



Pine Brook Press

A Quarterly Journal for, about and by
Pine Brook Hills Residents

Summer 2015



CUT YOUR GRASS: IT MAY SAVE YOUR HOME

By Brian Wahlert

As I write this in early June, Pine Brook has received 13 inches of rain in two months, and residents are more worried about flooding than fire. But the heavy rain and soil saturation only reduce fire risk in the short term. When the sun comes out, plants will turn all that moisture into new growth and we'll have monster grasses, likely by the time you read this.

Our Boulder Mountain Fire Protection District will be happy to help you design and implement a defensible space plan for your property. Just contact mitigation@bouldermountainfire.org. But what if you only have an hour or two, and you want to get outside, get some exercise, and make your property safer? It turns out there's a lot you can do with little effort and few tools.

Grass is one of the biggest fuel sources that will help a fire spread to your house. In Pine Brook, we have a wide variety of grasses. Some are native, and some were introduced. Some are tall, dense grazing grasses, and others are sparse and stay low to the ground. There are dozens of species, but you don't need to keep them all straight. Just remember: "Big grass bad, little grass good, cheatgrass worst of all."

Big grass bad, little grass good: Some grasses grow tall and thick. Others stay low to the ground in

small clumps. The goal is to encourage those little



Little Grass is good, especially in well-spaced bunches.

grasses and get rid of the big ones. How to do that? The easiest solution is to cut the bad grasses. You don't want to use a bladed mower for this. The blade hitting rocks will spark, potentially causing ignition. Instead, use a string trimmer (weed whacker). These come in a wide range of sizes, from the common handheld models to powerful, wheeled, push varieties that look and perform like mowers. Cut

the grass low to the ground. You don't have to rake it – just getting it down to the ground greatly reduces your fire risk. You can think about cutting grass around the holidays – Memorial Day, Fourth of July, and Labor Day. Spending just 1-2 hours on cutting grass, three times a summer makes an enormous difference in your fire risk.

Cheatgrass (downy brome) is in a class of its own when it comes to bad grass. It's an invasive weed that thrives in disturbed areas and displaces native plants. It's an especially bad fire threat because it can grow very densely, and it produces seed and then turns brown earlier than other grasses. You can identify it as the grass with "nodding" seed heads that dry out and get stuck in your socks. If your



Cheatgrass is worst of all



Big Grass bad - cut it down to the ground.

cheatgrass has gone to seed, whacking it will only spread the seeds, and in a wet year like this, nearly all of those seeds will germinate. Instead, pull it. It has weak roots and is very easy to pull. Then bag it, and send it to the landfill.

If you would like to go further and plant “FireWise” grasses around your house, the Colorado State Forest Service has a publication listing good seed mixes to use. See <http://static.colostate.edu/client-files/csfs/pdfs/06306.pdf>.

Other fuels cover our ground. Brown pine cones and pine needles burn brightly, so rake and bag them.



Just a handful of brown pine needles and a single pine cone burn brightly

Be especially on the lookout for “pine needle jackpots” – places where needles and cones pile up near your house. Local wind patterns around your house created those jackpots. In a fire, those same wind patterns will blow embers there, igniting the jackpots and then your house. Focus on clearing all combustible debris from within 3-5 feet of all walls and windows, under decks, and in gutters.



A pine needle jackpot - clear those near your house.

Yard maintenance is a great way to get some fresh air and exercise. It requires few tools – a rake, a hoe, a weed digger, and a weed whacker. And you can devote as little or as much time to it as you want. Even if you only have 30 minutes, just choose a small area and attack it. Pull the weeds, cut the grass, and rake the pine cones and needles. Work close to your house at first, and gradually move outward. Work along your road frontage too. The hot muffler of a parked vehicle along the roadside can ignite tall grasses underneath,

destroying the vehicle and potentially starting a wildfire.

Of the 168 homes destroyed in the Fourmile Canyon Fire, only 29 were associated with high-intensity tree crown fire. The other 139 homes were ignited by low-intensity surface fire. Even in a major wildfire event like Fourmile, the most likely threat to your house will be a surface fire. If one approaches, the effort you spent to clear the fuel near your home could make the difference between your house standing and burning to the ground.

Boulder County has an excellent one-page fire mitigation checklist, available here: <http://www.bouldercounty.org/doc/landuse/wildfiremitigationquickchecklist.pdf>. If you'd like to learn even more, a great resource is *Fire Smart Home Handbook: Preparing for and Surviving the Threat of Wildfire*, by BMFPD resident Clyde Soles, available from our fire department.



WELCOME TO PBH NEWCOMERS

With Jo Wiedemann

Terri and Landon Fuller moved to Pine Brook Hills from New York City where they lived in Brooklyn



for four years. Prior to that they lived in San Francisco for seven years. They have three cats: Ziggy, Lewis, and Princess Peach. In 2008 they founded Plausible Labs, a worker-owned software co-operative. They continue to operate the company from their home office here. Plausible Labs is 100% distributed with employee-owners located in New York, San Francisco, and Fairfax, Virginia. Terri is a User Interface Designer and Software Engineer for the company. Landon is the CEO and Software Engineer.

Terri enjoys photography, film, art and humanities, hiking and backpacking, board games, and — after 10+ years living in cities and being car-free — road trips. Landon develops hardware and software in his spare time, enjoys drone avionics, retro computing, GIS, bicycling, skiing, and backpacking.

2015 COMMUNITY CALENDAR

HOA MEMBERSHIP MEETING - TUESDAY, July 28

6 PM Potluck Dinner

7 PM Presentation

8 PM Business Meeting

PBH ICE CREAM SOCIAL

Sunday, August 23, 2015

4 PM

Community Center (Station 1)

Meetings are at the Community Center/Firehouse unless otherwise noted.

HOA BOARD Meetings - Open to all residents. Attendance is welcomed and encouraged. Meetings begin at 7 PM. Final 2015 Meeting: September 22.

ARCHITECTURAL REVIEW COMMITTEE - Meets the 2nd Tuesday of every month at 7 PM.

BMFPD BOARD - Meets the 2nd Monday of every month at 6:30 PM. at either the Pine Brook or Boulder Heights Firehouse. Call 440-0235 for specifics.

BMFPD AUXILIARY - Meets quarterly on the first Sunday of the month. Next meeting—September 6 at 3:30 PM. Email auxpresident@bouldermountainfire.org for confirmation.

WATER BOARD - Meets first or second Thursday of every month at 4:30 PM. Call Water Office at 443-5394 for dates.

PBH NOTES: A NEW THREE Rs FOR EDUCATION

By Allen Saville, HOA President

Responsibility – or the lack thereof – is at the root of today’s most critical issues:

- Fiscal misconduct and irresponsibility on the part of national, international, and sovereign economic institutions, commercial financial institutions, and individuals
- Growing political polarization and religious extremism leading to regional destabilization and unwillingness to work cooperatively to address pervasive common problems (resulting in death of innocent people through acts of terrorism, famine, ethnic conflict, etc.)
- Rampant greed unabated by concern for the economically disenfranchised
- Political intransigence and obstructionism without seeming regard



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PINE BROOK PRESS

EDITOR

Catherine Von Hatten, 997-8319

LAYOUT:

Param Singh, 417-0373

Aria Seidel, 546-0679

STAFF

Nancy Tamura, 919-961-8184

ADVERTISING:

Ads@pinebrookhills.org

E-MAIL: press@pinebrookhills.org

WEBSITE: www.pinebrookhills.org

WEBMASTER: Brian Wahlert, 425-242-8746

for the dire need to address real and pressing problems.

If you want to know who is responsible – look in the mirror. In our democracy we enjoy the privilege of representative government. We elect our representatives, and the ballot box and public opinion influence the action, or inaction, of our representatives.

Notwithstanding our ultimate responsibility, many still feel powerless and unable to make a difference. What can we do and where do we start?

The first step is truly believing that we really are responsible. We are each responsible for our own personal welfare, the welfare of our families, our communities (this includes Pine Brook Hills), the quality of life within our nation, and the sustainability of the planet.

Celebrated documents, including our own Declaration of Independence, have specified what this means – most are phrased in terms of the rights and freedoms that we must establish and preserve in order to ensure personal security and basic opportunity. The most fundamental of these inalienable rights form the platform upon which all others depend:

- Life: life, security of person, no torture or inhuman treatment, etc.
- Liberty: including a number of essential freedoms (e.g., expression, movement, association, no unlawful imprisonment, etc.)
- Livelihood: the right to pursue the means of making a living.

The Universal Declaration of Human Rights adopted by the United Nations in 1948 does a nice job of setting out a more comprehensive list. (It is a wonderful document, take a look: www.un.org/en/documents/udhr/)

How many of us – how many others around the world – thoroughly appreciate our individual responsibility for providing for life, liberty, and livelihood? How many of us know how to pursue those responsibilities in our daily lives? Unfortunately, I believe the answer to both questions is “very few.”

We share an additional responsibility for education – ensuring that there is effective education that, among other important things, provides everyone with a thorough understanding of the nature and specifics of being responsible. As in the case of life, liberty, and livelihood – quality education that cultivates a thorough sense of responsibility must be guaranteed and provided to all peoples of the world.

An education system that is proficient at cultivating

a thorough understanding of individual and civic responsibility is absolutely essential for dealing with all of the critical issues that confront us today (and that will continue to confront us in decades and centuries to come). Certainly, our education system should provide the tools of logical, rational thought and decision-making. A well-designed education system should also provide the tools for life-long learning and for investigation and intelligent research when we are faced with new problems and situations. Merely learning the tools without appreciation for our responsibilities for using these tools is grossly insufficient – might I say irresponsible.

Quality education helps us to cultivate an accurate and comprehensive understanding about the interconnectivity of life and the interrelationships present in our physical universe and our social, economic, and political systems. Truly appreciating the nature and specifics of responsibility is required to inculcate the obligation to exercise responsible decision-making to benefit individuals, family units, business organizations, our communities, and the world in which we live.

Right now our educational three-Rs are: reading, writing, and arithmetic (the fact that two of these do not begin with the letter “R” might be a red flag). A new Three-Rs for education is needed to provide emphasis to the required shift in thinking:

- Responsibility: understanding and accepting individual responsibility for stewardship of the planet, the preservation of life, the exercise and protection of freedom and liberty, and providing opportunity for the pursuit of a livelihood; and knowledge of what actions individuals can, and should, take to exercise their responsibilities
- Reason: rational, logical thought and decision-making, and the exercise of discernment (critical thinking)
- Research: the skills for continuing learning and finding the answers to questions on an as-needed basis.

Among the important and current concerns within the educational arena today is the effort to identify and define the correct criteria to measure the success and performance of our educational systems. The new Three-Rs can be used as effectiveness criteria to evaluate success in fulfilling the fundamental purpose of our educational endeavors.

Are our priorities in keeping with the purpose and importance of education suggested above? Shouldn't they be? Don't we have a responsibility to see that they are?

ARCHITECTURAL REVIEW COMMITTEE NEWS

By Mike Von Hatten

New ARC Committee Members

The PBH HOA Board of Directors has elected a new ARC Committee. Committee members include Tom Anglewicz, Eric Erickson, Jim Eyster, Rob Gordon, Tim Triggs and Mike Von Hatten. Brian Wahlert, HOA Vice President, is the HOA Board Representative on the Committee. The members represent a broad range of opinions, experience, and expertise to best serve the community.

The HOA, on behalf of the community, thanks the retiring members Barry Aaron, Neil Patel and Gabrielle Schuller for their years of invaluable service.

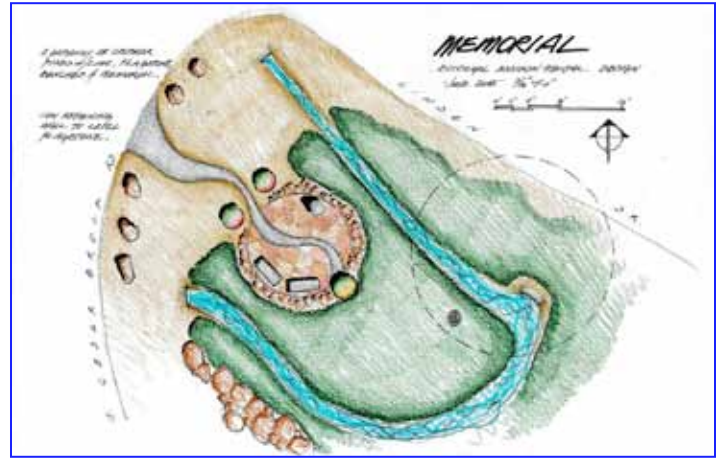
Valuable Documents and Drawings

The ARC has record documents and drawings of construction in PBH on file that date back almost fifty years. In the future the ARC will maintain files for seven years. Due to the age of these drawings and the changes to the structures that have occurred over time, the ARC will no longer be retaining them. However, these documents and drawings may be of value and interest to the current owners of the homes. The drawings may in fact be the only existing record of the initial home construction.

Documents and drawings older than seven years will be available to the current homeowners from 9 AM to 12 Noon on Saturday, July 18 and July 25 at the Community Center. If you cannot make these times and dates, but would like to keep your drawings, you can have a friend retrieve them for you. After July 25 we will dispose of all unclaimed drawings.

Enhancement Initiative

PBH Flood Memorial: The ARC is making progress on the PBH Flood Memorial at the corner of S. Cedar Brook Road and Linden Drive. Ecoscape Environmental Design has provided a landscape design for the memorial as a community service. EZ Excavation has offered earthwork for the project at a reduced cost. The ARC is proposing significant portions of the work be executed by the PBH community similar to "barn raising." This approach should produce an attractive feature and memorial for PBH, as well as build community spirit. The ARC is targeting substantial completion of the project for the second anniversary of the flood...September 11, 2015. If you are interested in contributing and/or volunteering, please contact Mike Von Hatten at arc-bh-mvh@earthlink.net or Glennis Smith at glennis@jumpintuit.com. (See article on this page for more information and details on how to contribute financially to the effort.)



Landscape design by Ecoscape Environmental Design

PBH Gardeners: The ARC Enhancement Initiative would like to organize a group of community members to take on planting and landscaping projects. The HOA would provide funding for the landscaping materials, beginning with landscaping several areas at the Community Center. If you are interested in participating or contributing landscape materials, please contact Mike Von Hatten at arc-bh-mvh@earthlink.net.



PBH FLOOD MEMORIAL: CONSIDER, ENVISION AND JOIN IN!

By Glennis Walters Smith, M.A.

Dr. Stephen Jay Smith and Glennis Walters Smith, along with their nonprofit MiracleFund1.org, want to acknowledge the supportive folks who have started to show up with time and/or money in the development of the PBH Flood Memorial to be placed on the corner of Linden Drive and S. Cedar Brook Road.

Thank you to those who have supported the effort to date:

- The PBH Architectural Review Committee under the leadership of Mike Von Hatten is helping to incorporate the Flood Memorial into the enhancement project planned for the site. In addition to planning and design work, the ARC is exploring ways to get donations of in-kind services and materials to support the project.
- Ecoscape Environmental Design is assisting in the landscape design process for the site and will provide support for the project.
- PBH resident Uriah Bueller has agreed to donate materials and artwork for the site.
- Bob de Haas has provided site consultation.
- EZ Excavation has agreed to support the project by providing services at a reduced fee.

- Residents have donated close to \$2000 so far. Many thanks to...
 - Baxter and Jean Vieux
 - Jason and Sara Fell
 - James Calano
 - Robin Seidner and Cindy McMullen
 - Dave and Jo Davies
 - Eric and Trina Scholz
 - Mel Beauprez (In Memory of Sally Beauprez)
 - Rob and Nancy Mohr
 - Donald Misch
 - John Quinlan
 - Alan Stark and Linda Tiley Stark
 - Steve and Glennis Smith
 - Mike and Catherine Von Hatten

Want to donate money and/or time? Contact Mike Von Hatten at arc-bh-mvh@earthlink.net or Glennis Smith at glennis@jumpintuit.com for more information or to volunteer. You can donate at http://www.razoo.com/story/Miracle-Fund?referral_code=share, or drop off or mail your check (payable to Miracle Fund) directly to the Smith's house at 25 S. Cedar Brook Road. Boulder CO 80304. Upon request, we can provide you with a receipt for your tax deductible donation. Contemplate, envision, and join us in creating the PBH Memorial Flood Memorial!



ARC REMINDERS

Signs, Signs, Signs Everywhere... Have you noticed how many signs have been popping up all over Pine Brook Hills? For a while it appeared that the entire community was for sale based on all the signs. Obviously, this isn't the case and it's certainly not the image Pine Brook Hills wants to convey.

Our Community Standards require that all signs, regardless of content, need to be on their owners respective properties, i.e., not in right-of-ways or on neighbors' properties but in their own yards. Of course everyone recognizes the need for temporary open house and directional signs, but if everyone would remove signs promptly after the event, it would help to keep sign pollution to a minimum.

Signs not in their own yards are removed and placed under the stairs at the Community Center waiting for retrieval. The sign pile is growing so please help spread the word about minimizing sign pollution in PBH.

All in the Family... Just a reminder, property in PBH is limited to single family use according to the Boulder County Land Use Code and the PBH Covenants. Properties in PBH may be rented, but the minimum period is restricted to 30 days. The renters must be a

single family and not a group of unrelated individuals. Short term rentals, e.g., VRBO and Airbnb rentals, are prohibited. Renting a room or apartment in your home to an unrelated party is not permitted.

ROW – Keep it Clean, Clear, and Attractive...

The PBH Community Standards encourage the maintenance of the road right of way contiguous to your property. This is a major safety issue. Once the grasses grow and dry out, the potential for fire increases dramatically. Several fires over the years have started from vehicles with hot catalytic converters parking in high grass or from things thrown from passing vehicles into tall grass. Remember to weed whack along the roads and remove any trash and debris. Our roads provide a safe and scenic means for accessing our homes and when necessary, they also serve as fuel breaks and firefighting access.



BMFPD AUXILIARY LEADS FIRE SAFETY PROGRAM

By Ann Blonston, Auxiliary Co-president

The 2015 Fire Safety Sale held in May brought nearly 100 of the fire district's residents out to take part in its multiple offerings:

- Attendees purchased nearly 100 fire extinguishers and dozens of smoke and carbon monoxide alarms.
- Firefighters taught 55 residents how to operate fire extinguishers using a live fire.
- Members of the department's Third Arm corps tested dozens of fire extinguishers and recycled over 60 that were expired.
- Mitigation specialist Mike Palamara offered a presentation on the fire district's fuel breaks and showed maps of proposed breaks to finish encircling the district's neighborhoods.
- Auxiliary member Cheryl Sherrington organized a New Resident Orientation, where our newest neighbors heard directly from Chief Benson the keys to safe mountain living. Over 20 residents attended.
- District resident and author Clyde Soles offered information from his book, *The Fire Smart Home Handbook*, which he signed afterward.

Residents who were unable to attend the Fire Safety Sale are welcome to update their fire safety gear at the Department's online Fire Safety Store: <http://www.bouldermountainfire.org/FireSafetyStore>

The manufacturing date of a fire extinguisher is often printed on the bottom of the device or near the bottom of a label on the extinguisher. Devices over 10 years old should

be checked and likely will need to be replaced. Members of the department staff are available to help residents check extinguishers and install new detectors, which also expire after around 10 years.

Save The Date: Boulder Mountain Handmade Returns November 7 & 8



Its debut sale in town at the Watershed School was a great success, and the Auxiliary plans to return to Watershed with even more special events, craft vendors and opportunities for sale visitors to enjoy art.

Now in its 41st year, Boulder Mountain Handmade raises funds for the department to purchase additional life safety gear for the fire vehicles and the stations.

Residents are welcome to join in:

- Be part of Boulder's best bake sale. Contact bmhbake@bouldermountainfire.org to contribute.
- Rent a booth to sell your wares or consign them for the Auxiliary's team to sell for you. Contact bmhart@bouldermountainfire.org.
- Volunteer to help with marketing, set up for the event, donate your performing talent, or staff the sale.
- Three craft sessions are offered this summer for residents to join in. Contact Nancy Callis for more information. nlcallis@aol.com.

PAYING IT FORWARD

By Jackie Nairn

My husband John and I have lived in Pine Brook Hills for 26 years. Last fall, John had a stroke and was hospitalized for two weeks. I have MS and am mobility and balance challenged. As a result, I have difficulty carrying anything up the 27 mountain-side steps from our stand alone garage to our home. During John's hospitalization, I was challenged to find ways to get groceries and supplies up to the house. I could carry some items in a backpack, but was limited on the amount and kind of things I could carry. As luck would have it, I saw a television ad for grocery delivery from Wal-Mart to Go and started having my groceries delivered. Whew! At least my necessities and food were covered.

My next challenge was getting food for my dog,

China. I was running out of premium quality dog food and was down to two days of kibble. I won't feed her inferior quality food. I had driven by a North Boulder retail store called "Alley's Dog Bowl & Cats Too," so I stopped in to see the products they were offering and chat with the owner, Andy Malkiel, about trying to get a small bag of dog food that could fit into my backpack. On a whim I asked if he would deliver dog food to me, and his answer was "I've been thinking about offering just that service." That night he delivered two 50-pound bags of premium dog food to my door, for a nominal delivery charge. I felt like he had saved my life. I was dealing with so many challenges at this time and he stepped up to help me. He could have easily said no, but instead he showed compassion and made my life easier when I needed it most.

I've continued to be impressed with Andy's merchandise and I believe an act of kindness should be rewarded. To that end I am "paying Andy's kindness forward" by providing an ad for him in the Pine Brook Press. My hope is that you will take a look at the ad below, and as a member of the North Boulder community, will support quality businesses starting up in NOBO. Alley's Dog Bowl & Cats Too can be the answer to reducing the stress in your life and giving you more time to do things you want to do.

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Sun: 11:00 pm to 5:00 pm

One coupon per transaction. Expires 8/15/15

\$2.00 Off

purchases of \$10 or more
with this coupon

PBH Social Activities

By Sally Powell-Ashby and Veronique Foster

Nearly 50 Pine Brook Hills residents gathered on May 2 for the first annual Spring party at the spectacular home of Art and Sue Rancis. It was festive and relaxed as neighbors wined and dined, enjoying the breath-taking views and a full moon, nice weather and the outdoor fireplace.

A special 'shout out' to N. Cedar Brook— a really strong showing! Julius Hummer, brewmaster, brought a mini-keg of his Gravity craft beer! Not much left by the end of the evening...

Mark your calendars! The ever-popular family Ice Cream Social is planned for Sunday, August 23rd.





Make Your Views Known: Take the Roads Survey

By Brian Wahlert

While there's widespread agreement that our roads need repair, debate continues about how to fund those repairs. A County court ruled last summer that the County's attempt to impose a special tax on unincorporated county residents for road repairs was illegal. However, two subsequent court rulings have found that the County cannot be compelled to fund road repairs. An appeal to those rulings is pending.

The HOA Board would like to know your views on how road repairs should be accomplished and what role your HOA should play. Because this is a complicated issue, the HOA has put together a fact sheet for residents available on page 12 or online here: http://www.pinebrookhills.org/Roads/roads_survey_background.html. Please make your views known by filling out our roads survey at http://pinebrookhills.org/Roads/roads_survey.html. Additionally, while the County has not funded long-term repairs, they continue to perform limited maintenance like pothole filling. If you know of specific areas in need of fixes, you can file a road maintenance request here: http://www.pinebrookhills.org/Roads/road_request.html. Our Pine Brook Roads Committee will prioritize these requests and work with the Boulder County Road Maintenance Division to get fixes made.

Want to Get Involved in Your Community?

The HOA and Pine Brook Press welcome Aria Seidl who is taking on the Layout Understudy position with the Press. The PBP team looks forward to working with her.

The HOA Needs...

- **PBH Directory Layout**—The Directory won't be published again for another year, but we are looking for someone with graphic design skills to work on the Directory team.
- **Historian**—The neighborhood has been around long enough to have a history and we would like to record some of that. If you are interested in stories and preserving our heritage, this is your job.
- **HOA Board Membership**—The HOA Board is composed of five members. Every two years one member rotates off of the board and from time to time there are other reasons a board member needs to be replaced. Let us know if you have interest in serving on the HOA Board.

The Pine Brook Press needs...

- **Authors and photographers.** If you have an idea and want to submit an article, we'd love to have it. If you snap a good photo in the neighborhood, send it our way. press@pinebrookhills.org
- **An Advertising Manager**—Our advertisers help defray the cost of the quarterly publication. If you like talking to people and finding out about their work, this is the job for you. Most ads are already lined up so you would be mostly managing, not selling.

BMFPD...the Fire Department has lots of volunteer opportunities

- **Firefighters and Medics**...contact Chief Benson if you'd like to find out more or get involved.
- **Third Arm**...on-scene support with traffic control, evacuation, communication...contact Bob Loveman, if you would like to find out more or get involved.
- **Auxiliary**...provide behind the scenes support for fundraising, community education, provisioning, and recognition...contact Ann Blonston or Catherine Von Hatten for more information or to get involved.

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 -Steve and Susan Browning



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Self-Awareness
Emotional Intelligence
Communication




Roads History and Facts

By Brian Wahlert, HOA VicePresident

This information was prepared to help residents learn more about the roads issue and to be better prepared to respond to the PBH roads survey described on p.9. It can also be found on the PBH website with more detail – see <http://pinebrookhills.org/Roads>.

History

- “Title 43 of the Colorado Revised Statutes establishes that construction and maintenance of county roads is a county responsibility, and provides funding for that responsibility.” (Boulder County District Judge J. Robert Lowenbach, in his July 2014 ruling – more on that later.)
- “Prior to the mid-nineties, Boulder County included resurfacing and chip sealing of subdivision roads in its maintenance responsibilities.” (Lowenbach ruling) Since then, the County has performed limited maintenance only (snow removal, pothole filling, etc.) on subdivision roads. “Subdivision roads deteriorated over time... Pothole filling and patching and snow plowing became more difficult and expensive and public safety became a concern due to increases in potholes, deteriorating drainage, and inability to clear snow.” (Lowenbach ruling)
- The County took the position that repairing subdivision roads will require subdivision residents to pay special assessments in addition to their current taxes.
- In 2011 a local improvement district (LID) was placed on the ballot that would have rebuilt all Pine Brook Hills roads during 2012, at a cost of approximately \$11,000 per Pine Brook household (\$550 per year for 20 years). The Pine Brook HOA argued that a county-wide solution was needed and would be more cost-effective, and recommended that residents vote against the LID. The ballot measure failed by an 83% to 17% vote.
- In 2013 the County placed a public improvement district (PID) on the ballot for all unincorporated subdivision residents.
 - This PID would have repaired all subdivision roads over 15 years at a cost of around \$10,000 per Pine Brook household. To fund the PID for these and future repairs, taxes would have been raised by \$700 annually per Pine Brook household.
 - Prior to the vote, the County informed voters that if the PID failed, then the County commissioners would impose a LID on subdivision residents



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with substantially the same tax impact.

- County-wide, voters rejected the PID measure 57% to 43%. Within Pine Brook, the vote was 55% in favor of the measure.
- The County proceeded with creating the LID and placed liens for the full amount, averaging approximately \$10,000 per Pine Brook household, on the titles of all affected properties.
- An opposition organization, Boulder County Fairness in Road Maintenance (BoCo FIRM), challenged Boulder County's authority to impose a LID on property owners for the purpose of repairing public roads.
 - In his ruling, Boulder County District Court Judge J. Robert Lowenbach cited Colorado Revised Statute 30-20-603(1)(a), which authorizes improvement districts as follows: "A district may be formed ... for the purpose of *constructing, installing, acquiring, or funding*, in whole or in part, any *public improvement...*" (emphasis added by Lowenbach). The issue, then, was whether repairing public roads is an allowed use

of an improvement district.

- Citing a 1997 Colorado Supreme Court ruling and the Merriam Webster Dictionary definition of "maintenance," Lowenbach ruled that road repairs are "maintenance" and not "improvements." From Lowenbach's ruling: *Whether described as "maintenance" or "rehabilitation," the activities the County intends to conduct using the LID funding mechanism are not "improvements" as envisioned by the statute. It is clear that the County faced difficult financial issues that caused the neglect of its dedicated subdivision roads. Roads that are not chip sealed and resurfaced will deteriorate. If deterioration is severe enough, the road will have to be reconstructed. These maintenance activities are necessary to the upkeep of the roads and to keep them operative, and are included in the term "maintenance." Property owners whose roads were accepted for maintenance understood that term to include all activities necessary for upkeep of roads. While*



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it clearly had the duty to maintain those roads, the County did not perform that duty.

- Therefore, Lowenbach wrote, “The Boulder County Board of County Commissioners exceeded its jurisdiction and abused its discretion in authorizing and forming the Subdivision Paving Local Improvement District and imposing assessments on properties within the District, for the purpose of rehabilitating public paved roads.” The LID was overturned, liens were removed, and payments were refunded.
- BoCo FIRM continues to challenge the County in court, with the goal of forcing the County to repair subdivision roads.
 - The County has prevailed in two legal rulings.
 - In the first, BoCo FIRM alleged breach of contract because County officials signed documents accepting subdivision roads for maintenance. Boulder County District Court Judge Dave Williams dismissed the case, ruling that a contract cannot exist “because the County would thereby become obligated to perform something that it is already bound to do.” Essentially, because Colorado state law already requires the County to maintain its roads, a separate contract for the same purpose can’t exist.
 - Judge Williams dismissed BoCo FIRM’s next suit because “no statute or case law sets any standard that must be met by the County in maintaining the roads and streets, nor does any statute or case law require that roads and streets be funded to the satisfaction of any particular organization or group.” (Williams’ April ruling)
 - BoCo FIRM is preparing to appeal these rulings.

Road financing

- The vast majority of the funding for County subdivision road maintenance comes from two sources: the specific ownership tax (vehicle registration fee) and the Highway Users Tax Fund (HUTF, the gas tax). The state allocates the HUTF to counties and

municipalities based on miles of road under maintenance. The County claims subdivision roads in its mileage count.

- Property tax is not a significant source of road funding. (Property tax currently represents 6% of County road and bridge fund revenue.)
- The amount currently allocated by the County in their budget is insufficient to repair subdivision roads. Either increasing revenue and/or changing the manner in which current funds are allocated to County programs is required.

Pine Brook HOA

- Since the failure of the Pine Brook LID in 2011, the HOA has not expressed a position on this issue.
- Pine Brook volunteers have devoted countless hours over the years to getting our roads repaired and continue to do so. However, no HOA funds have been used.

Position Statements

The County commissioners have stated that to fix Pine Brook’s roads, residents should expect to pay additional taxes (around \$10,000 per household, or \$700 per year for 15 years). An alternate viewpoint is that Pine Brook roads are public property and should be maintained using public funds. More detail on the reasoning behind each of these positions is available on the Pine Brook website, at <http://pinebrookhills.org/Roads>.



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BouldeReach Goes Bollywood

By Cindy Lindsay

Your PBH neighbors invite you to the 10th Around the World with BoldeReach Gala – BoldeReach Goes Bollywood on September 12, 2015 featuring lively entertainment, delicious food and drink, exotic prizes along with a chance to learn more about the important work being done by STOP India. In 2003, a group Pine Brook Hills neighbors wanted to do something about the aftermath of the war in Afghanistan and decided to find a project to support girls' rights. Working with AfghanEd, the neighborhood group threw a party and grossed over \$30,000 that was used to fund the rebuilding of a school in Northern Afghanistan with the focus on creating a place that girls could go to school. From our humble beginnings in private homes in PBH, BoldeReach has become a well-recognized

dollar raised directly to our beneficiaries, raising over \$850,000 for a number of groups around the world over the last 10 years.

This year, BoldeReach is supporting STOP India, a group dedicated to ending the oppression and trafficking of women and children. STOP India led by founder and Ashoka Fellow, Roma Debabrata, has reached thousands of children and women with rescues, reintegration and education since it was established 22 years ago.

www.boldereach.org for tickets or more information!



Dan Hale

November 5, 1944 – April 12, 2015

Pine Brook Hills lost long-time resident Dan Hale this past spring. Dan was a respected member of the Colorado legal and judicial community, as well as an amateur archaeologist who participated in excavations throughout Southwest Colorado. Dan served as a mentor to many in the Boulder legal community. A colleague described him as “a terrific, thoughtful, and compassionate judge and a wonderful human being.” Dan clerked at the US District Court, was a prosecutor for the Boulder DA’s Office, served as Deputy District Attorney in that office, had a private practice in criminal defense, and finished his career as a District Court Judge. He worked during retirement as a mediator and arbitrator. He was voted Most Outstanding Judicial Officer in Colorado in 2006. For more about Dan’s contributions to the community:

http://www.dailycamera.com/news/boulder/ci_27921029/dan-hale-former-boulder-judge-and-mentor-many

Dan enjoyed fishing, hiking, his dogs, photography and spending time with his family. He loved and respected Native American culture and the Southwest, participating in archaeological digs near Cortez, Colorado and co-founding Two Ravens Pottery to support and promote Native American artists. He is survived by his wife Kristin Keating, son Brad, daughter Tessa, stepson Connor, grandchildren, siblings, nieces, nephews, and great nieces and nephews. His full obituary can be found at <http://www.legacy.com/obituaries/dailycamera/obituary.aspx?pid=174666199>



Board Members:

Back Row: Cindy Lindsay, Carolyn Schuham, Andrea Guendelman

Middle Row: Elizabeth Train, Rebecca Drogen, Lisa Prassack, Carol Batrus, Sue Dubach

Front Row: Reggie Richardson, Veronique Foster, Alice Norton
(Former board members from Pine Brook: Alex Baris, Penny Bennett, Kim Hartzell, Rody Kent)

granting organization in the Boulder area. In 2005 the organization gained 501(c)(3) nonprofit status with a mission dedicated to raising awareness and funds to address, in a culturally sensitive way, health, safety, and educational needs of women and children living in desperate circumstances around the world. Due to the generosity of PBH residents, BoldeReach has been able to create an all-volunteer organization – no staff, no offices, self-funded administration, etc. and is VERY proud to be able to return \$0.92 on each

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sorbet, non-alcoholic drinks,
kiddie games, music.

We hope to see you there!

Veronique and Sally

