

Minutes of the Town Assembly for the Village of Arden Monday, January 27, 2003 Gild Hall - Arden, Delaware

AS CORRECTED AND APPROVED ON MARCH 24, 2003.

Fifty-one residents were in attendance, as shown below, a decrease of ten since the previous meeting, when it was much, much warmer. (Brrrrr!) Of these 51 hardy souls, 39 were at the previous meeting. In recent years, attendance at January meetings was 49 in 2002, 50 in 2001, 99 in 2000, 74 in 1999, 56 in 1998, 60 in 1997, and 56 in 1996.

Frank Akutowicz	Christopher Iracki	Jan Stearns
Lew Aumack	Rodney Jester	Beth Stevenson
Beverly Barnett	Allan Kleban	Steve Tanzer
Steven Blades	Lynda Kolski	Debbie Theis
Bill Busch	Mary Marconi	William Theis
Marianne Cinaglia	Albert Marks	Steven Threefoot
Alton Dahl	Connee McKinney	Elizabeth Varley
John Demsey	Betty O'Regan	Cecilia Vore
Cynthia Dewick	Denis O'Regan	Larry Walker
Carl Falco	Cookie Ohlson	Laura Wallace
Joan Fitzgerald	Pamela Pearson	Jan Westerhouse
Jane Frantz	Roberta Perkins	Tom Wheeler
Tom Frantz	Bill Press	Mark Zylkin
David Gerbec	Peter A. Renzetti	ALSO PRESENT:
Charlie Hahn	Hugh Roberts	Mindy Hidenfelter
Aaron Hamburger	Edward Rohrbach	Amy Pollock
Sally Hamburger	Danny Schweers	Bob Pollock
Barbara Henry	Sally Sharp	Enno Krebbers
Amy Hill	Sadie Somerville	Stephen Pollock

1. Meeting called to order: Steven Threefoot, Town Chair, called the meeting to order. The minutes of the previous meeting were approved as published.

2. New Residents: None showed themselves.

3. Recently Deceased: A moment of silence was observed in memory of Jack Brandner, Tom Colgan, Kenneth Hadfield, and Robert Pearcy, M.D. (survived by his wife, Verbena Pearcy, M.D.)

4. Tree City USA Award presented by Mindy Hidenfelter.

Steven Threefoot accepted a large sign, a flag, and a lovely certificate and was promised a walnut plaque. The Tree City USA flyer had this to say about the award:

"The National Arbor Day Foundation, in cooperation with the U.S. Forest Service and the National Association of State Foresters, recognizes towns and cities across America that meet the standards of the Tree City USA program.

"At least half of the trees in a typical city are on public property . . . along streets, in parks, and around public buildings. The Tree City USA program is designed to recognize those communities that effectively manage their public tree resources, and to encourage the implementation of community tree management based on four Tree City USA standards.

"These four standards provide structure for a community forestry program, require that program to demonstrate success based on the judgment of the state forester's office, and provide for an awareness and appreciation of trees among the residents of the community.

“Tree City USA recognition can make a strong contribution to your community’s pride, and it will put you in touch with other communities and resources which can help you improve your program.

“The Tree City USA standards: 1) a tree board or department; 2) a community tree ordinance; 3) a community forestry program with an annual budget of at least \$2 per capita; and, 4) an Arbor Day observance.”

5. Appointment of Jeffery Politis to Avery Task Force by Steven Threefoot.

[This appointment was not announced at the meeting but is included here.]

“On January 26, 2003, Mr. Jeffery Politis, 2318 Cherry Lane, Arden, DE 19810, was appointed to the Avery Task Force Committee of the Village of Arden. This committee has very important business in front of it, and Jeff’s participation will be of great value. We thank him in advance for his commitment to our community.”

6. Harvey Road Traffic Calming Committee Report by Enno Krebbers, Chair.

After thanking the representatives of all three villages who have served on this committee for so many years, Enno asked the Town Assembly to approve the concept developed by the Delaware Department of Transportation to calm traffic on Harvey Road. He noted that this is not a perfect concept but the best that could be done given the many constraints, specifically that the right-of-way not be widened and that there be no vertical displacements such as speed bumps, which are unacceptable to the Claymont Fire Department. The resulting concept, Enno admitted, will not calm traffic as much as we would like but does propose several improvements. Where Harvey Road is widest, from Sconset to Greenbriar, a median would be inserted between lanes, with a diverter for traffic turning into the Montessori school. Some shoulders would be paved with checker-block paving. The intersection of Veale and Harvey would have a traffic light. Gateways (which could be arches and have yet to be designed) would indicate entrance to the villages. Digital-display radar signs would be erected at or nearby the entrances. At lighted intersections, pedestrians could change the lights by pressing a button. At walkways, places to wait off the roadway would be developed. Speed limit signs would be more evenly spaced. A wooden guard rail would be erected at the power derrick in Ardentown. The speed limit would be reduced to 25 mph from Veale to Sconset. These are the main features of the concept proposed, said Enno, not the final design. “It is imperfect, even a disappointment, because we had wanted speed tables.”

Alton Dahl moved that the Town Assembly, “Accept the proposed concept to promote traffic calming on Harvey Road and request DelDOT move forward in creating a design to promote traffic calming on Harvey Road with continued input from Arden, Ardentown, and Ardencroft.” Several people seconded the motion.

Frank Akutowicz rose to say he wants traffic slowed, that he saw nothing in this concept that does that. The median is fine but the gateway concept is awful because the arches won’t represent our distinctiveness and will be a visual insult. Put them in front of Rep. Wayne Smith’s house instead, he suggested. The arching trees that exist now work perfectly fine. Rodney Jester concurred, calling the arches “abhorrent.”

Mary Marconi said she wants the villages to be able to accept or reject final design. She agreed with Frank and Rodney about the arches.

Pete Renzetti noted that we are approving a concept, that there are many ways of denoting the entrances to the villages, that they need not be arches or a bridge.

Aaron Hamburger disagreed with Frank, saying gateways are an excellent idea since they define our space, would be effective in alerting drivers they are entering our villages, and could be designed locally. He also thinks the radar signs would be effective.

Tom Wheeler suggested adding cameras to track and ticket speeders.

Lynda Kolski agreed with Frank and Rodney that trees are all we need to distinguish our villages. She warned that once we approve the concept, we might not have the option

of keeping the status quo. She wants approval over final design. She proposed, and Alton accepted, that his motion end with the phrase, “and we reserve the right to accept or reject the final design plan.” Again there were numerous seconds.

Bev Barnet noted that DeIDOT works best with input from individuals at forums.

Enno Krebbers said that DeIDOT will not move forward in the face of opposition.

Steven Threefoot noted that DeIDOT will have a public hearing on final design.

Sadie Somerville asked how people can make changes in the design. Steven Threefoot suggests she work with the members of the Traffic Calming Committee.

Frank Akutowicz complained that DeIDOT, in relying on conversations with individuals, has chosen to ignore representative assemblies. Our villages, he contended, are overwhelmingly against the arches.

A vote was taken and the amendment to the motion was approved.

Lew Aumack commented that the arches would be an advertisement to burglary. “The way to slow down a raging bull is to castrate him,” he said, noting that we need heavy fines for speeding. Also needed, he said, were walkways and bicycle paths along Harvey Road, tying it to the Greenway.

Marianne Cinaglia agreed with Aaron, “even if it ruins my reputation.” When she travels, she likes seeing welcome signs and slows down. No one, she said, knows where we are, that we exist.

Walter Borders, who served the Traffic Calming Committee during its engineering phase, says the concept is a good compromise of many factors and hoped that, in time, we can convince Claymont Fire Co. speed tables would not impede their calls.

Bob Pollock, visiting from Ardencroft, noted that Arden is being asked to approve a concept, not arches only, and that this concept represents seven years work of open discussion and is not a dogmatic proposal. He noted that, from the very beginning, widening Harvey Road for traffic circles, paths, or other purposes was rejected because so many residences are so close to the road.

Bev Barnet favored the concept, said it represents good progress towards calming traffic along Harvey Road. Brooke Bovard believes we need an archway or some entrance-defining structure at the Marsh Road entrance to Arden.

Bill Press, who has been here since 1954, says Frank hit the key. What do we want here? Traffic has more than doubled. We need, he said, to change the attitude of people driving down Harvey Road.

Ed Rohrbach, an architect, says the archways should not be judged on the rudimentary picture presented by DeIDOT, which are hokey. Gateways would be good, dignified, expressive of our town, and tasteful, if they are well designed. That’s the challenge!

The motion, as amended, was approved.

7. Avery Task Force Report by Lynda Kolski, Chair.

“At the September Town Assembly Meeting, the Town Assembly unanimously approved authorizing the Task Force to begin negotiations with Marsha Avery to purchase the five-acre parcel of woodlands adjacent to Sherwood Forest. Since that meeting four months ago, a tremendous amount has happened. It seems that every week we’ve been dodging a new curve ball, with the latest hitting us this afternoon.

“We left the September town meeting with a very positive feeling and anxious to move forward. So, we were surprised to learn two days later that Marsha Avery had obtained a permit from the Delaware Department of Agriculture’s Forestry Division to clear-cut the entire five acres with logging to begin in 48 hours. Most of the next ten days was spent trying to buy some time, delay the logging and save the trees. We were very disappointed to find out that the state permit was legal and would not be revoked even at the request of Representative Wayne Smith or the New Castle County Land Use Department on the premise that it violated existing Unified Development Code provisions. Fortunately for us, Marsha

Avery had failed to file the necessary paperwork and plans for reforestation and treatment of wetlands with the county, and did not have county-approved construction drawings on file, which meant she would be in violation of county regulations once she began cutting trees. Unfortunately, the county could do nothing until she actually began cutting trees and by those actions was in violation of county regulations. She was notified by the county that as soon as logging began, she would stop. New Castle County Land Use Department monitored activity on the property very closely waiting for her to cut the first tree. A number of vigilant residents, friends and neighbors also kept a close watch on the property waiting for the first sound of a chain saw. On September 30, the logger hired by Marsha Avery began cutting down trees. Thanks to quick notification, the county responded immediately and issued a stop-work order. In the meantime, the logger cut down five large trees.

“On October 3, the Task Force made our first offer to Marsha Avery to purchase the property emphasizing that we were only interested in the property in as-is condition.

“On October 10, New Castle County held a hearing at which Marsha Avery was required to show cause as to why the stop-work order should be lifted. She was unable to provide the necessary approved construction plans and the county ruled that the clear-cutting intended by Marsha Avery “was not in furtherance of developing the site” therefore causing her to be in violation of the terms of her recorded subdivision plan. Until the necessary plans were provided and approved by the county, no further cutting of trees would be allowed.

“Meanwhile, State Representative Wayne Smith and County Councilman Bob Weiner approached us and proposed a three-way partnership between the state, county and Arden, whereby each entity would pay one-third of the purchase price up to \$300,000. The state money would come from the Open Space Preservation Fund and the county money from County Executive Tom Gordon. On November 25 we received a letter from the state confirming their donation, and on November 27, we received a letter from Sherry Freeberry in the County Executive’s office confirming the county’s intention to contribute up to \$300,000.

“We continued to negotiate with Marsha Avery until December 2 when she accepted our offer of \$850,000 for the property in as-is condition. Throughout most of December the Task Force and the town’s attorney worked on completing a contract of sale. The final contract was sent to the county and state for their approval on December 20.

“In the meantime, the Task Force has also been looking at funding options. One possibility had been to fund the purchase through the sale of municipal bonds, however, Arden’s charter does not allow the village to sell bonds, so that’s no longer an option. We’ve explored mortgages through a conventional bank, such as Wilmington Trust, and the Arden Building and Loan Association and received proposals from them, which we are evaluating. We are also continuing to look at fundraising through grants and foundations. This may be somewhat limited because Arden does not have 501(c)(3) status under the IRS, which is a requirement of many foundations.

“On January 13, the county and state agreed to the contract that in essence said the village of Arden would purchase the property from Marsha Avery for \$850,000 in as-is condition with the state and county each contributing one-third (up to \$300,000) of the purchase price. Arden would retain full ownership of all five acres with a reversionary clause in the contract that should Arden not be able to maintain or want the land, ownership would automatically revert to the county. In addition, both the state and county required another contingency on the contract and the deed that the land could not be developed in any way, therefore, ensuring it would remain woodlands forever.

“The contract was to be sent to Marsha Avery for her signature and approval this week. This afternoon, I learned from our lawyer, Ted Rosenthal, that the county has now changed their position. Despite initial assurances from the county attorney that Arden would retain full ownership of the property, Tom Gordon—citing political reasons—now says he will only contribute one-third of the purchase price if the entire five acres is designated as county parkland and the title and full control of all five acres is held by the county. In

essence, that means they are asking the Village of Arden to make a \$300,000 donation to the county to buy county parkland. Both the Task Force and Arden's lawyer believe this is not in the best interests of the village. If the county wants the property as county parkland, then they should pay for all of it.

"After spending most of this afternoon on the phone with our lawyer and the county lawyer, we are pursuing several options. One is the possibility of part ownership by Arden and part by the county, such as a two-thirds/one-third split. Obviously, whatever, we can work out to resolve this latest hurdle with the county will be presented for approval to the town at a later date. By approving the Task Force's report, the Town Assembly signals its support of the position that if Arden is to contribute funds towards the purchase of the property, the village must have some ownership rights to at least part of the land."

Following her report, Rodney Jester expressed distrust of County.

Alton Dahl moved that the County be told that, "It is the sense of the Town Assembly that negotiations carried out have the full approval of the Town Assembly and we are not in favor of participating if County acquires full ownership." Pete Renzetti seconded. Motion was approved unanimously.

Aaron Hamburger noted that the Village has received two sizeable donations, of \$5,000 in cash and \$6,000–\$7,000 in stock.

Carl Falco asked where the State of Delaware stood. Lynda reported that their third would be a grant to Arden. They don't want to own the property.

Hugh Roberts asked if the state and county might purchase property alone. Lynda said that was possible but not likely.

Frank Akutowicz asked, if stymied, what options does Marsha Avery have? Lynda said she can hold the property, sell it to others to develop, or develop it herself. Developing now would mean she would have to abide by the current development laws, which leave two-thirds of the property undevelopable.

Rodney Jester suggested we buy the property and sell off four leaseholds.

Connee McKinney expressed concern with the amount of debt, noting that the village had debt in 1940s after building a school and again in the '60s and '70s after putting in a sewer. Because the town has never had this level of debt, she wants 60-62% approval from voters before going ahead with purchase. She also wants some serious fund-raising. Even then, she wants short-term debt, five years. Does not want slim vote and a 15-year debt.

Alton noted that, with the recent interpretation of the voting rules, that referenda can only be approved by a majority of eligible voters (not simply a majority of those voting), in effect all referenda in the village can only be approved by 60% or more of voters, because so many do not vote.

Lynda then moved and Elizabeth Varley seconded that, "This Town Assembly hereby authorizes a special Town meeting to discuss the proposed purchase of the Avery Property in cooperation with New Castle County and the State of Delaware." Motion was approved unanimously.

8. Report on Possible Transmission Pole by Steven Threefoot.

The Village is in discussion with Omnipoint Wireless/T-Mobile to erect a transmission pole near the water tower. The monthly payment to the Village, in the range of \$1,000 to \$1,200 a month, would go a long way towards purchasing the Avery property.

Frank Akutowicz suggested the fire station at Marsh and Naaman's as a better site. Steven said no, that site was already considered and the Hanby Trust by-laws prohibit commercial development.

Bill Press asked how it would look. Steven said it would be 125-feet high and four to six feet in diameter at the base, with a ring of antennas at the top. The land is leased to the water company and owned by the Village, therefore the Town Assembly, not the Arden Trustees, have responsibility. Bill noted that we need to see plans before approval.

Denis O'Regan noted that the pole will not look like a tree.

Mark Zylkin noted that we need to consider the income this promises.

Aaron Hamburger moved that "The Town Assembly supports pursuing the possibility of allowing Omnipoint to erect a transmission pole at the water tower." Betty O'Regan seconded the motion. Motion passed unanimously.

9. Claymont Renaissance Report by Jane Frantz.

"The Claymont Renaissance Committee continues to meet regularly, on the third Thursday of each month. Their meetings are open to the public.

"The Committee has now been in existence for more than two years, and they are beginning to feel pressure to show some sort of concrete, physical manifestation of their work and plans. They continue to focus their efforts on the "Claymont Center," and the push is on to settle on a final design proposal for the Philadelphia Pike. They are working hard, in conjunction with DelDOT, to come up a plan that they can put before the community for final approval. Right now they are aiming to have a plan in place by April 17th, or May 15th at the latest. This plan will include not only the Philadelphia Pike redesign, but also incorporate the Committee's overall vision for the redevelopment of the Claymont Center.

"Several developments have taken place in the past few months:

"First, the Fish-O-Rama building has new owners who are planning to restore the building to its original look. There is a photograph of the original building design in the book on Claymont that came out about a year ago, and that is the look the new owners are aiming to restore. They plan to renovate the first floor for use as specialty shops, and the second floor will be used for offices or studio space.

"The old Brandywine Terrace is now owned by Lamberti's and is called The Waterfall. It will be used as a catering business, and the plans are to install an actual waterfall that will be visible from inside the building and from the street.

"So far, there has been no further word from McDonald's. Apparently, they are still deciding if they are going to renovate.

"The Claymont Renaissance Committee continues to receive support from all levels of government. County Councilman Bob Weiner attends all the meetings, as do representatives of DelDOT. Jane Scott, a representative from Senator Biden's office is a regular attendee as well. Both, Arden and Ardencroft continue to send representatives to the meetings; so far, I have not seen anyone from Ardentown, but I missed the last meeting on January 16th. The next meeting of the Renaissance Committee is Thursday, February 20th, at 5:00 p.m."

In response to Steve Tanzer's question, Jane reported that McDonald's [at the intersection of Harvey Road and Philadelphia Pike] has no intention of moving.

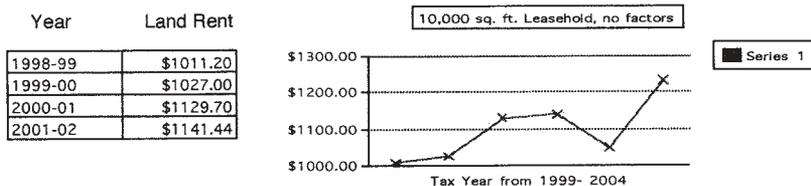
10. Trustees Report by Marianne Cinaglia.

"Land Rent bills are being prepared. Leaseholders can expect to receive them between the middle and the end of February. If you are 65 years of age or older or have a documented disability be reminded that both New Castle County and Brandywine School District offer structured rebates on the real estate taxes. New Castle County taxes are income and disability dependent and Brandywine School District are age dependent. Once you are on the record you do not have to apply again unless your status changes. To inquire about criteria and obtain an application form, call the County Department of Finance. The Trustees make rebates to leaseholders identified by the County.

"Because there may be some question about the amount on your land rent bill, a delineation of land rents over the past six years is shown below. This fluctuation is a function of the rates that the Assessors determine. A large reserve can sometimes result in a land rent reduction as it did last year. If you look at the trend shown on the graph and consider

that there was a large increase in school tax then the present rent is not unexpected. Over the six years, the average increase in land rent has been \$35/year for this property. The total land rent to be collected this year is \$381,233.64.

EXAMPLE: 10,000 sq. ft. leasehold with no factors



“Current circumstances are putting pressure on land use all over New Castle County and Arden is no exception. The Trustees continually attempt to balance the rights of the individual leaseholder and those of the residents in general. We are involved with a number of issues presently that indicate our interest in protecting our common areas, e.g., the Buckingham Greene suit and interest in the Avery property.

“The Trustees are planning a couple of informal sessions open to all Village residents and leaseholders where we can get the sense of the community about Arden in the 21st century. What are the anticipated views on the village look in 25, 50, or 100 years? One of these meetings will be on Sunday afternoon, March 9 at 2:00 p.m. and the other on Tuesday, March 18, 2003 at 7:30 p.m. Both will be in the Buzz Ware. If residents and leaseholders would like to submit a written statement, we will bring those to the meetings also.

“A draft memo concerning non-conforming leaseholds was part of the Town Meeting materials this evening. Non-conforming leaseholds is not a new issue as you will notice from the 1999 date on the original letter. Substantiating that the nonconformity for domiciles originated before 1954 and area non-conformance in the early 1960s is beneficial to the leaseholder for insurance and rebuilding reasons.

“The Trustees are working on updating a group of memos which cover Leasehold sale and transfer and also building permits. The new memos should be available by the March Town Meeting.”

After her report, Marianne noted that surveys are important in establishing boundaries.

Steve Tanzer rose to complain of the Trustees interaction with New Castle County. Because of a recent action by the Trustees, his costs rose hundreds of dollars when he sold a house. Marianne defended the action.

Rodney Jester opined that surveys are needed; without them, no one knows where leaseholds begin and end. Better to find out now than later.

11. Letter on Land Use Policy from the Trustees [A letter distributed at the meeting]

“To expedite the sale of an Arden leasehold or the issuance of a New Castle County building permit, the Trustees strongly recommend that, if a leasehold is in violation of New Castle County Land Use policy, the current leaseholder address and resolve irregularities on the leasehold as soon as possible.

“The Trustees will require that all New Castle County land use violations existing on a leasehold be addressed whenever a leasehold property is sold or transferred or when property improvements requiring a building permit are proposed. Prior to the issuing of a new lease or building permit, the Trustees will require a commitment in writing from the leaseholder stating the leaseholder,s intent to address the land use violations within one year of the signing of the new lease or issuing of a building permit.

“Violations due subject to correction include building(s) dimensional and use variances. A leaseholder can generally correct land use violations by applying for the appro-

appropriate approved variance or certification from the New Castle County Department of Land Use (Reference Trustees of Arden memo 'Non-conforming Lots,' January 1, 1999, revised January 24, 2003.). The financial responsibility of obtaining the variance/verification will remain with the current leaseholder at transfer unless the new leaseholder is willing to take on that responsibility.

"Exceptions to this policy will be considered upon a written appeal to the Trustees explaining that extenuating or mitigating circumstances apply."

12. Letter on Non-Conforming Lots (Size and Use of Land) from the Trustees

[A letter distributed at the meeting]

"The Village of Arden currently carries a NC-10 zoning designation by the New Castle County Department of Land Use. This designation states that a legal (conforming) lot is no less than 10,000 sq. ft. and usage of improvements is restricted to one single family residential domicile. Clearly, many of Arden leaseholds fall safely into this category; however, for a number of reasons, we also have many lots that are not legal under the NC-10 designation. Our primary concern in alerting you to this is that you may be under the impression that your lot is legal; however, it may not be.

Examples of leaseholds which would be non-conforming are as follows:

• Grandfathered lots

A lot that is less than 10,000 sq.ft in size is grandfathered. If your lot was less than 10,000 sq.ft. prior to the institution of zoning in 1954, you do not have a problem relating to size because the lot automatically was granted legal status; however, you will have a problem if you choose to enlarge current improvements or add some improvement if it would encroach on the 'set back lines' currently delineated for construction on a NC-10 designated lot.

• Extra domicile

A leasehold that contains more than one residential domicile is not grandfathered. None of Arden's leaseholds were properly recorded by leaseholds as such in 1954; therefore, your lot is not legal under current zoning unless you have obtained a Certificate of Non-conformity from New Castle County. A domicile is defined as any independent living facility that contains a kitchen with permanent cooking facilities, i.e. a stove. Example: A building containing two separate living units with separate kitchen is two domiciles. Example: Two separate buildings on a lot being used as independent residences.

• Home occupation

A leasehold where certain types of businesses or home occupations are in existence.

• Encroachment

A leasehold where improvements (i.e. buildings or structures) encroach on the 'set back lines' delineated for the location of construction in relation to the property lines.

"How does this impact you? If you are not a legal NC-10 designation (10,000 sq.ft. lot with one single family residential domicile) and have not secured a "Certificate of Non-conforming Status" pursuant to Section 8.310, Article 8 of the New Castle County Unified Development Code or a variance from the county relating to a specific usage, you could anticipate that you may have difficulties in any future transfer or sale of your lease. Additional problems could arise should you choose to expand the usage of the building(s) or seek a bank loan.

"Now is the time to pursue the matter. Write or call the New Castle County Land Use Department at 87 Reads Way, New Castle, DE 19720, (302) 395-5400. Using the County Parcel Number on your Land Rent bill, ask what the record is for your leasehold. If the county does not have your lot on record as non-conforming, we can only encourage you

to take the necessary steps to rectify the situation with the county. If you are lucky enough to be able to document non-conforming usage from pre-1954, keep those records in a safe place. If you have already established legal non-conformity, keep your records relating to the usage up to date.

“For those who feel that they inherited a problem, be assured that Arden is not the only municipality in the county with this problem.”

13. Village of Arden Income and Expenses Against Budget

March 25, 2002 to December 31, 2002 [A report distributed at the meeting]

ORDINARY INCOME/EXPENSE	APR-DEC '02	BUDGET
INCOME		
GRANTS		
DEL DIV ARTS I	300.00	
DOT		
03-P-Prog-17	12,000.00	
Total DOT	12,000.00	
FUND		
TRAILS RENEWAL	951.00	
Total FUND	951.00	
NCC PASS-THRU I	2,272.69	
NCC PASS-THRU II	5,000.00	
NCC PASS-THRU III	5,000.00	
NCC PASS-THRU IV	5,000.00	
NCC PASS-THRU V	5,000.00	
Total GRANTS	<u>35,523.69</u>	5,000.00
INTEREST-BANK	113.55	
INVESTMENT INCOME		
DIVIDENDS-VANGUARD		
FUND 30	1,180.46	
FUND 33	1,538.05	
Total DIVIDENDS-VANGUARD	2,718.51	
TRUSTEES'S AB&L INTEREST	3,634.17	
Total INVESTMENT INCOME	<u>6,352.68</u>	5,000.00
LAND RENT	320,029.67	323,000.00
LAND RENT FINANCE CHARGE	1,203.79	
MEADOW LANE ACCESS	619.94	
MEMORIAL GARDEN DONATIONS		
restricted use fund	2,810.00	
RIGHTS-OF-WAY		
UNITED WATER ANTENNA AGREEMENT	4,543.00	
Total RIGHTS-OF-WAY	<u>4,543.00</u>	10,000.00
Uncategorized Income		
ARDEN CENTENNIAL BOOK INCOME	49.00	
EXCAVATION PERMITS	10.00	
FIELD THEATER RENTAL	200.00	
INSURANCE PAYMENT	700.00	
REFUNDS	22.53	
TRAFFIC FINES	134.14	
Other - Pass-thru of '02 MSA funds		
from state to Vanguard Fund 50	24,076.09	21,000.00
Total Uncategorized Income	<u>25,191.76</u>	<u>21,000.00</u>

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Total Income	396,388.08	364,000.00
<i>Village of Arden Income and Expenses Against Budget—Continued</i>		
EXPENSE	APR-DEC '02	BUDGET
ADVISORY COMMITTEE	110.00	375.00
ARCHIVES		
RENT	1,274.00	
ARCHIVES - Other	<u>715.78</u>	4,000.00
Total ARCHIVES	<u>1,989.78</u>	4,000.00
BOARD OF ASSESSORS	0.00	50.00
BOOKKEEPING SERVICE	1,801.53	2,402.00
BUZZ WARE VILLAGE CENTER COMMITTEE		
RENOVATIONS	5,721.30	6,000.00
BuzzWareVC COMMITTEE - Other	<u>427.17</u>	1,000.00
Total BUZZ WARE VILLAGE CTR COMMITTEE.	<u>6,148.47</u>	7,000.00
CIVIC		
COMMONS & FORESTS	12,828.83	20,000.00
ROADS	9,270.85	16,000.00
SPECIAL CLEAN-UP	1,768.47	1,500.00
TRAILS RENEWAL FUND	1,530.00	
TRASH	<u>28,045.29</u>	39,000.00
Total CIVIC	<u>53,443.44</u>	76,500.00
COMMUNITY PLANNING		
AVERY TASK FORCE	0.00	2,000.00
COMMUNITY PLANNING - Other	<u>58.71</u>	1,000.00
Total COMMUNITY PLANNING	<u>58.71</u>	3,000.00
CONTINGENCIES	100.00	2,000.00
CONTRIBUTIONS	4,050.00	4,050.00
GILD HALL RENTAL	850.00	850.00
GRANT EXPENSE		
DEL DIV ARTS I	<u>338.64</u>	
Total GRANT EXPENSE	<u>338.64</u>	
LEGISLATIVE REFERENCE	53.28	50.00
PLAYGROUND	947.25	1,800.00
REGISTRATION	515.15	1,200.00
SAFETY		
HARVEY RD. SPEED ENFORCEMENT	0.00	2,000.00
TOWN WATCH FEE	378.00	2,268.00
SAFETY - Other	<u>0.00</u>	1,000.00
Total SAFETY	<u>378.00</u>	5,268.00
TAXES		
LOCAL SCHOOL DISTRICT		
LOCAL SCHOOL DISTRICT OVER 65 REBATE	13,418.51	
LOCAL SCHOOL DISTRICT	<u>169,115.68</u>	164,550.00
Total LOCAL SCHOOL DISTRICT	<u>182,534.19</u>	164,550.00
NCC PROPERTY		
NCC PROPERTY DISABILITY REBATE	127.84	
NCC PROPERTY OVER 65 REBATE	2,343.35	
NCC PROPERTY	54,680.17	57,839.00
Total NCC PROPERTY	<u>57,151.36</u>	57,839.00

Total TAXES	239,685.55	222,389.00
<i>Village of Arden Income and Expenses Against Budget—Continued</i>		
EXPENSE <i>continued</i>	APR-DEC '02	BUDGET
TOWN ADMINISTRATIVE EXP.		
TOWN TELEPHONE	158.86	
TOWN ADMINISTRATIVE EXP. - Other	<u>1,806.30</u>	3,325.00
Total TOWN ADMINISTRATIVE EXP.	<u>1,965.16</u>	3,325.00
TOWN SECRETARY	4,449.04	5,932.00
TRUSTEE ADMINISTRATIVE		
ADMIN ASSIST.	6,885.00	
AUDITING	4,120.00	
FEES/OP. (Includes pass-thru of '02 MSA funds from state to Van. Fund 50)	26,194.98	
INSURANCE		
COMMERCIAL POLICY	5,907.00	
PUBLIC OFFICIALS	933.00	
WORKMANS COMP	<u>340.00</u>	
Total INSURANCE	<u>7,180.00</u>	
LEGAL	2,500.00	
OFFICE RENT.	1,575.00	
Payroll Expenses.	1,210.51	
TRUSTEE ADMINISTRATIVE	0.00	45,380.00
Total TRUSTEE ADMINISTRATIVE	<u>49,665.49</u>	<u>45,380.00</u>
MEM. GARDEN - restricted fund, not subject to budget process.	<u>1,444.45</u>	
Total Expense.	<u>367,993.94</u>	<u>385,571.00</u>

14. Village of Arden Balance Sheet

As of December 31, 2002 [A report distributed at the meeting]

ASSETS	DEC. 31, 2002
Checking/Savings	
Arden Building & Loan – Trustee	\$116,381.62
Trustees – Wilmington Trust	21,932.37
VANGUARD	
Fund 30	35,347.59
Fund 33	<u>32,198.37</u>
Total Vanguard	<u>67,545.96</u>
Total Checking/Savings	205,859.95
Accounts Receivable	
LAND RENT RECEIVABLE	8,801.69
Total Accounts Receivable	<u>8,801.69</u>
Total Current Assets	<u>214,661.64</u>
TOTAL ASSETS	\$214,661.64

signed: Aaron S. Hamburger, Trustee
Elizabeth Varley, Ad. Assist.

COMMITTEE REPORTS

IN REVERSE ALPHABETICAL ORDER

14. Safety Committee Report by Denis O'Regan

"Speed enforcement will be resuming after a pause. there is a concern that not enough citations are written for the time an officer is on watch. The average is 4 tickets per two hour watch. Comments from the community are welcome. Town Watch is underway again."

Danny Schweers, Town Watch Coordinator, reported that two vehicles had their tires slashed this month in Ardentown and the Candlelight Theatre was burglarized after several incidents of vandalism. There will be a Town Watch orientation meeting on February 18 at the BWVC, 7 PM. The session will be video taped for "public access."

15. Registration Committee Report by Cecilia Vore

"The 2003-2004 Budget Referendum and the annual election of the Board of Assessors was conducted on Tuesday, Nov. 19. To our best calculation, there were 365 residents eligible to vote in these elections. It has been our practice for the past several years to make a minor adjustment for college students living away from home who do not vote. At this referendum, the adjustment was four, giving us a total of 361 "residents." We received 239 valid envelopes containing ballots; there was 66.2% participation.

"Under the rules for approval, the budget needed 182 yes votes to pass. We received 189 votes for "Approve Entire Budget," thereby passing the entire budget. We also received 6 "Disapprove Entire Budget" and 41 ballots with itemized disapprovals. There were no invalid ballots. The town secretary was given a copy of the final tally for all items for the records.

"Individual disapprovals were as follows:

Advisory Committee	9	Archives	17
Board of Assessors	0	Buzz Ware Village Center	3
BWVC Renovation	14	Civic Committee - Roads	9
Civic - Commons & Forests	9	Civic - Trash Collection	4
Civic - Special Cleanup	2	Community Planning	5
Com Plan - Avery Task Force	13	Legislative Reference	0
Playground Committee	2	Registration Committee.	1
Safety Committee: General	3	Safety- Town Watch Coord..	5
Safety- HarveyRd Speed Enf.	16	Town Admin Expenses	2
Salary- Secretary	4	Salary-Bookkeeping: Town	2
Donations - ACRA	2	Donations - Arden Page.	2
Donations - Arden Library.	2	Donations - Fire Companies	2
Gild Hall Rental	10	Contingencies	1

"The following residents were elected to the Board of Assessors in order: Alton Dahl, convenor; Peter Renzetti, Carl Falco, Steve Tanzer, Lynda Kolski, Tom Franz, Mary Marconi.

"The election of committee members for the coming year will be held at the March Town Assembly. Voters who cannot attend the meeting may vote early, starting at 6:15 p.m. (We tried this for the first time last year, and it was a big success.) At this point I would like to ask the assembly to suspend the usual order of reports to announce the nominations and to take additional nominations from the floor."

Cecilia read the list of nominations already made. Nominations were then taken from the floor, which included the nomination of Jane Frantz for Town Assembly Chair. The nominees, as of March 10, 2003, can be found on the inside front cover of this publication.

16. Playground Committee Report by Larry Walker, Co-Chair

“During the past four months, one required Playground Inspection was conducted, and all equipment was ‘adult tested’ to ensure safety. All inspected equipment was in safe condition. Because of the cold weather, the required January Inspection was postponed, but will be completed before the end of this month. The Committee will inspect all equipment to ensure that it is in safe condition.”

17. Legislative Reference Committee Report

No report was presented.

18. Community Planning Committee Report by Lynda Kolski, Chair

“Since we’ve already heard reports on the two largest issues under Community Planning, Harvey Road Traffic Calming and Avery Task Force, the rest of the report will be brief.”

Airplane Noise

“The airplane noise continues to be a problem, although on a more sporadic basis. Jane Popitti Scott from Senator Biden’s office has asked that residents call her when we think the planes are too low. If they receive complaints at the time of the problem, they are in a better position to respond. Her number was listed in the January page.”

Landmark Status

“As a result of the visit to the Ardens on Dec 10 by the Keeper of the National Register of Historic Places, made possible in part by support from the offices of our Senators Biden and Castle, way has opened for listing of the three Ardens Historic District. The physical aspects considered ‘contributing properties’ are:

1. The public buildings. Buzz Ware village Center, Candlelight Theater, Arden Craft Shop and Museum, and the Gild Hall.
2. The landscape design or plan of each the three Ardens, and
3. The six Price houses:
 - a. Friendly Gables. 1909. 2205 Little Lane, Jan Westerhouse and Tom Wheeler's home.
 - b. The Lodge. 1910. 2209 The Sweep. Lynda Kolski's home.
 - c. Rest Cottage. 1910. 2328 Cherry Lane. Ed Rohrbach's home.
 - d. Green Gate. 1909. 2210 The Sweep. Steve Blades and 'Dink' Pompper's home.
 - e. The Second Homestead. 1909. 2311 Woodland. Mary Marconi's home.
 - f. The Fels House. 1909. 2110 Orleans Road. Barbara Henry and Danny Schweers' home.

“Please note that listing the Price houses as contributing to the Ardens Historic District is no change whatsoever from the 1973 Arden (singular) Historic district. Robin Bodo of the State Historic Preservation Office, or someone authorized to act for her, will take a black and white photos of the Price houses plus write a physical description of the houses and perhaps of their history.

“Ms. Bodo assures us that this recognition as a contributing factor will not restrict any changes owners of Price houses wish to make. Though no current owner announced specific plans to change these Price houses, Ardens' residents expect continuing change in residential architecture. If someone from the state or federal government decides a Price house is no longer contributing because of changes made, the other Price houses, the public buildings, plus the three land plans will still be contributing factors.

“The Arden Landmark Quest Committee agreed to listing the Price houses as a representation of the historic change made possible by Joseph Fels from summer residences to

year-round structures. We believe that the contribution of the Price houses to our traditional cultural property nomination gives a nod toward the ongoing evolution of Ardens' residences. We appreciate the willingness of current owners to have their homes recognized as contributing to the historic district nomination.

"Landmark Quest recognizes that vigilance will always be required to educate people (including historians) about the Ardens. We have faith that there will be vigilant residents in the future to continue the job of education. Because the NEPA (National Environmental Protection Act) and section 106 (of the National Historic Preservation Act) protections are now available to Ardentown and Ardencroft as they have been to Arden since 1973, we believe the greater size and higher profile of the historic district will help us all protect what we hold dear.

"The Landmark report was provided by Bev Barnet of the Landmark Committee."

Arden Dreamers

"Connee McKinney has approached Community Planning and asked for our support on a project she is initiating, Arden Dreamers. She had a detailed explanation of her ideas in a recent issue of the Page. It's an issue that fits well with Community Planning's purpose. Connee will be holding the first meeting, Wednesday, Feb. 26 at 7 p.m. at BWVC. All are welcome to attend and take part in a conversation about how we can encourage economic diversity in our community and if we need to or should promote housing alternatives in Arden. For more information, see Connee."

19. Civic Committee Report by Aaron Hamburger, Committee Member

Aaron reported that Sue Rothrock, who had hoped to make a report tonight, was ill and could not attend. Not having a prepared report, Aaron noted that the work on the Sherwood Green curb around the Buzz Ware Village Center is two-thirds complete and that the Civic Committee is working in tandem with the Trustees and the Town Assembly Chair to evaluate the erection of a communications pole next to the water tower. Bev Barnet then made the following report.

"The Sherwood Forest inventory of plants, animals, soil and geology is complete. The report will be available tomorrow from Arden Archives, Arden Library, Arden Civic Committee and from Alton Dahl and I. The 65-70 page printed report is presented in a half-inch three-ring binder. The report is also available as a compact disc in PDF format; contact Alton if you wish to have a CD. At the sign-in table for tonight's meeting is a copy of the bird list in alphabetic order by common name.

"Outside Arden, the report will be presented to the Delaware Dept. of Natural Resources and Environmental Protection Coastal Program which funded the study. Another copy will be placed in Delaware State University's Claude E. Philips Herbarium, as well as with the Delaware Natural Heritage Program. Tonight Arden Chair Steven Threefoot presented a copy to Mindy Hidenfelter, Delaware Urban Forester for New Castle County.

"I hope the Sherwood Forest inventory will be volume one, and the Arden Woods inventory volume two."

Lew Aumack asked the Civic Committee to eliminate graffiti on a storm drain in the woods near his house.

20. Buzz Ware Village Center Committee Report by Betty O'Regan

"**Nominations:** Three committee positions will be up for election in March. Our two incumbents, Alan Kleban and Deb Theis have agreed to run for another term. The position left empty by Barbara Henry's resignation has been unofficially filled by Laura Wallace over the past several months. Laura is willing to run for election in March. The other three persons willing to run are David Gerbec, Lynda Kolski and Mary Marconi.

"**Renovations, Roof:** We are still trying to resolve an ongoing water leak problem in the boys' bathroom that has been present ever since the fire two years ago. Our plan is to

gut the area of concern in order to determine where the water problem is and to corridor off this area to the public; this will be done within the next couple of weeks. Once we have determined the root of the problem, we will deal with renovations to the bathrooms and consideration of what needs to be done with the roof. We continue to see ongoing ceiling leak problems in various parts of the building and we feel it is time to begin addressing issues over the roof. For the time being we plan to continue with spot repairs and work on establishing a plan for re-doing the roof. Several ideas presented to date are:

- a. Tear off and re-do the roof only in those sections of most concern
- b. Tear off and re-do the entire roof
- c. Restructure the roof so there is only one roof over the entire building

“Whichever route is chosen, we would like to plan to assure we have major improvements to the roof done within the next five years. At the budgetary meetings this Spring, we will be requesting that money be put aside over the next five years and allowed to be rolled over yearly in order to have money available for this project. We are looking for a couple people willing to help research the roofing project.

“Renovations, Bathrooms: We were planning to wait until Archives moves out to do interior planning and renovations, but because of the problems existing in the boys’ bathroom we may need to proceed with renovations sooner than that. Charlie Hahn and others have agreed to help with researching this project.

“Renovations, Dan Conner Memorial Doors: To date, \$3,963.00 in donations has been received in memory of Dan. Denis O’Regan and others are still working on the conceptual aspects of the project; hopefully at the March town meeting there will be a better idea of how we are going to proceed. It is our intention to have this project done within a year’s time.

“Renovations, Windows: We are still in the research phase of this project. Larry Walker and Christina Schubert have agreed to research subcontractor estimates for this project. Mary Marconi is working on research of possible grants; it would be helpful to have another person working on this area.

“Renovations, Miscellaneous: As you can see we have several renovation projects that are ongoing and in need of assistance. We still need assistance with conceptual ideas, acquiring estimates and grant applications. If anyone is interested in a “one shot” volunteer assignment, please contact Marguerite Archer.

“Contract with YMCA: There is a strong possibility we will be entering a three to four year contract with the YMCA for the rental of Rooms 1 and 2. Negotiations are in the beginning stage; we will have a better idea of this at the March Town Meeting. Such a contract would definitely help our income security. Overall, the dynamics of having the YMCA as a tenant have worked very well with our concept of flexible use of the building; we hope to retain them as a tenant for a good while.

“Vandalism: With the acceptance that vandalism is a part of the “way of life these days”, overall things have been going pretty well at the Buzz Ware. But we still continue to have small occurrences, of which the town should be informed.

- In November someone, chalked and painted graffiti on the back wall. Most of the graffiti was washed off; we will now have to retouch some of the new paint job.
- Before Christmas was even here, someone stole the two lovely wreathes we had placed on the front doors.
- In January someone stole one of our large wheeled garbage cans; we will be replacing this shortly.

“If anyone sees or hears of any suspicious activity occurring at the Buzz Ware, please contact one of the committee members and let us know.

“Upcoming Events, Annual Valentine Fiesta: Saturday, February 8th in Room 4 from 3 – 5 PM. Children participating must be those old enough to be able to cut and paste. Adults of all ages who are “young at heart” are welcome. Please bring your own scissors and any creative materials you desire. Some materials will be available. There’s nothing

like a gift made with your own personal creativity so come join the party and make something special for the Valentine in your life!

“BWVC Committee Meeting: Monday, February 3rd at 7:30. As always, all are welcome to sit in on our meetings.

“February Coffee House: Friday, February 14th (Valentine’s Day!): From 8 PM until 11ish. If you can’t make it to the Valentine Making Fiesta – work on a song or poem and present it to your sweetie at the Coffee House! If you’re not in the sweetheart mode, sing something else! Or just come enjoy the ambiance. The Coffee Houses continue to amaze us at how unique each one is and how much everyone seems to be enjoying them.

“Couples Game Night: Saturday, February 15th at 7:15 PM. Come chase the winter blues away with some laughs. Dictionary Dabble is the featured game, but others will be offered in addition, if there is a crowd. Bring your favorite. Couples Game Night...your partner can be your partner; for singles ... come find a match!!

“Day of Relaxation: Sunday, February 23rd from Noon until 5 PM. Come join us for our third annual Day of Relaxation treat to the town. The Tea Room will be set up for all those who’d just like to come relax and talk with their friends and neighbors, play puzzles, or simply sip some tea and munch on delicious treats. Table massages will be available (reservations required) or if you want to walk in for a chair massage, foot reflexology or other energy work just do so! Personal readings will also be available – back by popular demand. And, if you aren’t going to make one of those personal, creative valentines at the Annual Valentine Fiesta for your favorite heart-squeeze, now’s your chance to redeem yourself – a gift certificate for massage. So, put it on your calendar now; come join us at the Buzz.”

21. Budget Committee Report

No report was presented.

22. Audit Committee Report by Helen “Cookie” Ohlson, Co-Chair

“The Audit Committee is in the process of examining its history to accurately determine its purpose and what, if any, changes need to be made in the function of the committee. The March 1968 minutes of the Town Assembly provide for the Audit Committee’s examination of the Village Trustees’ Accounts and the Municipal Street Aid Account. Each quarter the Audit Committee will review the Town’s accounts by pulling checks at random to cross-check them with the record books. Each year the Audit Committee will receive the annual audit and present it to the June Town Assembly.”

23. Assessors’ Report by Carl Falco, Chair

“The 2003 Board of Assessors met on Jan 7, 2003. All Assessors were present. Carl Falco was elected chairman and Tom Frantz was elected secretary. A meeting schedule was agreed upon for 2003 and is shown below; the schedule will be published in the Arden Page, can be found posted on the bulletin boards of the Gild Hall and the Arden Green. All meetings are held in the BWVC, start at 7:30 p.m., and are open to the public. Three meetings include Public Hearings, where the Assessors solicit comments from residents of Arden regarding the determination of Full Rental Value of Arden leaseholds, prior to the start of the Assessors’ discussion. The first Assessors meeting will be Thursday, January 30 and is a Public Hearing.”

ASSESSORS 2003 MEETING SCHEDULE

- Thursday, January 30, 2003, Public Hearing, Agenda: Discuss full rental value concept, review questions left from last year's assessors
- Thursday, February 27, 2003, Agenda: Land Rent factors
- Thursday, March 27, 2003, Agenda: Full Rental Value relationship to lot size
- Tuesday, April 15, 2003, Agenda: Domiciles
- Thursday, May 22, 2003, Agenda: Public Hearing, Determine formula for calculating leasehold Full Rental Value
- Monday, June 9, 2003, Agenda: Public Hearing, Review/revise draft report
- Thursday, June 19, 2003, Agenda: Signing of final Assessors Report

24. Archives Committee Report

No report was presented.

25. Arden Craft Shop Museum Report by Aaron Hamburger

Aaron reported that a renovation plan has been accepted from the architect and a contractor—Ardencroft resident Ken Morrison—has been selected. Work should start in March or April with completion expected by year's end.

26. Adjournment

Jan Stearns suggested that the Arden Club not be paid for tonight's rental because Gild Hall was not heated. George Brocklesby, who maintains Gild Hall, reported that the heat had been going full blast all night but the furnace cannot compete with winter nights like this one. He asked for firewood donations because the cold winter has eaten into his firewood reserves. He received pledges of firewood. Pete Renzetti said there was six to eight inches of ice on Naaman's Creek and invited people to skate under his lights. The meeting then adjourned.

Respectfully submitted:

Danny N. Schweers
Secretary for the Village of Arden