

**April Minute ECPC 4-14-10**

**In Attendance:** MJ Minton, Frank Dertzbaugh, Jim Dimeglio

**Budget:** Money in M&T Bank from special taxes \$141,176.52  
Requisitions made to date: \$168,152.76  
Expenses paid by LLA on our behalf, forest conservation plan review fee of \$238.88

**FRO:** Fran has determined we need 5.65 acres of forest easement to cover our construction for FRO from the roads, utilities and pump station. The Audubon site for offsite forest easement in LLA is short a half acre. We can purchase the half acre from a forest banking credit which runs around \$16,000 an acre, costing \$8,000 for half. Or we could find another site with existing woods and a creek bed to use for a perpetual forest easement. LLA has over 7 acres in the North Shore open space that could be used. Costs associated with the forest stand delineation Plan and easement are per site:

Engineer & survey	\$3,000
County Fees	\$750
Legal Fees	\$1,500
If existing forest (no tubes)	\$1,000
Staking the easement	<u>\$1,000</u>
Subtotal	\$7,750 + county review fees and attorney fees to prepare the forest deed

LLA paid these costs for the original CDA and we would want them to this for us too.

**Easements:** On 3-12-10 we had a conference call with Krista McGowen, Noel Manalo, Jim Dimeglio, and MJ Minton to discuss the meeting outcome with the county regarding the easement request to have LLA sign as the declarant since utility work was in the 10' front easement as defined in the property owner's deeds. This also had been done on previous projects. They felt "cautiously optimistic". A meeting had been held with Wendy Kearney, Kathy Mitchell and Betsy Smith. The initial reaction was ok with the approach. M&S would draft the easement and get approval with the county legal. We would need to show through the deeds where Linganore became the declarant. It was around the 1980's with the Phoenix group.

On 3-19-10 we had a meeting with Betsy Smith. In attendance were Jim Dimeglio and MJ Minton. We asked why the county was creating a public storm drain easement on private property. We would like to keep the private easement at 12' width given the deeded side utility easements owned by LLA. Additionally we discussed the impending SWM changes and how that may affect our plans if we do not have full approval. There is legislation proposed for grandfathering and waivers that may help. It will be a bit unknown. Betsy suggested moving as quickly as possible.

On 3-23-10 MJ received a call from Beth Ramacciotti, land acquisition coordinator in DUSWOM, regarding water and sewer easements. She and Rod Winebrenner were informed of discussions going on to have LLA be the declarant for the water and sewer easements. She made it clear that they would not accept LLA as the declarant as she had indicated at the December 9, 2009 meeting. Given the legal matter this was referred to the attorneys at Miles and Stockbridge.

On March 31 we received notice back from Kathy Hall several things:

- 1) Public SD easements would not be required and widths could remain at 12'.
- 2) SWM easements must be signed by all property owners.

While good news on the SD easements, being required to have individual property owners give easements rather than LLA as the declarant would pose a significant setback on the project for time and money. And it is questionable given the spread out location of the property owners, if full compliance could be attained. Miles & Stockbridge were notified of this to see if this is a final matter or if there is any other legal recourse.

LLCS, the original CDA, is also working on this same matter regarding 14 easements they need for the Pinehurst road construction. Given the precedence of LLA being named the declarant we are hoping they may be able to achieve success on this and we will benefit too. Approaching 79 property owners for easements is a daunting job. Property owners are spread out throughout the country. Many have been passed on to family members. LLCS said it took them 2 and ½ years to get through there easements and it was impossible to get every owners signature. If water and sewer easements are not given by a property owner than they will not get a connection. They won't be able to build.

We will not be able to get permits without easements.

SWM approvals are good for 2 years.

**Oakdale easement request:** Jason Wiley the manager will check on existing FRO easements in Parcel C. Jim will get letter together for signature to grant a water and sewer easement.

**Water and Sewer:** Rod Winebrenner agreed to accept a minimum easement width of 20' for the additional water line back feed between lots 26 & 27 where there is a water line between existing lots.

**SWM:** Final submittal went in on 4-3-10

**Utilities:** Jim spoke to Allegheny Power. There is a vault on the corner of Eaglehead drive that needs to be moved due to the storm drain line. They need to verify that it is a 480 volt 3 phase line which is needed for the pump station. Allegheny will require us to move it. They can provide schematics, but we will need an engineer to design it. Jim will check with Richter. Our contractor will have to lay the conduit.

We need a main line electric, cable and phone. Every lot will have 3 conduits so property owners can connect.

**Pump Station:** The pump station engineering proposal for Harris and Smariga was signed for \$30,000. This includes determining that the used equipment is adequate for capacity of 164 lots in pressure zone 3 as required by the county, to cover Audubon and Aspen and that the equipment can be configured for the new location on lot 20. Our contractor's contract will need to address that the equipment is inspected, repaired and certified, corrosion control and repainting to like new, and provide a 1 year warranty on all equipment. They will prepare plans for relocating the pump station including a new control panel and programmable controls. They have submitted a site plan on the pump station to the county.