation Days 2011!**

**Grand Prize:** One night stay for two at Holiday Inn Select Solomons and up to \$250 reimbursement for the septic tank pump out or upgrade.

**1st Prize:** Reimbursement of up to \$250 for the tank pump out or upgrade.

**Other prizes may include:**

Prints from Carmen's Art Gallery  
Gift Certificates from:  
DiGiovanni's Dock of the Bay Restaurant,  
Dry Dock Restaurant,  
West Marine,  
Twin Shields Golf Course

### **Community Cleanup**

The semi-annual community clean-up day has been scheduled for Saturday, May 7th from 8:00 a.m. to 2:00 p.m. The dumpsters will, be placed on the corner lot, across from the office on 401 Lake Drive.

A Drum Point hang tag is required in order to take advantage of this benefit. Tags are available in the office the day of the clean up or during business hours.

Items not accepted in the dumpsters include refrigerators, paint cans, window air conditions, tires, yard waste, construction debris, batteries and household garbage.

### **...Project Manager - Continued from Page 5**

position will be funded as part of the cost of the project by charging the cost of the manager to a specific project. This request was approved by the Commissioners on February 14, 2011.

The project manager will be able to provide guidance to the board on feasibility of projects and in preparing the scope of work and in determining the ability of contractors to complete the work accurately and on budget. By relying on a professional, every aspect of the project can be monitored to ensure that the contractor involved is fulfilling the scope of work to the letter. In addition, issues discovered can be handled immediately and correctly with no delays, saving both time and money.

As an adjunct to the project manager, more emphasis is being placed on community awareness as to the impact projects will have on adjacent properties.

### *Yard Sale*

The annual community-wide yard sale is again drawing near. Mark your calendars for Saturday, April 30th from 8:00 a.m. until 12:00 p.m. To secure a spot near the Association office contact Barbara Porter (443) 404-5199. Ms. Porter is our community organizer.

If you prefer to display your goods in your own yard, let Barbara know if you would like your address added to the map which will be made available to the shoppers who stop at the office at 401 Lake Drive.



Drum Point Property Owners' Association  
 401 Lake Drive  
 Lusby, MD 20657  
 410-326-6148  
 www.dppoa.org  
 office@dppoa.org

Return Service Requested

Pre-Sort STD  
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 Paid  
 Prince Frederick,  
 MD  
 Permit No. 49

**General Membership Meeting**

March 26, 2011

June 25, 2011

Balance of 2011 meetings to be announced

All meetings will be conducted

according to *Maryland Code, Corpo-*

*rations and Associations, Title 5, Sub-*

*Title 2, section (§) 5-206.1, which*

states, If the number of members pre-

sent at a meeting does not meet the

requirements of a quorum, those pre-

sent may call another meeting to meet

quorum requirements. At the addi-

tional meeting, the members present

in person constitute a quorum.

**General Membership**

**Meeting Agenda**

**Saturday**

**March 26, 2011 10:00 a.m.**

**Southern Community Center**

**10:00 a.m.**

**Call to Order**

**President's Remarks**

**Approval of Minutes**

**Treasurer's Report**

**Old Business**

**New Business**

**Nominating Committee**

**Public Comments**

**Adjournment**