

# **INSIDE: MINUTES OF JUNE 23, 2003**

All Village of  
Arden residents  
are encouraged to  
attend the next

# **TOWN ASSEMBLY**

**Monday, Sept. 22, 2003  
at 7:30 p.m. at the Gild Hall,  
2126 The Highway, Arden, Delaware**

## **THE TOWN ASSEMBLY AGENDA WILL INCLUDE:**

1. A motion from Harvey Road Traffic Calming to approve their three-point plan. A visual display of the plan will be available for review from 7:00 to 7:30 p.m. in Gild Hall.
2. Good news on negotiations to purchase the Avery property and our plans for the next eight months.
3. Committee reports in alphabetical order including a Trustees report on our tax liability to New Castle County and the Brandywine School District; the proposed Village budget for 2004-2005; the Buzz Ware Village Center's annual report; a report from the Civic Committee on our forests, greens and roads; and the announcement of a date for the election of the next Board of Assessors and budget referendum.
4. Cookies will be plentiful, thanks to the hard work and dedication of the Playground Committee.

## **ALL ARE WELCOME HITHER**

Please note: Those attending town meetings are eligible to vote only if they have resided in Arden six consecutive months prior to the meeting and are 18 years old or older.

## Minutes of the Town Assembly for the Village of Arden Monday, June 23, 2003 Gild Hall - Arden, Delaware

Sixty-one (61) residents were in attendance, as shown below. Fifty-one of these attended the last meeting. In recent years, attendance at June meetings was 57 in 2002, 49 in 2001, 53 in 2000, 70 in 1999, 57 in 1998, 57 in 1997, 50 in 1996, and 55 in 1995.

Frank Akutowicz  
Lew Aumack  
Ruth Bean  
Samuel L. Bean  
Steven Blades  
A. Hays Butler  
Alton Dahl  
John Demsey  
Chris Demsey  
Cynthia Dewick  
Carol DiGiovanni  
Dorinda Dove  
Carl Falco  
Phil Fisher  
Joan Fitzgerald  
Jane Frantz  
David Gerbec  
Rachel Grier-Reynolds  
Rick Grier-Reynolds  
Charlie Hahn  
Aaron Hamburger  
Sally Hamburger  
Heidi Hoegger  
Rodney W. Jester  
A. Barnes King

Yvonne King  
Allan Kleban  
June Kleban  
Sharon Kleban  
Evelyn Knotts  
Wayne Knotts  
Lynda Kolski  
Barbara Anne Macklem  
Mary L. Marconi  
Connee Wright McKinney  
Lisa Mullinax  
Stephen Mullens  
Betty O'Regan  
Denis O'Regan  
Ron Ozer  
B. R. Phillips  
Jeffrey Politis  
Al Pompper  
Bill Press  
Peter A. Renzetti  
Liz Resko  
Ed Rohrbach  
Sue Rothrock  
Johanne Schroeder

Danny Schweers  
Sadie Somerville  
Beth Stevenson  
Steve Tanzer  
Debbie Theis  
William Theis  
Steven Threefoot  
Elizabeth Varley  
Cecilia Vore  
Larry Walker  
Tom Wheeler

Also present was Grady Jones with T-Mobile and Margaret ??, our legal representative.

Also present was one resident whose signature we could not decipher:



**1. Meeting called to order.** Steven Threefoot, Town Chair, called the meeting to order at 7:30 p.m.

**2. Minutes of Previous Meeting Approved with Corrections.** *Item 7:* Edward J. (Ed) Masci died recently (not his wife Flo). His remains are to be interred in the Arden memorial Garden on the same gravesite as his wife, Flo, who died several years ago. *Item 22:* Those remembered on Remembrance Day included Bertie Brooks.

**3. New Residents.** None. Applause greeted Bonnie Phillips after a long absence.

**4. Deceased Residents.** Raisa Hovanesian, Tanya Lazar's mother, died in April. Another death noted was that of James Mann, husband of Virginia Mann. Virginia was the daughter of the Woolery family and lived at one time on Little Lane. [Note: Virginia herself died soon after her husband but after this meeting.]

**5. T-Mobile Agreement.** Aaron Hamburger made the following motion, seconded by Pete Renzetti: **"Moved that the Town Assembly approves the proposed Agreement between the Village of Arden and T-Mobile to lease a site on Hillside Road right-of-way to construct, maintain and operate Antenna Facilities. The Town Assembly Chair and the Civic Committee Chair are authorized to sign the Agreement subject to satisfactory completion of on-going negotiations towards a final Agreement. The terms in the final Agreement must be considered satisfactory for the Village of Arden in the judgment of both the Town Assembly Chair and the Civic Committee before either approves the Agreement."** Aaron asked that questions about the actual installation be asked first, to which Grady Jones, a T-Mobile representative, would respond. Then legal and money questions could be asked.

Elizabeth Varley has seen poles painted grey and brown with artificial limbs. Is that a possibility here? Yes, answered Mr. Jones, but would cost \$20,000.

Alton Dahl noted that the pole would be the same height as the water tower.

Mary Marconi wondered how the pole would be placed 40-feet deep in ground. What about rocks? Would blasting be required? Mr. Jones responded that T-Mobile would test first. They've erected poles in quarries. No blasting.

Aaron Hamburger wondered how thick the pole is at ground. 28 to 42 inches.

John Demsey wondered if the equipment would be noisy. Would there be fans or generators? No was the answer.

Bill Press wondered if the equipment would generate electrical interference. No. Radio waves would be limited to the broadcast frequency. There would be no cell phone or cable interference, just better reception for T-Mobile phones.

Lynda Kolski wondered about installation. Would take 20 to 30 days. Pole would be in three pieces, each length 40–45 feet. A crane would come up the access road/fire lane. Prior to that, a site-walk would take place, making arrangements to minimize impact. The work must also meet New Castle County ordinances. Lynda noted that NCCo requires such poles to be 500 feet from residences.

Denis O'Regan asked that the Safety Committee be included in oversight. Wonders if crane would block the fire lane if there was a fire in the woods. "We don't want our woods hurt."

Connee McKinney doesn't favor the proposal but wants to work things through. Mr. Jones said he could not, at this time, say what trees might be removed or have limbs removed as installation progresses. Those decisions have not yet been made. Connee wondered what alternatives there might be to bringing in a crane. Few, was the answer, because the space is so limited.

Denis O'Regan says planning is needed before crane is brought in, before we approve the deal. Mr. Jones said that plans are still weeks away, wants agreement from the village, even if it has contingencies.

Lew Aumack wondered if the 60x25-foot area could be reduced. Yes, but at a loss in revenue. A smaller footprint would limit the number of additional antennas; each antenna on the pole needs its own equipment at ground level.

Having answered these questions, Grady Jones left, amid applause for his forthright answers. Our attorney then agreed to answer questions about money and legal issues. She noted that the agreement would give Arden \$1,000 to \$1,300 a month. It

will take T-Mobile 10 to 12 years to recoup their expenses. Only they would be leasing the land from us; sub-lessors would deal only with T-Mobile, but Arden would get additional revenue from each sub-lease negotiated.

LeW Aumack wondered how many sub-leases there might be. Aaron Hamburger said three additional antennas could be added to the pole, limited by the pole's height and size of the pad.

Allan Kleban wondered if Arden would have control over the sub-leases. No was the answer, but all antenna configuration would have to be the same.

Denis O'Regan noted that "I see the water tower every time I go down my drive, especially in winter. A pole there won't make it any uglier. Let's do it!"

Jeff Politis wondered if we can limit access to the pole. Yes was the answer. We can limit access to emergencies, maintenance, and new equipment. Part of the deal is a \$3,000 one-year option during which Arden cannot lease the site to anyone else.

Ed Rohrbach wondered if electricity to the pole could be put underground. Yes was the answer, at which point someone agitated about the pole said, "Why don't we put it all underground!" The initial lease would be five years in duration, with four-year-long renewals up to 25 years, with a termination clause to remove all.

Denis O'Regan said his wife, Betty, would mosaic the pole.

Ron Ozer, who "has a T-Mobile phone that doesn't work well in Arden," said he trusts the Town Assembly and Civic Committee chairs to negotiate well.

Lynda Kolski said she had serious concerns about our reputation for forest stewardship. Right now Trustees are in lawsuit with neighbors who have harmed our forest. We don't know effect of herbicide use, of the rainwater runoff from four cement pads. "\$14,000 a year isn't enough for us to commercialize our forests." This is contradictory to our forest stewardship plans. It will impact roots of nearby trees. We don't know the long-term effects. What will this say to future generations?

B. R. Phillips was moved to say, "We don't want Arden to perish! We must save the scrap of wildness that is left!" This motion, she said, was an especially terrible monstrosity, a calamity, if the forest is destroyed. She then criticized Aaron Hamburger directly, saying we need to remove him as trustee "because the cash register dominates him." "Why are you trying to poison us?!" she asked. Alton Dahl, on a point of order, said that comments should address the motion on the floor, not other issues. At that, B. R. Phillips said, "Do not vote to poison yourselves! Vote 'No!'"

Alton Dahl then spoke in support of the motion. He's spent thousands of hours caring for Sherwood Forest, pulling ivy and other invasive species. The biggest threat we have besides invasive species is storm water entering the woods from upstream. The best thing we can do is purchase the Avery property. \$300,000 may be needed to do that. This lease could help us do that. It is an opportunity to trade a tiny portion of road right-of-way for a very special five acres of forest. This is a god-send!

Peter Renzetti said we don't have control over many things. A magnolia tree recently fell over the creek and then a flood carried it away. The 1,500 square feet of we are talking about here will have little impact on the adjacent woods and we will have control. Let's utilize that control here. If we reject it here, it may move upstream where we will have no control.

Bernie King wants to see the erection plan and is hesitant to give OK before then. Why can't we delay approval until final plan is explained to us?

Phil Fisher expressed doubt that T-Mobile would care for the facility once it was up. To that the lawyer said that care for the facility can be made part of the lease.

Ed Rohrbach noted that, while respecting the judgement of the two chairs, there are too many open questions here and he would have to vote against.

Rodney Jester noted that many telecommunication firms have gone bankrupt. We need to have some kind of escrow account to protect ourselves.

Lynda Kolski noted that we do not have a contract on the Avery property. There is no link between this deal and getting the property.

Connee McKinney said she won't support the motion. This is a terrible precedent. This may seem small, but will make things worse in years to come when other businesses want to do things in the woods.

Elizabeth Varley noted that many emotional points have been made but, while she has reservations about size of footprint, the site is in the Hillside Road right-of-way. There are no trees on the site. Some trees may be affected during installation, but she trusts the two chairs to make the appropriate decision. She will vote in favor.

Bill Press asked, besides \$14,000 a year, what benefit accrues to the town?

Frank Akutowicz rose to say he would vote against the motion, noting there was a two-hour meeting the day before that left many questions unanswered. "They're asking us to give up our prerogatives. I want us to see the final contract." The crane will trample ten to twenty times the area of the site. Maintenance will compress the soil as well. Let's vote on a complete contract, not this.

Mary Marconi said she would vote against the motion because it violates our forest stewardship plan, which needs to have backbone and not be abridged by circumstance. When will it end? When will we say "No!"

Elizabeth Varley called the question, Ruth Bean seconded.

**The motion failed, 29 to 27.**



**6. Avery Task Force Report.** Lynda Kolski made this report: "There is very little to report since the last town meeting. Our task force has hired an aggressive land-use attorney, Lisa Goodman, to expedite the handling of issues with the county. As of last week, Scott Wilcox hoped to have the county's appraisal done within the next several weeks. So we continue to wait on the county."

In additional comments, Lynda said that the county initially had said it would contribute 1/3 but then the county attorney said that was not possible, that the county would have to buy its 1/3 outright. Now there's a question about the county only being able to pay "fair market value." Perhaps the county will buy the most valuable third of the property and call it theirs. These negotiations with the County are up in the air. In the meantime, Ms. Avery is trying to find buyers for lots along Marsh Road. This report was accepted unanimously.

**7. Harvey Road Traffic Calming Committee Report.** Lynda Kolski presented the following report: "The Harvey Road Traffic Calming Committee has met five times with DelDOT and Urban Engineering since April to determine final design elements for the plan. The design plan is nearing completion and we expect to have a final plan for Arden's review at the September town meeting. DelDOT has tentatively scheduled the public meeting for the following week on Sept. 29. Everyone is strongly urged to attend the September town meeting and make comments so that we can submit them to DelDOT prior to the public meeting. Some of the design highlights of the plan include:

- Nine pedestrian crosswalks that will be made of stamped hot mix with color applied afterwards. The result will be a brick-look crosswalk similar to the one at Sconset.
- At Sconset, a median of some sort of natural stone. Also, a pork chop or median that will direct the right hand lane traffic into Montessori, eliminating the use of that lane as a bypass to get onto I-95.

- Improved guardrails, hopefully of a timber rail construction, similar to the one recently replaced on Veale Rd., but we are still working on this issue.
- Removal of the 35 mph signs between Veale and Sconset.
- A traffic signal at the Veale and Harvey intersection.
- A small speed detector sign to be placed periodically in different locations along Harvey Road. It will be bought with this project's budget, so the Ardens will have priority over its use.
- Replacement of existing paved shoulders between Veale and Sconset with cement checkerblock that will allow grass to grow through, but also allow cars to drive or park on.

“A design contest will be conducted for the gateway structures to be at either end of Harvey Road. [Note: details are available at [www.theArdens.com](http://www.theArdens.com).] The contest will be open to anyone who feels they have a creative idea. You do not have to be a resident of the Ardens or a professional artist or engineer to enter; the contest is open to anyone, including our youngest generation. As long as the concept meets the engineering and technical specifications set forth by DelDOT in the call for proposals, the idea will be considered. A call for proposals along with a complete information package, including technical parameters and specifications, information about the Ardens, a map and rules, will be put together this summer with a deadline for submissions sometime in the fall. The gateway structure will not be a part of the final design to be presented in September, but will be handled separately.

“This is just an overview of what has been decided to date. I strongly encourage everyone here, as well as any neighbors you can coerce into coming to the September town meeting, to attend and make your comments. This will be Arden's last opportunity to have input before it goes to the public meeting and then out to bid for construction. And again I can't stress enough that once this project is constructed, it is there permanently whether we like it or not. Other than construction malfunctions, it will not be replaced for any reason, including noise, as was done with the Veale intersection.”

Stephen Threefoot pointed out that all four of Arden's representatives to the Harvey Road Traffic Calming Committee were present at tonight's meeting: John Demsey, David Gerbeck, Lynda Kolski, and Pete Renzetti.

Frank Akutowicz thanked the representatives for attending so many meetings but is disappointed that he heard nothing said about calming traffic. We did a plan years ago, he said, put only poor remnants remain. The gateway idea, he said, has “nothing, nothing, nothing, nothing to do with traffic calming.”

Denis O'Regan moved that Village of Arden reserve the right to approve or disapprove the final gateway design. A short discussion ensued in which Alton Dahl and Cecilia Vore made additions to the motion, so that it became this: **“The Village of Arden reserves the right to approve or disapprove the final gateway design to**

**\* be built in Arden, including the option of no gateway.” This motion passed.**

Pete Renzetti commented that “some things need to be believed to be seen.”

Lynda's report was accepted unanimously.

**8. Claymont Renaissance.** Representative Jane Frantz made the following report: “The Claymont Renaissance Committee continues to focus on three primary issues: a build-out plan for the Claymont Center area, which includes the redevelopment of Brookview; a street plan for the redesign of Philadelphia Pike; and fundraising.

“Claymont Center: David Wilk of Greystone Realty Advisors was hired by the Claymont Renaissance Committee to identify qualified developers for the redevelopment of Brookview. As of the June 19th Renaissance meeting, the current owners of Brookview, the Clarks, had not gotten back to David Wilk or the Committee with their asking price, but they are expected to do so shortly. David Wilk has lined up several area developers (one from Philadelphia and two or three from Delaware) who are very interested in the project. He stressed that displacement of current Brookview residents remains a concern. For that reason, in May, Jim Peffley of FannieMae was brought in to discuss mortgage financing options. At the June meeting, Mr. Peffley gave a short presentation on the different financing products his company has to offer for community redevelopment. Mr. Wilk has also been spending considerable time in Dover to help get Senate Bill 66 passed. This bill, which was part of Gov. Minner’s Livable Delaware project, would allow the counties to identify "Special Area Development Districts" that would be eligible for redevelopment funding. The bill is scheduled for a vote tomorrow.

“Philadelphia Pike Redesign: On April 14th DelDOT held a meeting at the Claymont Community Center to review the transportation plans under consideration. The recommended plan primarily consists of four traffic lanes with a landscaped median. The plan also calls for planting 123 trees, having left-turn lanes at all signalized intersections, cross-median access for emergency services and some businesses, and pedestrian access to the train station. The full plan can be downloaded from DelDOT’s website. Unfortunately, we ran short of time at the June meeting, so Bruce Allen of DelDOT will give his next report at the July 17th Renaissance meeting.

“Fundraising: Josh Mastrangelo of the New Castle County Land Use Department reported in May that a community grant for Claymont Renaissance was pending approval. At the June meeting, Josh reported that County Executive Tom Gordon, has apparently changed his mind about allowing part of this funding to be used for Brookview redevelopment. David Wilk said he would meet with Tom Gordon and try to get this straightened out. In May Tom Comitta, Claymont’s Town Planner, submitted a \$100K neighborhood-planning grant to the First Union Foundation, with backing from Sen. Joe Biden, Councilman Bob Weiner, the Claymont Business Owners Association, and the Claymont Community Coalition. The Renaissance Committee should receive a response in early August. Also in May, a representative from Sun Oil reported that she has submitted a request for \$25K for the Claymont Renaissance.

“The waterfall at Lamberti’s The Waterfall Caterers is up and running and can be seen from the Philadelphia Pike. The Claymont Renaissance Committee meets on the third Thursday of each month at 5PM. Everyone is welcome. Their new website is [www.claymontrenaissance.org](http://www.claymontrenaissance.org).” The report was accepted unanimously.

**9. Communications from the Chair.** Stephen Threefoot noted that three printed items of interest to the Village had been put out on tables and would be available at the Arden Library. This include pieces describing the State of Delaware’s “2020 On Tap” plans to ensure a supply of fresh water, a report on grants made in Delaware in fiscal year 2001, and a report on the National Pollutant Discharge Elimination System.

**10. Trustees Report.** Aaron Hamburger reported the following.

“**Audit.** Corcoran & Co., P.A., completed their audit of the Village of Arden and the Trustees of Arden for fiscal 2002-2003 and issued their Audit Report in late May. Arden successfully ‘passed’ the audit with no accounting problems or financial issues uncovered by the auditor. 2002-2003 was the first full year our financial operations were completely computerized. The Village ended the fiscal year in good financial shape with a reserve of \$171,000. The Audit Committee will separately report to the Town Assembly on the audit.

“**Buckingham Greene.** In May the Trustees and their lawyer for this case, Roger Akin, met with the attorneys for Buckingham Greene LLC, Unity Construction and the Buckingham Greene Maintenance Corporation in a non-binding arbitration session. This did not break the impasse between the plaintiff and the defendants. Vice Chancellor Noble has scheduled the trial for November 3 through November 6, 2003. We will meet with our attorney shortly to prepare for trial.

“**Trustees-Residents Sessions.** The Trustees held three sessions this spring to allow residents to express their thoughts on matters which affect leasehold issues in Arden. About 16 residents attended at least one of the sessions. Topics that were discussed were expansion of improvements on lots, number and kind of domiciles, increasing environmental problems due to increased hardtop on Village leaseholds, and zoning issues.

“There was no single direction voiced in the sessions. Conversation pointed out that opinions were varied on all topics. The Trustees will keep this diversity of opinion in mind as they make decisions and policy in the future. We plan to make the informal sessions an annual practice to give residents the opportunity to meet with the Trustees and other Village residents to talk about issues under Trustees’ responsibility by virtue of the Deed of Trust and the Lease Agreement.”

Referring to the Balance Sheet (see page 10), Alton Dahl asked if the \$24,717.18 in uncollected land rent (Land Rent Receivable) was typical. He was told yes, that most of this is recent debt, not long-term debt, and most of these rents are uncollected because of problems with mortgage companies.

The Trustees’ report was accepted unanimously.

**11. Safety Committee Report.** Denis O’Regan stood in front of the microphone and shot colorful paper streamers over the audience. He said this was to celebrate his reelection as chair of the Safety Committee. Traffic enforcement, he said, has been on and off. We get very little money back. We pay \$20 to \$22 per ticket; the average is four tickets in two hours. The committee would like to see tickets issued to anyone going over 31 mph down Harvey Road and recommends hiring two officers for four hours at a time.

Alton Dahl wondered if there was any data on the tickets issued, such as number of Driving Under the Influence or reckless driving. No, said Denis, that information would be difficult to get. Alton then noted that four tickets in two hours is good if those tickets are given to speeders doing 55 mph or more.

Rick Grier-Reynolds said we should push for more tickets. Someone said, “We’ll be watching *your* driving, Rick!”

Lynda Kolski commented that tickets are the best way to calm traffic. Together with the traffic calming plan, enforcement will have more impact.

Lew Aumack wondered if the patrols were the same time each week (was told no) and suggested that patrols should be in place at most hazardous times, for example when children were present.



**Village of Arden**  
**Income and Expenses Against Budget**  
 March 25, 2003 to June 16, 2003

	Apr 1 - Jun 16, '03	Budget
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
INTEREST-BANK	24.39	
INVESTMENT INCOME	0.00	5,000.00
LAND RENT	376,931.85	376,000.00
LAND RENT FINANCE CHARGE	638.14	
MEADOW LANE ACCESS	661.96	
MEMORIAL GARDEN DONATIONS	1,525.00	
Uncategorized Income		
TOWN WATCH DONATION	750.00	
Uncategorized Income - Other	0.00	40,000.00
<b>Total Uncategorized Income</b>	<b>750.00</b>	<b>40,000.00</b>
<b>Total Income</b>	<b>380,531.34</b>	<b>421,000.00</b>
<b>Expense</b>		
ADVISORY COMMITTEE	0.00	300.00
ARCHIVES		
RENT	364.00	
ARCHIVES - Other	0.00	3,600.00
<b>Total ARCHIVES</b>	<b>364.00</b>	<b>3,600.00</b>
BOARD OF ASSESSORS	0.00	50.00
BOOKEEPING SERVICE	412.00	2,681.00
BuzzWareVC COMMITTEE		
RENOVATIONS	465.00	6,000.00
BuzzWareVC COMMITTEE - Other	225.42	1,000.00
<b>Total BuzzWareVC COMMITTEE</b>	<b>690.42</b>	<b>7,000.00</b>
<b>CIVIC</b>		
COMMONS & FORESTS	268.09	20,000.00
ROADS	140.00	17,000.00
SPECIAL CLEAN-UP	0.00	2,000.00
TRASH	6,266.08	40,000.00
<b>Total CIVIC</b>	<b>6,674.17</b>	<b>79,000.00</b>
<b>COMMUNITY PLANNING</b>		
AVERY TASK FORCE	0.00	2,000.00
COMMUNITY PLANNING - Other	108.24	1,000.00
<b>Total COMMUNITY PLANNING</b>	<b>108.24</b>	<b>3,000.00</b>
CONTINGENCIES	0.00	2,000.00
CONTRIBUTIONS	4,200.00	4,200.00
GILD HALL RENTAL	900.00	900.00
LEGISLATIVE REFERENCE	0.00	50.00
MISCELLANEOUS EXP.	-1,652.09	
PLAYGROUND	462.25	1,850.00
REGISTRATION	0.00	1,200.00
<b>SAFETY</b>		
HARVEY RD. SPEED ENFORCEMENT	0.00	2,000.00
TOWN WATCH FEE	378.00	2,268.00
SAFETY - Other	0.00	1,000.00
<b>Total SAFETY</b>	<b>378.00</b>	<b>5,268.00</b>
<b>TAXES</b>		
LOCAL SCHOOL DISTRICT		
LSDISTRICT OVER 65 REBATE	680.88	
LOCAL SCHOOL DISTRICT - Other	5.67	191,500.00
<b>Total LOCAL SCHOOL DISTRICT</b>	<b>686.55</b>	<b>191,500.00</b>
NCC PROPERTY		
NCC OVER 65 REBATE	219.62	
NCC PROPERTY - Other	3.29	58,000.00
<b>Total NCC PROPERTY</b>	<b>222.91</b>	<b>58,000.00</b>
<b>Total TAXES</b>	<b>909.46</b>	<b>249,500.00</b>
<b>TOWN ADMINISTRATIVE EXP.</b>		
TOWN TELEPHONE	54.68	

**Village of Arden**  
**Income and Expenses Against Budget**  
 March 25, 2003 to June 16, 2003

	Apr 1 - Jun 16, '03	Budget
TOWN ADMINISTRATIVE EXP. - Other	576.50	3,400.00
<b>Total TOWN ADMINISTRATIVE EXP.</b>	631.18	3,400.00
TOWN SECRETARY	1,018.00	6,624.00
TRUSTEE ADMINISTRATIVE		
ADMIN ASSIST	1,570.00	
AUDITING	4,200.00	
FEES/OPERATIONS		
TRUST PHONE	87.37	
FEES/OPERATIONS - Other	741.77	
<b>Total FEES/OPERATIONS</b>	829.14	
LEGAL	600.00	
OFFICE RENT	350.00	
Payroll Expenses	143.27	
TRUSTEE ADMINISTRATIVE - Other	0.00	48,170.00
<b>Total TRUSTEE ADMINISTRATIVE</b>	7,692.41	48,170.00
z MEM. GARDEN	1,231.62	
<b>Total Expense</b>	24,019.66	418,793.00
Net Ordinary Income	356,511.68	2,207.00
<b>Net Income</b>	356,511.68	2,207.00

**Trustees of Arden**  
**Balance Sheet**  
 As of June 16, 2003

	Jun 16, '03
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
ARDEN BUILDING & LOAN - TRUSTEE	120,048.44
TRUSTEES - WILMINGTON TRUST	38,261.89
VANGUARD	
FUND 30	190,413.83
FUND 33	172,198.37
<b>Total VANGUARD</b>	362,612.20
<b>Total Checking/Savings</b>	520,922.53
<b>Accounts Receivable</b>	

Signed, 19 June 2003  
 Aaron S. Hamburger, Trustee  
 Elizabeth Varley, Administrative Assistant

Jeff Politis suggested a camera to catch speeders. Denis said the committee will consider it but recognized it would be a hot topic.

**Town Watch.** Denis recognized Danny Schweers for his previous work as Town Watch Coordinator and introduced the new Town Watch Coordinator, a woman he respects, honors and occasionally obeys, his wife, Betty.

Betty said she would give a bag of cookies or brownies to the first three pair of people to sign up for Town Watch patrols. A sign-up form will be available on the Town Watch pages of [www.theArdens.com](http://www.theArdens.com) as well as an incident report form.

**Hazardous Materials.** Denis reported that a hazardous materials mitigation policy is underway under the auspices of New Castle County, the Delaware Emergency Management Authority (DEMA) and the Federal Emergency Management Authority (FEMA).

**Fireworks.** As someone who makes his living producing fireworks shows, Denis noted that fireworks on the Arden Green are illegal but happen anyway. Last year's fireworks were not only illegal but haphazard, even dangerous. Denis noted that a pellet from a roman candle burns at 2,000 degrees and so will do immediate damage. The report was accepted unanimously.

**12. Registration Committee Report.** Cecilia Vore made the following report:

"On March 25, the Committee counted ballots from the March 24 Committee Election. Early voting remained a success and the committee will continue to explore and refine this method of voting to encourage more participation in elections.

"The Registration Committee convened April 21. Ceceila was elected chair.

"There have been six Welcome Packets delivered to new residents since the last Town Meeting. We could use a few new volunteers to deliver packets and explain basic information about Arden government to new residents. Visits take about 15 minutes. Please talk to a Registration Committee member if interested.

"According to our latest records, there are 371 eligible voters in Arden.

"Some of our newest voters are Mark and Theodora DeMonte and their son Christopher, Sue Sentman, Sasha Boyle and Santhost Somasankhara as well as Jack Mullin, who just turned 18." This report was unanimously accepted.

**13. Playground Committee Report.** Larry Walker made the following report.

"The Playground Committee convened to organize itself, and Mary Vernon and Larry Walker were elected as co-chairs.

"During the past three months, the required playground inspections were conducted, and all equipment was "adult tested" to ensure safety. Special emphasis was placed on the equipment on the Sherwood Green, because of the impending start of the Arden Community Recreation Association (ACRA) program. One of the picnic tables was renovated as all of the wood planking was replaced. A new bicycle rack was installed to replace the old broken unit, and the old rack was taken for steel recycling. On the Village Green, the two rocking horses were reinstalled, and the repainting was done by Sue Rothrock. All equipment is in safe condition." The report was accepted unanimously.

**14. Legislative Reference Committee Report.** Hays Butler made this report:

"The resignation of Elizabeth Varley from the Committee to coincide with her election as Advisory Chair has caused a number of changes in the committee. I was selected by the Committee to replace Elizabeth as Chair. In addition, Joan Fitzgerald as an alternate will need to replace Elizabeth on the committee to complete Eliza-

beth's term. This requires a vote of the Town Assembly which I will ask for in a few minutes.

"The main project of the committee is to prepare an index of actions taken over the years, including ordinance changes, and votes on motions, and other important matters, that would be useful in doing research on important issues that come before the town. An important first step in this project was locating and copying minutes of Town meetings over the years. Elizabeth completed this portion of the project this year and we are now in a position to make progress on completing the index. The committee is hoping to make substantial progress on this project during the next year.

\* **"As I noted, Joan Fitzgerald, as an Alternate member of the Committee, needs to replace Elizabeth, in order to complete her term. I would there like to ask for a vote approving this action."**

**Ruth Bean seconded this motion and the motion was accepted unanimously,** as was the report.

**15. Community Planning Report.** Lynda Kolski presented this report:

**"Memorial Garden.** Remembrance Day was held May 25 and was once again a successful and enjoyable event. Ruth Bean has been using George Foard to do some tree work in the Memorial Garden and is very pleased.

**"Arden Dreamers.** After several constructive meetings, Connee McKinney's Arden Dreamers is taking a summer vacation, but will resume its meetings and discussions in the fall. Each meeting has provided some insightful and interesting discussion about economic diversity and alternative housing for older residents. Anyone who is interested in participating is welcome. Contact Connee if you would like minutes from past discussions or to be put on the email list for future meetings.

**"Landmark Status.** Ardentown and Ardencroft have been added to the National Historic Register, and along with Arden create a three Ardens Historic District. This is the first step in achieving landmark status for the historic district.

**"Elections.** As a result of the March elections, Joan Fitzgerald and Hays Butler tied for a committee position. Joan will fill the regular committee position, and Hays will be the alternate." The report was accepted unanimously.

**16. Civic Committee Report.** Sue Rothrock made the following report.

"The Civic Committee convened and I was elected chair again. There was a tie vote in March between Mike Sutton and Jacqi Tanzer; Mike Sutton declined service.

"The Civic Committee has great news on recycling! There are new recycling rules. A copy is on the table and also posted on the bulletin boards throughout the Ardens. A copy will be sent to the Arden Page. I have some large recycling buckets so please let me know if you need one. They are bright red and help the recycle pickup person distinguish between recycling and waste. [Note: the recycling rules can also be found at [www.theArdens.com](http://www.theArdens.com) and at right.]

"Road repairs are contracted and work has begun. We have a lot of road repair due to the severe winter but the work has been delayed because of all the rain. We have also received notice that the town will be reimbursed for approximately 80% of the snow removal cost of the blizzard of 2003 (\$1,942.20).

"We have our first report to the Village on our Arden Woods Survey. So far the plant list contains 178 species, none of which is rare, but 59 species are alien.

"Because of the heavy rains this spring, we could not clean up the stream areas during the annual woods cleanup. The Civic and Planning Committees are setting a

Sept. 13 as stream clean-up. An announcement will be made in the Sept. *Arden Page*.

“We have another spring rain item. The large oak tree that is located on the northeast end. of the Arden Green near the “double humpty” has a severe fungal problem. The large amounts of rain have advanced its decay and have made this an unsafe tree. I made contact with three arborists who agreed that the tree should be removed. I also had the Delaware Forest Service Urban Forester, Mindy Hidenfelter, evaluate the tree. She also stated that the tree was a hazard because of its decay and because of its proximity to the playground where a person could be injured. I would like to enter into the Town Meeting minutes a copy of her letter [shown on page 14]. We will contract to have the tree taken down as soon as possible. We will also look into replacing the tree with a suitable tree for this environment.

“I would like to remind everyone that if you have a suggestion or problem to bring before the Civic Committee, please put it in writing, addressed to the Civic Committee, 2119 The Highway, Arden, DE 19810 or e-mail to [ardencivic@theArdens.com](mailto:ardencivic@theArdens.com).” The report was accepted unanimously, with applause.

## IMPROVED RECYCLING PICKUP

Curbside pick-up 2nd and 4th Tuesday of the month. This free service is provided by Waste Management to all residents of the three villages.

### ACCEPTABLE MATERIALS

- Aluminum food and beverage containers - Soda, beer, cat food, etc.
- Ferrous cans - soup, coffee cans, etc.
- Glass food and beverage containers - Green, Amber and Clear
- Plastic food and beverage containers with symbol #1 or #2 (narrow neck containers) - Soda, milk, water, detergent, shampoo, etc.
- THE ABOVE ITEMS CAN BE PLACED IN ONE CONTAINER. They do not need to be sorted.
- Newspaper and Magazines - Bundle with string or in PAPER bag, NOT in plastic bags.
- Corrugated cardboard - folded flat - No wax coated.

### NOT ACCEPTED

Six- pack boxes, cereal boxes, pizza boxes, plastic bags, Styrofoam, mirrors, window glass, oil or antifreeze containers, paint cans

### PICK -UP IS EARLY. PUT AT CURB BEFORE 6AM.

Holiday next day pick-up on Thanksgiving, Christmas, and New Years Day ONLY. All other holidays are regular schedule.

If you have any questions or problems with the trash service call :

- Ardentown: Betty Ann Themal - Secretary, Trustees of Ardentown
- Arden: Sue Rothrock - Civic Committee Chair
- Ardencroft: Amy Pollock - Doyen of Recycling



STATE OF DELAWARE  
DEPARTMENT OF AGRICULTURE  
2320 SOUTH DUPONT HIGHWAY  
DOVER, DELAWARE 19901

MICHAEL T. SCUSE  
SECRETARY  
HARRY D. SHOCKLEY  
DEPUTY SECRETARY

TELEPHONE (302) 698-4500  
DE ONLY (600) 282-8685  
FAX (302) 657-8287

Sue Rothrock, Chairperson  
Arden Civic Committee  
1804 Inn Lane  
Arden, DE 19801

June 20, 2003

Dear Sue,

Thank you for your inquiry regarding the health and condition of the **Black Oak** tree located on the village green property within the Village of Arden. Upon review of the tree, I made the following observations:

- Indications of decay throughout the trunk included the presence of the following: shelf fungus on the trunk, additional species of fungus along trunk, dieback of major limbs in the tree canopy, hollow sound of trunk when tapped, decay in the exposed portions of the large structural roots, and evidence of insect activity (carpenter ants) on the trunk.
- The site where the tree is located show signs of poor drainage, soil compaction, and close proximity to a paved road.
- You indicated that the tree has lost several major limbs annually over the past several years to decay that have, subsequently, been pruned by arborists.

By industry-accepted definition, a "hazard tree" situation involves three components:

1. a tree with potential to fail
2. an environment that may contribute to that failure
3. a person or object that would be injured or damaged (i.e. the target)

It appears that the tree is currently in poor health, due to advanced decay in the trunk. Potential for tree failure exists and its proximity to playground equipment may be of concern, should the tree fail. I recommend removal of the tree and replacement with an appropriate tree species. When replacing the tree, the possible existence of decay fungus in the soil should be considered and the soil should be tested for any treatment needs.

If I can be of any further assistance, please feel free to contact me at (302) 659-6704.

Sincerely,

Mindy Hidenfelter  
Urban Forester

Delaware Forest Service

### 17. Buzz Ware Village Center Committee Report. Betty O'Regan reported.

"The BWVC Committee would like to thank the Village of Ardentown for its generous donation of \$600.00. This money will be put to good use as right now we are in the middle of several renovation projects. We appreciate the continued support of our community center by the three Ardens.

"Roof: Work to replace the flat roof over the bathrooms and Archives area will take place in August.

"Bathrooms: Our architect, Lee Smith has finished up the code research and design plans for the old boys' bathroom. We wish to express our thanks to Lee for providing his architectural expertise at no cost to the BWVC. We are now in the

process of obtaining estimates for the bathroom renovations and plan to have the work completed in August.

“Dan’s Doors: the new doors in memory of Dan Conner will probably not be installed until the latter part of the year. There are some roof repairs which need to be done above the entranceway and within its interior before the new doors can go in. We are very excited about having Denis O’Regan, Pete Renzetti and Alex Scala working on the design and construction of these doors.

“Activities at the Buzz Ware continue to increase! The Buzz Coffee House, now entering its fifth year is still going strong with more new performers and audience all the time! There will be a summer break and then the Coffee House will resume in September. We have had several art shows over the past three months, the most recent being that of Jessie Roy’s Saturday afternoon class. Room 3 also continues to be a popular rental, from private parties and memorial services to concerts. We were pleased that local musician, David Scott and friends held a concert in April; Greenwillow Folk Club also rented the room for one of its concerts and has already booked two more for next Fall. ACRA summer camp started today and runs through July. To help keep up with these and other events at the BWVC check out the monthly Page or go online and check the Arden Club calendar. The Club has graciously allowed us to list events on their calendar.

“We will be hosting a painting party in rooms 1 & 2 in August and you all are in invited. The date will be announced later. There is lots of trim so bring your favorite brush.

“Periodically the locks in the building need to be changed. This requires a switch of keys for people with permanent (or overdue borrowed keys). Look for the date and procedure in the Arden Page.

“Our committee meetings have gone through several scheduling changes over the past couple months while trying to figure out a good meeting time for all our members. Our new meeting time is the third Monday of every committee meetings.” The report was accepted unanimously.

**18. Audit Committee Report.** Christine Demsey reported that the audit conducted by Corcoran & Co., P.A., looks good. One comment the auditors made was that occasionally funds are placed in banks in excess of FDIC-insured limits. Also, the Village needs to spend the money acquired through various grants by the grant deadlines. The Harvey Road Traffic Calming Committee, for example, needs to spend approximately \$900 soon. The report was accepted unanimously.

**19. Assessors Committee Report.** Carl Falco made the following report.

#### SECTION I—DISCUSSION AND DEFINITIONS

The assessment for land rent due on March 25, 2004 is presented in this report. In determining the total rent to be raised by the Trustees, the Board adopted the concepts presented by the 1980 Board of Assessors and used in some form by all succeeding Boards. The rental revenue from this assessment will provide adequate income for the Village to:

1. pay the county and school taxes levied on the Trust by outside taxing authorities;
2. pay for administration of the Trust;
3. maintain the community standard of living as indicated by referendum; and
4. maintain a prudent reserve to ensure that the Village has freedom in considering future community expenditures.

The rental value of Arden’s leaseholds varies from lot to lot. The differences in the value of these assessments were derived by estimating the additional or reduced rental value of each of the following advantages or disadvantages: size, special privileges and location.

Based on projected expenses, the current fiscal year assessment will leave a “Prudent Reserve” for the Village of approximately \$163,000 at the end of the fiscal year, march 2004. The term “Prudent Reserve” refers to the amount of money projected to remain in the Village’s General Fund at the end of the fiscal year. To forecast expenditures, the Assessors used information from the Three-Year Budget Projection prepared by the Budget Committee of the Village Assembly.

The Assessors have determined that the total land rent to be collected in the year beginning in March 2004 will be approximately \$376,000. The amount to be collected is about the same as last year’s assessment. Based on projected expenses, this assessment would leave a “Prudent Reserve” for the Village of approximately \$150,000 at the end of the fiscal year, March 2005. This “Prudent Reserve” is about one-third of total village expenses.

#### DEFINITIONS

*The General Rate*, called Rate A, reflects a value all leaseholds share.

*The Multiple Dwelling Rate*, called Rate B, reflects the added value of those leaseholds that have the privilege under zoning regulations or allowance by the trustees of establishing and maintaining more than one dwelling unit on the leasehold. In applying this rate, the definition of a dwelling unit is an independent living facility for one or more persons, containing permanent cooking facilities (not a hot plate) and other permanent facilities for living, sleeping, eating and sanitation. Existence of a kitchen is an essential ingredient of a dwelling unit.

*The Lot Size Adjustment Rate*, called Rate C, reflects the fact that large lots have less rental value per 1,000 square feet than smaller lots. This fact was derived from a 1971 study of lot values updated by a 1987 professional appraisal and a separate study of market values. This rate reflects the fact that a substantial part of any lot’s value derives from the privilege of maintaining a domicile on the lot regardless of its actual size.

*The Commercial Rate*, called Rate D, reflects the added value of a leasehold with the privilege of accommodating commercial as opposed to residential use. This rate currently applies to only one lot.

*The Specific Location Factors* make adjustments to appropriate leasehold land rent in accordance with uniformly applicable rules based on the physical situation of the leasehold.

#### SECTION II—CALCULATION OF TOTAL REVENUE REQUIRED

The computation of rental revenue required from the Arden Trust (based on projected data of the budget committee) is as follows:

1A. The forecasted amount needed for the county and school tax . . . . .	\$255,000
1B. The forecasted amount needed for Trust administration . . . . .	48,000
1C. The forecasted amount needed for budgeted community expenses . . . .	<u>123,000</u>
<b>Total Item 1 forecasted expenditures . . . . .</b>	<b><u>\$426,000</u></b>
2. The amount needed to achieve the desired 2004/05 year-end prudent reserve.	
2003/04 year-end target: \$150,000	
Less projected position at 2002/2003 year-end (\$163,000) = . . . . .	<u>(\$13,000)</u>
<b>Total Revenue Required . . . . .</b>	<b><u>\$413,000</u></b>



**SECTION III—2002/03 FISCAL YEAR RENTAL RATES (year beginning March 25, 2002)—GENERAL RATES**

- Rate A:           \$158.00 per 1,000 square feet, applied to the first 6,500 square feet of each leasehold. This is compared to the previous year’s “A” rate of \$156.00.
- Rate B:           100% of Rate A. For each dwelling unit in addition to the first, the leasehold is charged Rate A rent for an additional 2,000 square feet, but is not charged for more than the actual area of the leasehold. This represents a change in the B rate from previous years. Please see section VI of this report for details.
- Rate C:           40% of Rate A. This rate is applied to the area of a leasehold in excess of the area of a leasehold.
- Base Land Rent: The sum of the charges (in dollars) from applying the General Location Rates A, B and C to the area of a leasehold.
- Rate D:           A surcharge of 75% of the Base Land Rent for a leasehold with commercial privileges; no deduction for frontage on Marsh Road.

**SPECIFIC LOCATION FACTOR RATES (See Notes):**

- 1. Leaseholds adjacent to Arden or Sherwood Forest . . . . . +10%
- 2. Leaseholds fronting on Arden or Sherwood Forest by being directly across the street . . . . . +5%
- 3. Leaseholds adjacent to or fronting on a communal green . . . . . +5%
- 4. Leaseholds adjacent to Harvey Road and/or Marsh Road . . . . . -5%
- 5. Leaseholds having driveway access only to Harvey Road and/or Marsh Road . . . . . -5%

**NOTES**

- 1. The specific location factor charges (in dollars) to be added to or subtracted from the sum of the Base Land Rent are obtained by multiplying the Base Land Rent for the leasehold by the appropriate specific location factors given above.
- 2. Leaseholds having less than a 25-foot opening to a forest will not be charged a woods factor. More than that frontage to the forest will be considered a full access and charged a full factor.
- 3. Location factors 4 and 5 are additive if both are applicable.

**SECTION IV—RENT COLLECTION**

The Trustees are requested to collect, by using the prescribed rates, the following approximate amounts:

From the general rates . . . . .	\$367,000
From the specific location rates . . . . .	<u>9,000</u>
Total Land Rent . . . . .	\$376,000
Revenue from interest, grants, rights-of-ways, fines, etc. . . . .	<u>37,000</u>
Total Revenue . . . . .	\$413,000

SECTION V—EXAMPLES

SAMPLES OF BASE RENTALS

Lot Size (sq. ft.)	Base Land Rent
10,000	\$1,248.20
20,000	1,880.20
30,000	2,512.20
40,000	3,144.20

EXAMPLES OF RENT CALCULATION

1. A 20,000 sq. ft. lot containing one dwelling unit, fronting on a Village Green and adjacent to Arden Forest:

6,500 sq. ft. × \$158/M sq. ft.	\$ 1,027.00
13,500 sq. ft. × \$158/M sq. ft. × 40%	<u>853.20</u>
Base Land Rent	\$1,880.20
Forest Factor—\$1,880.20 × 10%	188.02
Greens Factor—\$1,880.20 × 5%	<u>94.01</u>
Total Land Rent	\$2,162.23

2. A 30,000 sq. ft. lot containing three dwelling units and adjacent to Arden Forest:

6,500 sq. ft. × \$158/M sq. ft.	\$ 1027.00
2,000 sq. ft. × 2 × \$158/M sq. ft. × 100%	632.00
19,500 sq. ft. × \$158/M sq. ft. × 40%	<u>1,232.40</u>
Base Land Rent	\$2,891.40
Forest Factor—\$2,891.40 × 10%	<u>289.14</u>
Total Land Rent	\$3,180.54

[Note: These same examples were presented in last year’s minutes. See them to compare this year’s rates and computations to last year’s rates and computations.]

SECTION VI. EXPLANATION OF CHANGE IN RATE B, THE MULTIPLE DWELLING RATE

In SECTION VI of last year’s Board of Assessors report, some questions that had been raised over the last several years were provided so that future Boards might be able to consider them further. Discussion of these issues with input from residents at public hearings led the 2003 Board of Assessors to devise a new method for calculating the value of those leaseholds that have the privilege of maintaining more than one dwelling unit on the leasehold, the B Rate. The 2003 Board of Assessors believe that the value of this privilege has diminished over the years. This view is supported by the fact that more than half of the additional dwelling units have been voluntarily given up by leaseholders. In addition, the county zoning exemptions for home businesses in the Ardens allows all leaseholders to maintain an additional structure on their leasehold that can be used to generate income. Some of the Assessors believe this diminishes the advantage that having the privilege of maintaining an additional dwelling unit provides.

The new method for calculating the B rate is to apply the A rate for 2,000 additional sq.ft. (over the first 6,500 sq.ft. to which the A rate applies) for each additional dwelling unit; 2,000 sq.ft. is the amount of additional land area required for conver-

sion of a single-family dwelling into two dwelling units for a 10,000 sq.ft. lot, according to the New Castle County code, Section 40.03.304. The previous method for calculating the B rate was to apply the 80% of the A rate for 6,500 additional sq.ft. (over the first 6,500 sq.ft. to which the A rate applies) for each additional dwelling unit.

The result of this change is a reduction in land rent collected using the B rate for most leaseholds with extra dwelling units, and a 1.3% increase in land rent for all leaseholds with a single dwelling unit.

#### SECTION VIII—VOTE ON FINAL REPORT

Alton Dahl, Carl Falco, Lynda Kolski, Mary Marconi, Peter Renzetti, Steve Tanzer, and Tom Frantz all voted “yes”.

#### DISCUSSION FROM THE TOWN ASSEMBLY

Bill Theis wants town backing, not town roadblocks!

Aaron Hamburger said some multi-unit leaseholds pay more under the new rules, in particular the Weave Shop has an \$80 increase and the Arden Craft Shop Museum has a \$320 increase.

Lew Aumack argued that the new changes are more equitable than the old. After other comments, the report was accepted.

**20. Archives Committee Report.** Lisa Mullinax, the new chair reported that the committee meets once a month with the representatives of the other villages. Sadie Somerville will act as Treasurer/Secretary of the committee. Lisa noted that 1,162 items have been cataloged so far.

A discussion ensued as to the independence of Arden’s committee from the other villages representatives, with Cecilia noting that the 1989 Town Assembly gave the Archives Committee much leeway in organizing itself.

The report was accepted unanimously.

**21. Arden Craft Shop Museum Report.** Aaron reported that early 2004 is the target date for moving the Archives from the Buzz Ware Village Center to the newly renovated Arden Craft Shop Museum. His report was accepted unanimously.

**22. Old Business.** Yvonne King expressed her unhappiness that national politics should ever be introduced into village affairs, saying this should be a place for village business, period. Rick Grier-Reynolds responded that the right of people to speak is important, especially since the events of September 11, 2001.

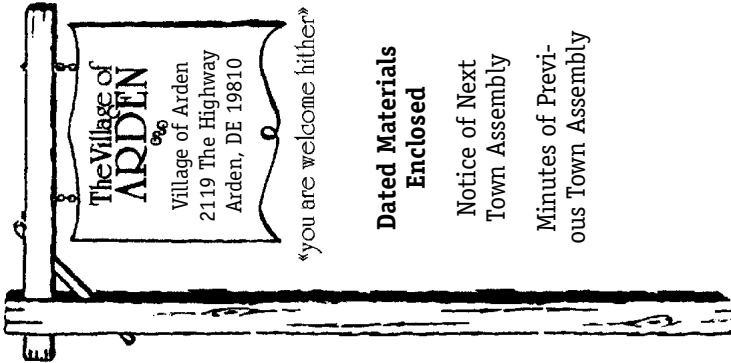
**23. New Business.** Alton Dahl noted that Frank Stephens, who helped found Arden, did not keep the forests pristine. In fact, he set up a saw mill to supply wood for furniture making!

Cecilia Vore noted that Paul Thompson has moved to the Captain’s Deck down on Gov. Printz Drive.

**24. Adjournment.** The meeting adjourned at 10:43 p.m.

Respectfully submitted,  
Danny N. Schweers





**Dated Materials  
Enclosed**

Notice of Next  
Town Assembly

Minutes of Previ-  
ous Town Assembly