

ECPC Minutes 9-13-11

In Attendance: MJ Minton, Frank Dertzbaugh, John Peters, Jim Dimeglio, Kathy McGee (property owner)

Budget: M&T Account has \$225,497.38
September's requisition was made to LLA this month
Total requisition to LLA for fy 2012 is \$21,329.55

LLA: On August 22, 2011 the ECPC board met with the LLA board to bring them up to date on the storm water management designs, and address questions and concerns relating to them. Additionally, recent comments from the LLA Board regarding contributing to the Aspen North CDA with an equivalent amount of the Aspen North HOA dues indicated needed communication between both boards to ensure continued support and collaborative efforts. The ECPC board wanted to sit down face to face and address all areas of concern.

In attendance were MJ Minton, Frank Dertzbaugh, John Peters, Jim Dimeglio from ECPC. Board members from LLA in attendance were Tom Roland, Hilary Moore, Brandon Frazier, and General Manger Bernie Howe.

ECPC updated LLA on the new SWM approved concept plan and the pervious pavement use. We explained the problem with the original plan which because of lack of space in this village had excessive stone check dams along roadways, in front of property owners properties, and in back yards. They were ugly, expensive to build, expensive to maintain and potentially dangerous should a car drive into them. In addition the check dams pushed water and sewer connections on to property owner's lots as they could not be left in the swales, requiring easements from every property owners. The check dams also created an exorbitant driveway structure for property owners, creating a concrete bridge like apron to incorporate stone check dams. This ultimately was not a viable plan.

With the change of the SWM regulations in May of 2010 the new design uses the road as SWM devices with pervious/porous product, eliminating the obtrusive check dam design and allowing the utilities in the 40' right of way, eliminating the need for the water and sewer easements, expensive driveway entries and maintenance.

The board understood the need for the improvement plan, but had concerns on the pervious product. Maintenance issues were discussed. The LLA board was concerned that anything done different from what was done community wide could cause expense and problems. They were also concerned about new construction after the roads were in place. Because of the need for the roads to remain clean and dirt free, there are some specific maintenance requirements for these roads unlike typical asphalt. Construction traffic can not track mud and dirt on the roads. Questions were written down. ECPC would follow up after meetings with the Asphalt Association President and engineers to address these concerns.

The ECPC board also brought up FRO needs that had been discussed with Clay, previous General Manager. We will need several acres for our onsite FRO easement from the estimated tree removal of the AN roads and pump station. LLA owns many areas where appropriate easements could be given to preserve such forested areas, like along banks and steep slopes.

Previous areas discussed for possibilities are the Audubon area and North Shore. The LLA Board said they would look at our total calculations when it was determined by our Engineer and decide as a Board, approval on a proposed LLA site. They understood the dedicated easement was previously done for the original CDA and the ground used for easements are usually hard to build topography on slopes, forested areas and stream banks.

The LLA Board brought up previous and future funding for Aspen North. They would like to be paid back the start up money they have contributed from the property owners, and they are reviewing future pre bond financial contributions. The FY 13 budget will be discussed at the end of the Year and they will determine if Aspen North will continue getting the \$34,500 contribution for the road improvements.

Aspen North's 2 year budget that led to the reduction in the special tax assessment, incorporated the contribution of LLA's \$34,500 for the next 2 years. With declining property values, and loss of property assets and jobs for many residents the special tax of \$1,350 was a hardship. The ECPC board worked with the financial office of Frederick County to establish a 2 year budget and make some modifications to the previous CDA resolution to allow for the change in the market and bond conditions. These changes were a 2 year extension to sell bonds, and a removal of the mandatory due on sale clause that was previously mandated with the lots. By removing the due on sale clause of the CDA assessment of approximately \$52,000 per lot, a property owner could pass on any remaining balances to future purchasers and thus be able to sell their lot. In the current condition, property owners could not pay the due on sale clause as it was higher than the lot values, thus they could not sell a lot. This was creating tax defaults, and possible future foreclosures. The change in the CDA policy was an attempt by the county to help remedy the current market conditions so property owners could stay vested in their properties with an easing of cash outlay during such difficult times, allowing for financial markets, and real estate values to improve.

Start up costs for the CDA were funded by LLA for expenses such as legal fees, nonprofit set up, administrative fees, and some minor engineering. After the CDA was set up the real estate and financial markets dropped creating decline in property values and bond sales. ECPC was told they would not be able to sell bonds to fund the project until they had a full set of approved and permitted drawings. Aspen North property owners began taxing themselves in advance to pay for such a requirement that would normally be funded with the bond sale. This had not been done with previous CDA's. LLA Bod's agreed to contribute the amount equal to the HOA dues property owners pay yearly, since they were paying HOA dues for over 30 years and only getting the benefit of the amenities. Difficult to achieve when not residing in the community.

LLA Board members would like to address how start up costs will be repaid and if they will continue contributing to the Aspen North CDA the amount equal to the HOA dues paid by the Aspen North property owners.

Pervious Pavement: On September 7, 2011 ECPC Board members met with Brian Dolan, President of The Maryland Asphalt Association, Inc. to discuss the use of pervious asphalt and address problems and concerns. In attendance from ECPC were MJ Minton, Frank Dertzbaugh, and Jim Dimeglio.

According to Brian, pervious asphalt is approximately 20% cheaper than concrete. Maybe \$150 a ton. The newer pervious asphalt has a polymer based binder to give it added strength. The entire road section will need to be put in at once (as opposed to a base and top coat) There can not be dirt, topsoil, mulch etc. deposited on the roads. Standard maintenance practice for cleaning the pervious pavement is vacuum sweeping and pressure washing. Vacuum sweeping dislodges superficial dirt and should be done at least yearly until fully built out, then every other year. Pressure washing should be required in localized areas if needed, but no more than once annually. These would need to be maintenance items put on the burden of the builder during construction with informed policies for the Aspen North roads, and possible bond depositing to ensure roads are cleaned.

For snow removal you cannot use sand or ash as it will plug up the road. But you can use de-icer and plow with a normal rubber tip blade. All the AN roads can be treated with the same snow removal plan even though not all of the roads will have the pervious product and pervious asphalt tends to use less deicer products.

The recommended thickness is 5" with no base or top coat, and no compacting. This thickness is acceptable for school buses, trash trucks etc. for the normal 10 trips per day per household with 1 trip per 3 days being loaded. Asphalt normal life span is 15 years. Pervious is less. Should get at least 12 years with good care. Replacing would require milling all 5" to gravel and repaving. Potholes and small areas can be replaced and patched with normal asphalt or concrete.

Pervious asphalt provides a good cleansing effect and provides a measurable noise reduction and reduces road spray.

Pump Station: On August 18, 2011 a meeting was had with DUSWM to discuss the engineer's report on the pump station and the possible inadequate pressure in the Eaglehead existing lines. In attendance were MJ Minton, Frank Dertzbaugh, John Peters, Jim Dimeglio, from ECPC. Ryan Rengle and Barry Ebersole from McCrone (engineers for the pump station), and Sharon Thisted, Rob Winebrenner, Bud Creighton and Kevin Demosky from DUSWM.

Mccrone engineers generated a study for the pumps discharge system after their report had questions on the suction side with the county models. They found the existing ridge on Eaglehead Drive is currently showing negative pressure and the area west of the ridge could have a vacuum in the line under possible peak day demands and fire. Should this be the case, under the existing conditions the pumps would create a vacuum. They would need to design a way to resolve this which would entail a far greater scope of work than originally planned by Aspen North. Possibly a detour 16" line in Accipiter.

Models from the County show Springridge using Linganore water. Kevin said Springridge is also fed from another direction. Kevin felt that a review of some of the models to simulate a negative pressure and see what happens in real life should be done. He did not think there was an existing problem in the lines. He thinks if a suction occurred water would flow back and pull from Springridge. It was agreed further field research was needed on the models and system impact. McCrone engineers would work further with County engineers and perform a fireflow test.

The further work scheduled for McCrone created an additional change order on the pump station engineering costs. ECPC wrote a letter to Kevin Demosky indicating that the additional engineering for the pump station models were not anticipated and created to date a \$6,890 additional line item in fees that relate possibly to a county condition. ECPC was hoping the County would help pay for these additional cost. If mitigation is required funding will need to be sought after from affected parties as ECPC does not have the budget for such an expense.

LLA BOD Meeting: On September 12, MJ Minton from ECPC attended the monthly LLA meeting to represent Aspen North and maintain communication on the progress and address concerns and questions along the way. The LLA board was updated on the approval of the SWM concept plan and the moving forward with the implementation of the engineering for the improvement plan. Boundary surveying and topography has begun as well as FRO calculations.

The board was briefly updated on the meetings with the Asphalt industry addressing maintenance issues, and the pump station meeting with the county. Tom Roland from LLA asked us to please schedule a meeting in the next 2 months to discuss further the pervious product as he still had concerns on it, and would like the new board members to be brought up to date. Brandon asked also that we address the repayment of money given to ECPC from LLA.