

August Minutes ECPC August 12, 2009

In Attendance: MJ Minton, Frank Dertzbaugh, John Peters, Jim Dimeglio,
Property Owners: Dick Bernstein, Ken Williams

Budget: We have spent \$117,778.86 year to date of special taxes.
We have \$55,761.18 in the M&T account as of 6/30/09. The new assessment of \$1,300 per lot will be available around December.
We are still expecting a Municap bill of around \$5,000 and M&T escrow bill of \$1,250
LLA has paid \$7,393 + part of the legal fees to Miles and Stockbridge this year.
We have approximate deferred legal & engineering fees of \$24,514.60 to be paid in 2010.

Pump Station: MJ Minton, Jim Dimeglio met with Mike Smariga and Mike Thompson, a mechanical engineer with RHL engineering, to put in place our pump station consultants as requested by the county. HSA will get figures from Mike Thompson, preliminary estimates are approximately \$25,000 for the pump station engineering costs.

Easements: On July 9, 2009 we met with attorney's Miles and Stockbridge in Frederick to discuss required easements. In attendance were MJ Minton, Frank Dertzbaugh, and Jim Dimeglio from ECPC.
Attorney's Krista McGowan and Noel Manalo from Miles and Stockbridge.

Water and Sewer easements will be required from the county. The lines are in the 40' right of way that is owned by the LLA. These have to be full blown title work easements.

Temporary grading easements/permission will be needed for the grading of the road with a time limit done in accordance with the plans. These affect most of the property owners. They can be recorded. Information can be taken directly from the SDAT without title work, or it can be done with a limited period title search, like 30 -45 days. This way is a bit more money. This is a line item in our budget that was not included.

All lots have a 10' LLA public utility easement going across the front, to allow for such activities. Some of the grading will exceed the 10' easement already in place. The SWM dikes fall within the 10' LLA easement. Confirmation needs to be achieved as to whether the SWM easements given to the county can come from LLA. We would need permanent SWM easement for anyone with a gabion outside of the 10' LLA easement.

Miles and Stockbridge prepared an estimate for such easements. Water and sewer easements will likely be one document. The grading easements are for each affected parcel. Based on 79 parcels easements could run up to \$10,000 and depending on how the title searches will be done estimate ranges from \$10,000 - \$20,000 for the entire project. This does not include obtaining consent from individual owners. This budget item needs to be done before bond sale and will be coming out of the special tax. It is an expense not originally budgeted for. Additional costs would also accrue by adding engineering fees for graphics along with title work.

The board discussed alternatives for reducing this item. Additionally the board members do not have the time to generate the mailings, follow ups, and reporting for this endeavor. It would need to be hired out and the cost for the attorneys to do it would be exorbitant. A discussion was made as to whether a letter to the property owners could be mailed explaining that the next phase upon us is the grading and we would need permission for the temporary grading needed for the roads as per the plans. Some trees will be cleared for this. Informing the property owners of the temporary grading taking place to bring the infrastructure in would eliminate the need for the legal fees, title work, and added engineering fees. Questions would be fielded for those property owners inquiring. Additionally in the letter, consent will be automatic unless notified otherwise by a property owner.

This received unanimous approval from the board members and participating property owners. The letter generated would need to be reviewed by the attorneys.

Water and Sewer: On July 21, 2009 Rodney Winebrenner sent an email stating the county Attorney office has confirmed that no reclassifications are required for Aspen North, however a map Amendment to add a booster pump station symbol may be required if Land Stewards did not Previously request one, which they did not.

The symbol was applied for on July 28, 2009.

SWM: On July 29, 2009 there was a meeting to review the SWM comments held at Harris & Smariga's office. In attendance were MJ Minton, Jim Dimeglio, and Merchant McDonald.

Big items were: from the fire marshal on Shalom Court, currently at a 36' radius, requested to enlarge to a radius of 42'. This additional footage could affect some of the lots given their small size which are already affected by the grading. It should not impact the BRL. We may need a permanent safety ROW easement. We would like to schedule a meeting to discuss this with Bryon Mitchell. Perhaps we could do impervious additional footage like pavers so that we can still be SWM compliant, or widen the roads if we must, without pavement. Adding additional paving will change our SWM calculations.

Big item number 2 was the request to revise the roads to 22'. We hope to discuss this one with Ron Burnes. Again the additional pavement and width would affect our SWM calculations and these roads are private.

Some additional comments were adding fire hydrants

Our next submittal will cost \$11,000.

FRO: On August 5, 2009 a meeting was held at Harris & Smarigas to discuss FRO requirements. In attendance were MJ Minton, Jim Dimeglio, and Fran Zeller. New ordinances were questioned as to whether lots 40,000 square feet or less and clearing of 250 square feet or more, would be subject to FRO requirements. Upon review of the ordinance, Fran determined it would only apply if you needed site plan approval. Aspen North lots do not need site plan approval.

For every square foot of forest removed we must replace it with forest. We can do a fee in lieu of which is around .54 ½ cents per square foot. If we bank acreage off site the ratios are 2.5 to 1, if we can bank on site than the ratios are 1:1. We are hoping to qualify for onsite FRO and receiving forested acreage from the LLA. We will need to talk with Clay Edwards, general manager as to where there is eligible acreage. It needs to be in hydrological sensitive areas, around lakes, streams, and buffers. Wetlands are good and steep slopes. A meeting with Mike Wilkens to discuss our intent of using LLA acreage would be scheduled.

After the meeting Mike Smariga joined for a conference call to Bud Creighton to discuss specific comments from the water and sewer department about not reviewing plans until complete. The goal is to review the plans concurrently and we will break the project into 2 phases since most of the lots do not need the pump station. Water and sewer would be 2 plans, grading in 1. Bud agreed and assured us he would instruct the water and sewer department to release comments on the submitted SWM drawings.

Combined Federal Campaign achievement: CFC is the annual fundraising drive conducted by Federal employees in their workplace each fall. This is the nation's only nationally authorized workplace giving drive for charitable organizations. More than 349,000 military, civilian, and postal workers are employed by the Federal government in the National Capital area and 48% made a gift or pledge to the fund in 2008.

Participation in the CFC is determined by an application and verification process. ECPC has been approved and is listed in the book. The code for donations is 61926 for those wanting to contribute to a local charity.