

Our 55<sup>th</sup> Year

Cape St. Claire Improvement Association, Inc. Community Newsletter

February 2010

## Send in your maintenance fees— don't be late

### President's Perspective

Cape St. Claire needs your help. In early January, you should have received your maintenance bill for 2010. This is the \$10 per lot maintenance fee spelled out in the covenants that we collect from you each year. This year, that yellow postcard was a little bigger. The reason is we are trying to remove a racially restrictive clause from our covenants, dating back to 1949.

I am aware that since Paragraph 6 was probably blackened out on many HOA packets (and online), many people don't know what it says. So here is the language we would like to see removed:

"6. At no time shall any lot or any part thereof be sold, leased, transferred to or permitted to be occupied by any Negro, Chinaman, Japanese, or person of Negro, Chinese, or Japanese descent. This restriction is not intended to include servants or employees of the owner or occupant of said lot."

The covenants were written in 1949. It was a different era and different laws applied to buying

and selling homes. Paragraph 6 reflects the attitudes and laws of those times. Since then, the Fair Housing Act has made the paragraph unconstitutional. Unfortunately, the original developer didn't give the community a way to modify the covenants. So technically, paragraph 6 is still on the books. The community, to my knowledge and from my readings of old meeting minutes from the 1950s, never actually enforced the covenant. Yet, it is still there.

Sometime in the past, a practice was begun to blot out the paragraph on the Home Owners Association packets as unenforceable and unconstitutional. However, that doesn't technically or legally remove it from the covenants. [In fact, when we were audited by the IRS in 1995, one of their findings was that Cape St. Claire was a "discriminatory organization" because a) we had this covenant in our deeds, and b) we'd taken no vote or action to have them removed.]

Last year, I happened to be reading the Maryland Homeowners Association Act and discovered a solution. It seems that sometime in the last few years, the Maryland General Assembly addressed situations just like ours and created a way to re-

move racially restrictive covenants when no other option is available. (If you're a policy geek or need some sedative reading, you can find the procedure in the Maryland Code, under Real Estate, Title 11B Section 113.3.)

All it takes to get the ball rolling is approval of 85% of the lot owners. Since every lot owner receives a bill for their maintenance fees, and nearly everyone pays, the Board of Governors decided this was the most effective/efficient way to go about getting approval-- hence a separate "ballot" that was included with your maintenance fees (the

### Dates to Remember:

Feb. 19th Yacht Club Wine & Cheese party.

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**The deadline for articles and ads is the 12<sup>th</sup> of the month.**

*The Caper* is published monthly and sent bulk rate to all residents of Cape St. Claire, all nonresident lot owners, local government officials and advertisers. Copies are also available in CSCIA Office, Broadneck Library and local stores.

**POLICY FOR ARTICLE SUBMISSIONS**

All submissions for *The Caper* must be received by the editor by the 12<sup>th</sup> of the prior month. Submissions should be emailed as Microsoft Word attachments (PC only) to: **capereditor@cscia.org**, or dropped off (on disc or CD) at the Clubhouse. Articles must be submitted electronically. DO NOT submit as inline text of email. All articles should be clearly labeled with the 1) submitter's name, 2) phone number, 3) article file-name (s), 4) software product and 5) version used. Please keep a backup copy of each file and do not submit disks containing extraneous files. After *The Caper* processes each article, the submitter's disk can be picked up at the CSCIA office during regular hours. *The Caper* Staff and the Cape St. Claire Improvement Association reserve the right to refuse any article, letter or advertising that it deems inflammatory, in poor taste or inappropriate.

yellow card) vs. the ballot for the Annual Meeting (which appeared in the *Caper*).

Because of the way the language is written in the Maryland Homeowner's Association Act, we need to reach 85% agreement to remove this covenant. So we need to hear from everyone. If you do not return that postcard, or choose to abstain or not vote on the issue, we cannot count you as "agreeing." So we really need you to send back those cards.

Cape St. Claire has changed a lot in the last 60 years. Yet, this paragraph has kept our documentation given to every homebuyer bound to beliefs and attitudes of the past. Thankfully, we now have a method for eliminating this paragraph from

our covenants so that our official documents can reflect what the community really is: a culturally and ethnically diverse and thriving community moving forward into the 21<sup>st</sup> Century.

Sam Gallagher

President, CSCIA

## **Goodbye and Good Luck to Kari Maltz**

The *Caper* team is saying farewell to our Manager Kari Maltz. Kari has chaired the *Caper* for two terms on the Board of Governors while also becoming a mom to two beautiful children as well as various other volunteer efforts! Kari's hard work and attention to detail will be missed but we wish her all the best with her future endeavors.

Barbara Morgan

Caper Editor

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

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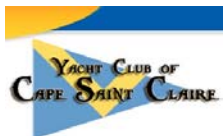
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## Youth Sailing News

It's not too early to think about what you'll be doing at the beach this summer. Youth Sailing is busy gearing up for our 37th season. We have nine 420s, as well as three Vanguard prams and six Optimist sailing dinghies in our program, so there are lots of opportunities to learn new sailing skills or polish old ones. If you'd like to see what the program is about or to register, information will be available after **March 1st** at the Broadneck library branch (look for the bright blue registration packets). Information is also available online on the community home page at

([www.cscia.org](http://www.cscia.org)) and the Yacht Club web site ([www.yccsc.org](http://www.yccsc.org)). Registration preference is given in the order that applications are received, with special consideration to last year's participants and Cape residents through April 1st or until a session is full (whichever comes first). The half-day pram and full-day Opti sessions fill quickly for all three sessions. If you know of anyone who is interested in these classes, tell them to return their registration forms right away.

Fair winds,

Peg McKay  
Yacht Club of Cape St. Claire  
Youth Sailing Program

## Bulkhead Construction at Deep Creek Marina

The Cape St. Claire Improvement Association has a project that started just after Christmas (2009) to replace several hundred feet of rotting bulkhead at the Deep Creek Marina. The projected completion date is February 1st 2010. Residents need to be aware that although every effort will be made to ensure access to the marina, there may be brief periods where the electric, boat ramp, and portions of the parking lot may be inaccessible.

Sincerely,  
Frank P. Newman  
CSCIA Beaches and Parks

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# She Sold My House!

### Sara's House Selling Adventure

I started with a FOR SALE BY OWNER sign from Home Depot. Time passed. Nothing.

Next the website "For Sale By Owner". Paid extra to be "featured home". Time passed. Nothing.

Ran ad in the PennySaver, the Capital and the Washington Post. Nothing.

Used For Sale by Owner Dot Com to be on the Multiple List paying extra for sign. Nothing.

Signed with sister's Realtor friend. I put up her signs on the main road with balloons attached, and held my own "open house" every weekend. More months. Nothing much

I ended my contract with her and analyzed the real estate market in ZIP 21409 to see who listed the most and who sold the most. The same name came up both times, so I met with Ms. Mona LaCovey, I liked her professionalism, her team approach and can-do attitude and signed with her. **She sold my house!!**

**I could have saved a lot of time, worry and a lot of money if I'd gone to Mona first.**

Best regards, Sara Powell



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## Goshen Farm Preservation Society

There's a little Carroll in all of us. At least, that's how it appears when you start digging around local family histories. Even in my family, on my wife's side, there is a claim to Carroll lineage. The main question usually asked is "are we related to Charles Carroll of Carrollton?"

CC of C (as his posse called him back in the day) was a famous patriot, signer of the Declaration of Independence, and really, really, rich. He is arguably Annapolis' most famous son and certainly the most notable Carroll. Other notable Carrolls are CC of C's cousins Daniel

and John (Bishop Carroll).

During the early part of the 20<sup>th</sup> century, Charles Carroll Brice 2<sup>nd</sup> lived at Goshen Farm with his wife, Mary L. Tydings. Inevitably the question was asked. Is there a relation to Charles Carroll of Carrollton?

Having done quite a bit of Carroll research on behalf of my son, who is fascinated by the idea of being related to the Carroll family, my short answer was "probably not."

Without getting too far into Carroll genealogy, which has been well documented, one must realize several things. The Carroll, or O'Carroll clan is an ancient and huge Irish family dating back to about the year

1022, when King Brian Boru handed out surnames. Another issue to consider is, when emigrating from Ireland it behooved one to claim the Carroll name, since they were the main show in town.

Now back to the Goshen Farm Carrolls. Dr. Charles Carroll emigrated from Ireland to Annapolis in about 1715. He was considered a kinsman of the more famous Carrolls. In fact they were in business together. They were never close, however. CC of C called Dr. Carroll an "apostate" because he had converted to Protestantism. CC of C was a devout Catholic. Dr. Carroll had a daughter, Mary Clare Carroll, who married Nicholas Macubbin in 1747. Their daughter, Mary Clare Macubbin, married John Brice 3<sup>rd</sup>, of the downtown "little brice house" Brices. Four generations later, you get Charles Carroll Brice 2<sup>nd</sup> (1878-1950). His son, Charles 3<sup>rd</sup>, became a noted civil war historian, and is buried in St. Margaret's cemetery.

Dr. Carroll amassed a large fortune during his lifetime, and his



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son, Charles Carroll, Barrister, was a member of the Continental Congress (replacing CC of C), a Maryland State Senator, and delivered the message to Governor Eden telling him it was time to head back to England. He then had him over for dinner.

So, is the Carroll of Goshen Farm related to Charles Carroll of Carrollton? Not in any meaningful sense. Did he and his descendants have a lineage to be proud of? Certainly.

Want to know more about the history of Cape St. Claire and the surrounding area? The Goshen Farm Preservation Society is currently accepting membership dues and renewals. We meet on the first Monday of every month at 7:30 pm in the Cox room of the clubhouse. Visit us at [goshenfarm.org](http://goshenfarm.org)

Submitted by

Scott Powers  
Goshen Farm Preservation  
Society Member

## Did You Receive Your 2010 Cape Calendar?

The 2010 Cape St. Claire Community Calendar was mailed to all homes the second week of December. If you did not receive a calendar or are new to the community, you can pick up a copy at the Cape St. Claire Improvement Association office on Mondays, Wednesdays, or Fridays from 7:30 a.m. to 1 p.m. (410-757-1223).

The calendar includes community organization's meeting and event dates, as well as a large directory of useful telephone numbers and a map of the Cape.

Many thanks to all of the businesses who support the calendar with their advertising each year. Because of their continual sup-

port, the calendar is printed and mailed free to all Cape residents.

Amy Podd  
Advertising Director  
2010 CSC  
Community  
Calendar



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## From the CSCIA Office

By the time you receive your February Caper, you will have also received your mandatory annual CSCIA Lot Maintenance bill. The maintenance bill (yellow post card) was mailed to every home January 2010. This year the postcard also included a Covenants ballot which we hope you will return along with your maintenance bill payment (see explanation in President's Perspective, Page 1).

Every year many residents ask the same question "Do I really have to pay this bill?"...after all, I do not use the beaches and parks, I do not want a boat slip, and I do not want stickers or a guest pass so therefore I should

not have to pay the Maintenance bill.

As documented in your homeowner HOA package, every property (lot) within Cape St. Claire is subject to a ten dollar (\$10) annual lot fee for the community maintenance fund. This commitment is detailed on page 18 under the Covenants section of the HOA package that was issued to you at settlement. Should you need to purchase a new copy of the CSC HOA package please contact the office at 410-757-1223.

The specific language reads "For the purpose of creating and maintaining a fund to be known as the maintenance fund the owner of each lot subject to this Deed and Agreement, shall pay

to the River Bay Company, its successor's or assigns, on March 1<sup>st</sup> of each year the sum of Ten (\$10) Dollars for each lot so owned, which said sum shall be a lien on the Land until paid. The maintenance fund shall be used for construction, improvement, lighting and repair of streets, parks and beaches in the subdivision, and for expenses incident to the subdivision, and for expenses incident to the examination and approval of plans as herein provided, and to the enforcement of the restrictions, conditions, covenants, easements, charges and agreements herein contained.

We make every effort to remind residents of the due date with notices in the Caper and on



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the community Sign Board. Residents who paid late in 2009 but did not include the \$5.00 late fee will find the fee on their bill this year and each succeeding year until it is paid. Bills are marked paid the date they are received in the CSCIA mailbox. We encourage residents to hand deliver their bill to the CSCIA office mailbox to avoid incurring the \$5.00 late fee.

Processing the maintenance bills, vehicle information, stickers and guest passes is a huge undertaking, please do your part and pay your bill on time.

Thank you from the  
CSCIA Office

## Council In Action By Cathleen M. Vitale Councilwoman, District 5

It's hard to believe that this year is almost over. The holiday season is already upon us and the hustle and bustle of the end of this year and the excitement of next year is already in the air. What will 2010 bring? An addition to your family?

Perhaps a new house? A different job? Whatever the new year brings, I hope it is full of happiness, success and prosperity.

With the coming of 2010 comes the realization that I will be leaving the council a year from now. When I reflect over the last ten years, I wonder where the time went. It seems only yesterday that I was sworn in as the "new kid on the block", the "baby" of the council. Two years later when the Capital newspapers called me the "conscious of the county council", I am sure the public, like me, wondered how a 33 year old could have attained what I believed at the time to be such an important role. As the years have gone, I have found my most recent role as "historian" to be the asset that I have been most proud.

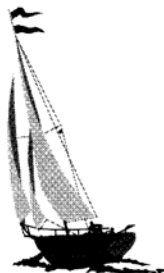
Zoning, safety, speed humps, development, schools, teachers, more schools, and most of all constituent service - these have been my world for the past decade. I have

to admit, I would not have traded it for the world.

The ability of the Council to have history at their hands will be to its benefit as we begin where I began my tenure of service, Comprehensive Re-zoning. December 1<sup>st</sup> marked the beginning of the application period where property owners can ask the County to re-zone their property. Ten years ago we had the benefit of the Small Area Plans. These plans, sixteen in all, were created with input from the citizens and local communities to help shape future development in the County. When I began on the Council, we were considering the first plans in Crofton and South County. As the Council considers the new requests, the reason behind a particular zoning

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change (or a refusal to change) as far back as 2000 will be found in the notes and files of your District 5 representative. As often as I have wondered why prior Councils took various actions, I am glad that I will be able to provide information and input to my present colleagues in an effort to make the rezoning process more manageable and transparent to all involved. As the Council hears legislation on proposed amendments ( I suspect in March and April of next year), please put it on your "watch list". If you have an interest in a particular parcel in the County, contact Planning and Zoning to see if there is a request for change.

The County will also be considering hiring preferences for county residents for public

safety positions. Bill 87-09 would give to residents of Anne Arundel County the opportunity, as long as they are otherwise qualified as a preferred candidate for the police department, fire department, detention center, sheriff's office or communications department of any public safety department. The goal of the bill would be to keep our public safety workforce close to the community that they serve.

The Council will be entertaining legislation concerning the zoning code and other development tools in the next several months. As the administration fine tunes the application of several state laws that passed in this year's General Assembly session, we can expect critical area legislation, develop-

ment regulations and refinement of the proper uses for various types of land around the County. As we move into our last year in office, your council remains committed to being involved and engaged in the needs of our community and county. I can assure you, this council will not be a lame duck assembly!

Happy Holiday Season. As you join with family and friends this season, please take the time out of your busy schedule to pay a visit to someone who may not be as fortunate as you, whose family might live out of the area or whose loved ones are deployed with our Armed Forces. Invite them in for some friendship and good words, and remember during this season, it

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really is about the thoughts, kind words and generosity of our residents that makes our County the envy of the rest of the State. Enjoy the season...see you next year. [cvi-tale@aacounty.org](mailto:cvi-tale@aacounty.org); 410-222-



## Cape St. Claire Garden Club

The Garden Club met in January to hear Homestead Garden's Gene

Sumi speak on garden plants for the dry shade garden. He spoke about how many shade shrubs, such as azaleas and rhododendrons are evergreen so they can photosynthesize during the winter when the deciduous trees

above have lost their leaves. We all appreciated his lively style and the lists of plants he shared with us.

In February, the Garden Club will hear from one of our own members about Our Favorite Flowering Shrubs. Wondering how to have big impact on your landscape and yard appeal? Wondering what our members have planted and had success with in the Broadneck peninsula's sandy dry soil? Wondering which shrubs need sun and which need shade? This talk is for you! New faces are always welcome – please join us on Tuesday, February 2<sup>nd</sup>, at 7pm in the Clubhouse meeting room.

Our talk on Transforming your yard into a Foodscape has been

postponed until March. For the first time we will have this speaker at our Anniversary Dinner, on Tuesday, March 2<sup>nd</sup>, at 6pm. If you're interested in this speaker, you are also welcome to join us for our potluck dinner. Please do RSVP, so that we can make sure we have enough food and table settings. Please phone Laura at 410-349-3390 if you would like to attend. We always enjoy the good fellowship and delicious food, and now we will all learn something as well. Join us!

The Garden Club is also contemplating doing a rain barrel workshop for the community. Rain barrels go under your gutter downspouts to collect the rain. You can use the water either in your flower beds or let it

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drain out slowly. The slower infiltration makes it easier for the soil to absorb the water, and helps reduce runoff water (mixed with fertilizer, gasoline, etc.) from entering our beautiful Chesapeake Bay. Rain barrels are a great way to reduce water consumption and do something ecologically sound for the sake of our watershed and community. If you would have an interest in participating in a fall workshop, please phone Laura at 410-349-3390. We'd like to get some idea of how much interest there would be.

## **Yacht Club of Cape St. Claire Annual Wine & Cheese Party**

### **Open to all (Members and Non-Members)**

Friday, Feb 19, 7pm – 10pm  
Cape St. Claire Clubhouse

The Yacht Club of Cape St. Claire (YCCSC) <http://www.yccsc.org/> was founded in 1974 and is a social, recreational club for residents and property owners in Cape St. Claire who share an interest in boating activities. The club welcomes members young and old and you don't have to have a boat to join in on the fun. Membership is just \$45 a year per family!

The Yacht Club sponsors numerous events throughout the year, both land based and on the water. Club membership also includes discounts for Boat US dues.

The club hosts Friday Night Races on the Magothy River, a low key racing series for our members. Friday Night Races are an opportunity to work out the navigation, tactics, and communications necessary to sail a given course and learn the rules of racing sailboats. Couples and parents, friends and anyone interested can come out to try their hands at rounding the buoys in some semblance of order. Participating in the races is a wonderful way to get out on your or someone else's boat, enjoy a sunset, shake the work week out of your system and earn some bragging rights along the way. Trophies are awarded at the end of the year at our November Awards banquet. Racing participants are asked to volunteer to be racing committee boat at least once per season. Training is available!

The Yacht Club also sponsors monthly cruises to various locations around the Bay. Last year's raft up locations included Swan Creek, Queenstown, Baltimore, Fairlee Creek, Mill Creek and Eagle Cove. Both power and sailboats participate, sharing swimming, kayaking, good food and great conversations.

Land based activities include a Sock Burning party to welcome Spring; Annual Club Picnic in August, a Fall Chili Cook-off and as boating season comes to an end, our Awards Banquet.

This year's commodore, Mike Juras, extends an invitation to all residents in the Cape to the YCCSC Annual Wine &

Cheese Party to be held on Friday, February 19, from 7-10 p.m. at the Cape St. Claire clubhouse. This event is a great opportunity to meet Yacht Club members and learn more about our activities. The member fee for this event is \$5.00 per person. The non-member fee is \$10 per person or \$20 per couple to be applied to the annual membership fee if the application is submitted at the party.

There will be music, pictures from previous club events, wine tasting (a big thanks to Giolitti's Deli!) and general good times! Specialty cheeses and Yacht Club members' favorite cruising appetizers will also be provided.

For more information about membership check out our website at <http://www.yccsc.org/>

## Cape Babysitter List

Looking for a babysitter? Not sure who to call? The Cape St. Claire Babysitter list is now published online at:

<http://www.cscia.org/Caper/BabySitters.cfm>

It is your responsibility to check their references, affordability and experience. If you would like to be added to the list please contact the Caper editor at: [capereditor@cscia.org](mailto:capereditor@cscia.org).

If you are on the list and are no longer available to babysit, then please contact us to remove your information.

## Cape Google Group

Looking for a good Plumber? Have some children's videos to give away? How about a place to post if you've lost your dog, or if you've found a dog?

The Cape Google group is just the place to share information, have discussions and ask questions. Anyone may subscribe and any community related question or concern is relevant there. The group has built-in anti-spam safeguards, **your email address WILL NOT BE SHARED with any third parties** and you can unsubscribe at any time.

<http://www.cscia.org/news/EmailList.cfm>



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