

Minutes of the Town Assembly of the Village of Arden Monday, January 26, 2004 Gild Hall - Arden, Delaware

Seventy-eight (78) residents signed in, as shown below, an increase of 13 over the previous meeting. 29 of these missed the previous meeting and 16 who attended the previous meeting did not make this meeting. In recent years, attendance at January meetings was 51 in 2003, 49 in 2002, 50 in 2001, 99 in 2000, 74 in 1999, 56 in 1998, 60 in 1997, and 56 in 1996.

Frank Akutowicz
Lew Aumack
Ruth Bean
Samuel L. Bean
Steve Blades
Walter Borders
Lizzie Broadbent
Dale Brumbaugh
Hays Butler*
Jamie Camponella
Marianne Cinaglia
Joan Colameco
Terry Ann Colgan
Alton Dahl
Chris Demsey
John Demsey
Carol DiGiovanni
Ellen Dolmetsch
Dorinda Dove
Nancy Ellis
Carl Falco
Phil Fisher
Joan Fitzgerald
Tom Frantz
David Gerbec
Williard S. Glenn
Rachel Grier-Reynolds
Rick Grier-Reynolds
Aaron Hamburger

Sally Hamburger
Barbara Henry
Heidi Hoegger
Randall Hoopes
Rodney W. Jester
Allan Kleban
Lynda Kolski
Barbara Anne Macklem
Mary L. Marconi
Connie Wright McKinney
Lisa Mullinax
Amy Mullins
Stephen Mullins
Betty O'Regan
Denis O'Regan
Helen "Cookie" Ohlson
Ron Ozer
Ruth Panella
Jeffrey Politis
Al Pompper
Bill Press
Peter A. Renzetti
Liz Resko (and her tran-
quil dog, Mary)
Hugh Roberts
Marjorie Roberts
Shelley Robyn
Ed Rohrbach
Rick Rothrock

Sue Rothrock
Alex Scala
Ann Schmittinger
Johanne Schroeder
Danny Schweers
Sally Sharpe
Sadie Somerville
Beth Stevenson
Larry Strange
Steve Tanzer
Debbie Theis
William Theis
Zach Theis*
Steven Threefoot
Elizabeth Varley
Cecilia Vore
Larry C. Walker
Laura Wallace
Jan Westerhouse
Tom Wheeler

Also present were Judith Kay and Enno Krebbers (Ardentown), Amy & Bob Pollock (Ardencroft), and Ray Seigfried, visitors.

**Seen at meeting*

1. **Meeting called to order:** Steven Threefoot, Town Chair, called the meeting to order at 7:35 p.m. The minutes of the previous meeting were approved as published with the following changes: page 7, paragraph 7, it was **Ruth Bean** who expressed concern with the dissolution of the Harvey Road Traffic Calming Committee and **Brooke** (spelling) Bovard who echoed those comments. Also, on page 20, end of the first paragraph, this was Lynda Kolski's report.

2. **New Residents:** Two new residents introduced themselves, Ann Schmittinger and Shelley Robyn.

3. Recently Deceased: A moment of silence was observed in memory of Shaul Gladstone, Milton Gerstine, William Berry Sr., and Pat Liberman. Steven Threefoot read a note from former Arden Trustee Cy Liberman about his wife's peaceful death at age 90, 59 of them in Arden. Cy encouraged memorial contributions to be made to the Sherwood Forest Trust in order to purchase the Avery Property.

4. Slippery Ice: Steven Threefoot reminded folks to watch the treacherous ice outside when it comes time to leave. He had strained a leg muscle the night before on black ice.

5. Visitors: Steven Threefoot introduced two visitors from Ardentown, Judith Kay and Enno Krebbers. [Later, it was observed that two visitors from Ardencroft, Amy and Bob Pollock, were also in attendance.]

6. Communications: Steven Threefoot talked about the mitigation plans for natural and man-made disasters as prepared by the Delaware Emergency Management Agency (DEMA). Anyone interested in receiving the three or four e-mails per week from DEMA on this subject should contact Steven.

Steven also commented that Comcast Cable has announced new rates and that Conectiv Utilities has a report available on its response to Tropical Storm Isabel's power outage. The Village has received a \$2,400 reimbursement from FEMA for hurricane relief. In calculating the effect of Isabel on our community, FEMA included the time given by volunteers! Jim Byer, FAA environmental contact, sent a letter in November that said his agency has begun collecting field data on Philadelphia Airport's air traffic. Steven reminded folks that our state representative, Wayne Smith, has coffee every Tuesday morning, 7:00–7:30 a.m. at Brew HaHa in Branmar Plaza. On March 9, Steven will join other members of the Delaware League of Local Government when they meet with our U.S. Representative and two U.S. Senators.

7. Harvey Road Traffic Calming Committee—Presentation of Gateway Proposals. Enno Krebbers, Chair, began his comments with a personal note, saying that, shortly after moving to Arden, he was told by Carl Falco that it never snows in Delaware. Carl, Enno feels, misled him.

Each village, Enno said, will receive the same presentation on the three gateway proposals. All three have artistic merit, meet DelDOT specifications and, based on previous work, all three artists are qualified to execute the project. Gateways were originally conceived as a way of marking entrance to a special community. The Harvey Road Traffic Calming jury did not try to alter the designs. These are concepts, not engineering plans. Enno then presented the three designs. Pete Renzetti had four different monoliths depicting historic Arden crafts with a few words on each. Rick Rothrock had a camouflaged pole with overhanging sign. David Clark (whose daughter lives in Ardencroft) has a designed a sign with recessed type.

Having presented the designs, Enno described where the various designs would be placed. Utility lines must be taken into account, he said, including gas lines and electrical wires. Committee wants entrance on state land, therefore a location at Harvey and Marsh Roads are not an option, since the Knotts leasehold fence is the edge of the right-of-way. Next location is Hillside and Harvey. Renzetti and Clark designs would be staggered, SE & NW corners, not paired exactly. Rothrock design would fit on SW corner. (Someone suggests utilities might be moved, which provokes laughter as people imagine the years and money involved.) At other end of Harvey Road, more options would be possible. NE corner could fit Rothrock design. On NW corner, could barely fit Pete's design between guardrail and power derrick. Mate on SW side.

The Committee and DelDOT did line-of-sight trials with cardboard and found that all plans OK. Enno then took questions.

Pete Renzetti said he likes staggered placement.

Marianne Cinaglia asked if they took into account lay of land? A: Yes, actually helps visibility.

Elizabeth Varley: Any illumination? A: No. Committee wanted least technological impact.

Connee McKinney: Maintenance? Which is best? A: All artists have done similar structures before that are now in use. DelDOT is convinced of their durability.

Bill Press: What if we do nothing? Has lived on Harvey Road since 1953 and does not see that gateways improve situation. A: Yes, no gateways is an option.

Ron Ozer: Any striking differences in costs? A: No. It is amazing that if you set limits on a bid, all proposals meet the limits. (Laughter.)

Williard Glenn: There were 2-3 accidents at Hillside and Harvey this summer. Dangerous intersection. Would structures block line-of-sight? A: No.

Cynthia Dewick: Could we end up with half of structures? A: It's not for me to say. Towns have said they will work together. Up to them to figure out how. I'm not going to answer. (Laughter.)

Lew Aumack: Problem in that this represents a schizoid nature of Arden. Incorporation says Single Tax without reference to Arts & Crafts; here content is all Arts & Crafts without reference to elimination of poverty and Henry George's principles. A: That question will be addressed later.

Alton Dahl: Frank Stephens, who founded the town, made it clear the town was founded on many principles, including those of Henry George.

After these questions, Steven asked Cecilia to come forward to describe selection process. She said there will be two rounds of written votes, first to choose our favorite design and then a second to decide whether we want that gateway or none at all. We are instructing our four representatives how to vote. Alton Dahl: Do we tie those representative's hands? Cecilia: Town can decide how representatives are to act.

Alton Dahl made a motion which then drew amendments. Aaron Hamburger thought representatives need some negotiating ability. Carol DiGiovanni: Why not have everyone vote in all three towns? Steven: That's what we are doing. Sally Sharpe: Why not have yes/no vote first? Cecilia, that option was discussed at the Advisory Committee meeting but this method was agreed upon. Steve Tanzer, suggests that, assuming we authorize a gateway, that we bind representatives on the first vote only. Alton accepted changes so that his motion became as follows:

*****Move that the town vote on its preferences on the three plans presented this evening and that these preferences be given to our representatives on the jury who are instructed to vote on the first ballot in accordance with the town assembly's choice and make the final selection based on our preference and their ability to reach agreement with the other two towns. If the town votes to instruct the jury that we do not want a gateway at this time, our representatives are expected to vote accordingly. Seconded.

More comments ensued. Jeffrey Politis: better to give our jurors advice, voting on all four options at once, percentages given to each option. Mary Marconi: wants amendment not burdening representatives. Frank Akutowicz will vote against, see powerful attempt to manipulate the vote, wants equal time given to no gateway option. Denis, a better way is by a percentage but also ranking. The question is called, with many seconds, after which Arden's representatives on the jury were introduced: Lynda Kolski, Brooke Bovard, and Joan Zylkin. A voice vote was taken, but it was too close to call. A vote by raising hands is then taken, with 35 no votes and 36 ayes.

More discussion ensued. Alton argued for a tiered vote where designs are ranked. Pete: This vote will rank the designs. Sally Sharpe: Moves that we vote on all four choices at once. Many seconds. More discussion ensued. Elizabeth Varley: One community has already voted the first way, let's be consistent. Jeffrey Politis: Will vote against this motion; wants to vote yes or no first. Steve Threefoot: there are technical problems voting on all four choices at once, like mixing apples and oranges; 30% nos should not outweigh three 20% yes votes. Votes need to be separated. Amy Pollock offers to say how Ardencroft voted. Her offer is soundly rejected. Aaron Hamburger: voting on all four at once is a bad motion, minority will win. Lynda Kolski: As a member of the jury, if majority wants no gateway, then its not up to us to come to some lesser option. Lew Aumack: we need two separate votes. Rachel Grier-Reynolds: lets respect voters by judging them against each other not against no gateway. In a voice vote, Sally Sharpe's motion os defeated.

Ed Rohrbach: will we know results of first vote before second vote? A: Yes. Judith Kay, Ardentown: There should be more artist choices. Why aren't there more? Should be ten! Aaron Hamburger: We should have some public art in community but we have nothing at the moment, even though our village was founded by a sculptor, likes simplicity and drama of Rick Rothrock's design, though Renzetti design is good, too. Lynda Kolski asks that people vote on this as gateway, not as public art. None of these will slow traffic. Frank Akutowicz says our village is a piece of art. Steven calls for vote in ten minutes. General agreement. Jeffrey Politis encourages vote for Rick or Pete's design. Denis doesn't think Clark design will last. Carol DiGiovanni likes Rick's design, elegant, simple, away from graffiti, only one that looks like a gateway. Lew Aumack, we need to look at best options, not which is by a neighbor.

Steven asked to limit debate on yes or no to ten minutes. Steven recognizes Zach Theiss, an 18-year-old resident. Ed Rohrbach reluctantly says that his criteria for a suitable gateway would be one that doesn't resort to cuteness or stereotypes or gimmicks. Will vote no. Rodney Jester: Arden is fine the way it is, doesn't need decoration. Ellen Dolmetsch seconds this, we don't need to announce ourselves, sell ourselves, or show off. Sadie Somerville: Arden has a beauty of its own. Cecilia Vore: It's true that gateways won't slow traffic; she would vote against all designs.

Written vote taken. Results: 22 Pete Renzetti, 43 Rick Rothrock, 2 David Clark.

Written vote to approve Rick Rothrock's design or to have no gateway at all. Result is 33 yes, to have a gateway, and 40 no, to have no gateway.

8. Avery Task Force Report. Lynda Kolski made the following report:

At the September 2001 Town Assembly, the Avery Task Force asked for the town's authorization to begin negotiating a possible contract with Marsha Avery to purchase her five acres of land and begin fund raising. In the 28 months since then, much has happened. At that time, we told the town of the state and county's commitment to each contribute one third of the purchase price, and that our goal as a task force was to raise at least half or \$150,000 of Arden's share from outside money with the other half coming from a land rent increase. Thanks to the many generous donations from residents, friends and neighbors, we have surpassed that and to date have raised a total of \$167,725.

After several months of fairly intensive negotiations working out the details of the contract, we are close to finalizing the contract with Marsha Avery and are awaiting her signature on it. According to the contract, the village of Arden will purchase the five acres for \$850,000. Once we have her signature, which we expect any day, and the referendum to purchase is approved, we plan to conduct a Phase I environmental study to make sure there are no environmental hazards that we need to be aware of. Although we expect the report to be fine, it's a precaution that we believe, and our

lawyer has advised us, should be taken. We plan to schedule settlement on the property in May of this year, if all goes as planned.

We would not be where we are today if it were not for the tremendous support we have received from residents, neighbors, friends and across the community. On the handout you got when you came in, is a breakdown of the major categories of donations. We are very appreciative to Ardentown for their donation of \$20,000 and Ardencroft for their donation of \$10,000. In addition to these very generous village donations, many residents of these villages have also made individual contributions. These donations have made it possible for us to fulfill the matching grant from the George and Miriam Martin Foundation of \$10,000.

The total donations and pledges raised from our fundraising letter now stands at \$40,175. That's a phenomenal show of support for this project. That includes residents of all three Ardens, surrounding communities, and individuals from as far away as Florida, Texas, California, Nevada, New York, and Massachusetts who in some way have a tie to Arden. This combined with several individual donations received last year bring our total for individual donations and pledges to \$100,855. That's an incredible level of community support.

The support has been creative as well as financial. Take for example the Dick and Dorsey Duck Race. The Lebeis's came up with the innovative idea to rent rubber ducks for \$10 a piece and race them down the stream. All the proceeds will benefit the Avery fund. To date, 225 ducks have been spoken for, bringing in \$2250 to the Avery fund. Several other residents have also approached the task force about possible fund raising ideas. I think this shows that the creative Arden spirit is alive and well, and we are really impressed by the innovative ways that people are finding to support the project.

On a sad note, as you heard earlier, Pat Liberman passed away earlier this month. Her family has graciously asked that, in lieu of flowers, donations be made to the Avery project in her memory. Although saddened by their loss, we are very grateful to the family for wanting to support the project in this way. To date \$660 has been donated in Pat's memory.

With donations and pledges totaling \$167,725, we still need \$140,609 for Arden's share of the purchase. The Arden Building and Loan Association has approved a mortgage for Arden for 15 years at 7%, which is the owner-occupied rate. As donations continue to come in up to settlement, the amount needed to be mortgaged will be reduced. A number of people have asked if there is a deadline for making donations. We will continue to accept donations up to and after settlement if we need to borrow any money. If the referendum is passed, the Arden pledge of \$25,000 will be financed through the mortgage. That's why on the handout you see the line item that says the pledge is reimbursed. This actually works as a positive for the land rent situation. If the \$25,000 is used as a donation and the mortgage is \$140,000, there will be a significant spike in land rent the first year, because the land rent will include not only the \$25,000 but also 10 months of mortgage payments. However, if we finance the \$25,000 through a larger mortgage, the land rent increase is consistent over the entire term of the mortgage. Using the examples given for a 12,000 and 19,000 square foot lot, you can estimate what your individual land rent increase will be. In Arden, the average lot is 18,800 square feet.

At the Special Town meeting, which we hope to get approval for tonight, we will have a more detailed report based on funds at that time as to how much the land rent increase will be for various lot sizes.

We have asked the Trustees to look into annexing the property and they are doing that. The question has also been raised as to whether or not there will be an increase in cost to the village on an annual basis for county and school taxes and insurance. The answer to both is no. There will be no increase in county or school taxes, because

Arden's forests are considered public parkland and not taxed by the county. The trustees have checked with our insurance agent, and there will be no increase to the village's insurance costs due to the addition of these five acres of forest land.

The next step is to schedule a special town meeting to authorize the special referendum to approve the purchase. The Avery Task Force is asking the town to approve a special town meeting scheduled on Monday, February 9, two weeks from tonight at which time we will vote on a motion to authorize the special referendum required for approval of the purchase of the property. We will also hold a special information meeting on Sunday, February 16, at which time we will present the same information given at the special town meeting and answer questions. This way residents who are unable to attend a week night meeting, will have the opportunity to hear our report and ask any questions. If the special town meeting approves the referendum, the ballots will go out in mid-February to all residents.

On a final note, any of you who walk the woods along Naamans Creek have noticed the decimation of trees that took place last month. The weekend before Christmas a developer came in and clear-cut three acres of woodlands along Naamans Creek opposite and just a little upstream from Pete Renzetti's house on the Highlands Woods side. It was done illegally, without any permits or approvals. The developer plans to put a large house on the property and sell it. While different people and groups are working now to try and stop any further damage, the trees are gone leaving a gaping hole in the woods along the creek. While this is very unfortunate, it is a dramatic illustration of what we are trying to prevent on the Avery property.

If there are no further questions, I'd like to make the following motion:

*****Moved, that the town assembly approve a special town meeting on Monday, February 9 at 7:30 p.m. to discuss the purchase of the Avery property and authorize a special referendum.

After many seconds. Carol DiGiovanni asked if the loan went out for bids. A: Yes, loans were quite a bit more expensive outside of Arden, because there is no collateral, and loan would be variable rate, and would be re-negotiated every few years. A vote was taken on the motion, which passed. The Avery Task Force's report was accepted unanimously.

9. Claymont Renaissance. Jane Frantz, Arden Liaison to Claymont Renaissance, submitted the following report, read by Danny Schweers.

Since our last Town Meeting, there have been several developments concerning the Claymont Renaissance Committee. In November, Chris Coons, New Castle County Council President, and County Councilman Bob Weiner presented a draft of the Hometown Overlay District ordinance which is designed to give unincorporated communities more control over development and other land use issues. The ordinance was approved by the County Planning Board on January 20th, and is awaiting a vote by County Council, which is expected to approve it, probably in February. This ordinance will give teeth to the design guidelines being developed by the Claymont Renaissance Committee working with its town planner, Tom Committa. The Renaissance Committee believes this ordinance will provide a way to implement all of the Committee's revitalization plans without the need for incorporation. It will also put pressure on developers to work with the community in resolving differences over land use.

The Claymont transportation plan is still being worked on. A series of community meetings were held in the Fall regarding context-sensitive design plans for Philadelphia Pike. Bruce Allen of DelDOT will be giving a report on these meetings at the February Renaissance meeting. The target for implementing the transportation plan is 2007.

In other news, The Coach House is under new management and is being restored to reflect its historic character (including removal of the ugly mural from the outside of the building). The plan is to reopen it as an upscale restaurant after they reapply for their liquor license. There is a possibility that it could reopen as early as February.

At the January Renaissance meeting, McDonald's has presented a new design plan for its Philadelphia Pike store. The Fifties retro design has been replaced by an all-brick building with a dark green metal mansard-style roof. The sidewalk will be widened to 5 feet; landscaping is being added, as is extra lighting and a bicycle rack. The old building will be torn down, and the new structure will be re-sited closer to the street, allowing for storm drainage and landscaping to be added between McDonald's and the mansion behind it. The Renaissance Committee unanimously voted to approve the new design plans and to support McDonald's when it presented these plans to the full Claymont Community Coalition. If there are no further objections from the community, McDonald's expects to be under construction in October or November, with the new store opening in December.

The gas station next to Holy Rosary School is being replaced by a Dunkin Donuts store. The new owner made settlement on December 3rd and has worked closely with Claymont Renaissance in designing his store. No word yet on when they will open.

Wawa is still interested in opening a store at the old Brosius-Eliason site but is being held up due to a lack of sewer capacity and is awaiting the completion of the Brandywine Hundred sewer project. It is possible that Wawa could be open as early as May.

The old Benchmark Transmission site has been purchased by World of Hair hair salon, which was formerly located on Marsh Road next to Bran Mawr Plaza. The salon is also expected to open fairly soon, but as of the January Renaissance meeting, there was no firm date.

The next regular meeting of the Claymont Renaissance Committee is Thursday, February 19th, from 5 to 7 PM. As always, dinner is provided by The Waterfall, and the meeting is open to everyone.

Jane's report was accepted unanimously.

10. Trustees Report. Marianne Cinaglia made the following report.

The estimated land rent collection for the 2004-05 year is \$375,471.68. This is around three thousand dollars less than land rent in the 2003-04 year. However, there has been a redistribution of and rent from most multiple domicile leaseholders to single domicile leaseholders. Last year the total landrent collected for multiple domiciles was \$32,000. This year it will be \$15,000. There is an approximate 1.3% rise in land rent for single domicile lots. Multiple domicile leaseholders have reduction of land rent of about \$200 for each additional domicile (except the Craft shop and the Weave Shop, whose land rent increased).

The Buckingham Greene trial was postponed due to a trial conflict by one of the defendant's lawyers. The trial is scheduled for the week of March 8.

Aaron Hamburger then reviewed the quarterly reports, found on the following pages. The summary of income and expenses is new, a condensed financial report, a summary instead of the usual detailed report. The Trustees welcome criticism of this new format. Four committees, he noted, are substantially under-expensed: Archives, Buzz Ware, Playground and Safety. If they have expenses, they need to be paid by March 15. After nine months, Aaron noted, we are way ahead on income vs. expenses. We had budgeted \$2,000 surplus. Also, please note that this summary sheet includes the Sherwood Trust donations made to purchase the Avery property.

Village of Arden Income & Expenses Against Budget – Summary as of Jan. 26, 2004

	Apr 1, '03 - Jan 26, '04	Budget
Ordinary Income/Expense		
Income		
ARCHIVES/MUSEUM	2,705.37	
DONATIONS	65,285.00	
GRANTS	7,673.84	
INTEREST-BANK	52.03	
INVESTMENT INCOME	8,451.49	5,000.00
LAND RENT	376,931.85	376,000.00
LAND RENT FINANCE CHARGE	1,263.94	
MEADOW LANE ACCESS	661.96	
MEMORIAL GARDEN DONATIONS	2,725.00	
RIGHTS-OF-WAY	10,149.73	
Uncategorized Income	3,024.19	40,000.00
Total Income	478,924.40	421,000.00
Expense		
ADVISORY COMMITTEE	125.34	300.00
ARCHIVES	1,539.35	3,600.00
AVERY TASK FORCE	2,000.00	2,000.00
BOARD OF ASSESSORS	0.00	50.00
BOOKEEPING SERVICE	2,060.00	2,681.00
BuzzWareVC COMMITTEE	1,594.69	7,000.00
CIVIC	61,632.61	79,000.00
COMMUNITY PLANNING	108.24	1,000.00
CONTINGENCIES	238.00	2,000.00
CONTRIBUTIONS	4,200.00	4,200.00
GILD HALL RENTAL	900.00	900.00
LEGISLATIVE REFERENCE	0.00	50.00
MISCELLEANOUS EXP.	0.00	
PLAYGROUND	497.22	1,850.00
REGISTRATION	545.50	1,200.00
SAFETY	1,701.00	5,268.00
TAXES	242,029.42	249,500.00
TOWN ADMINISTRATIVE EXP.	2,104.44	3,400.00
TOWN SECRETARY	5,090.00	6,624.00
TRUSTEE ADMINISTRATIVE	45,617.89	48,170.00
MEM. GARDEN	1,694.64	
Total Expense	373,678.34	418,793.00
Net Ordinary Income	105,246.06	2,207.00
Net Income	105,246.06	2,207.00

Trustees of Arden Quarterly Report as of January 26, 2004

	Jan 26, '04
ASSETS	
Current Assets	
Checking/Savings	
ARDEN BUILDING & LOAN - TRUSTEE	120,048.44
TRUSTEES - WILMINGTON TRUST	74,157.12
VANGUARD	
FUND 30	51,264.49
FUND 33	48,039.47
MSA - FUND 50	40,532.15
Total VANGUARD	139,836.11
Total Checking/Savings	334,041.67
Accounts Receivable	
LAND RENT RECEIVABLE	3,493.06
Total Accounts Receivable	3,493.06
Total Current Assets	337,534.73
TOTAL ASSETS	337,534.73

COMMITTEE REPORTS IN REVERSE ALPHABETICAL ORDER

II. Safety Committee. Denis O'Regan began with a second reading of the Disabilities Parking Ordinance. The State of Delaware has decreed that every municipality pass an ordinance concerning public parking for handicapped individuals.

The following Ordinance is submitted by the Safety Committee to the Town Assembly as required by House Bill No. 172, passed on July 25, 2003. All municipalities must pass such requirements by March 1, 2004.

Ordinance 13, Section 9:

It shall be the duty of individuals and artificial entities that provide public parking to provide parking spaces for persons with disabilities. The number of spaces required shall be in accordance with the requirements of New Castle County and the State of Delaware.

It shall be the duty of individuals and artificial entities that provide public parking to erect and maintain signage on parking spaces for persons with disabilities. The signage shall be in accordance with the requirements of New Castle County and the State of Delaware.

The Safety Committee shall enforce the requirements of this ordinance. Enforcement shall consist of first writing a warning to the individual or entity that has failed to comply with all provisions of the ordinance. If, after thirty (30)

days from the date of the warning, the individual or entity has still not complied, the Safety Committee may then issue a summons or apply for a warrant in the name of the individual or artificial entity.

The penalty for non-compliance with this ordinance is One Hundred Dollars (\$100) per month until such time as the individual or artificial entity complies with the ordinance.

Denis went on to report that two speed enforcement efforts previously scheduled in January were postponed due to snow. We will go to two-person detail. Denis will join one patrol as an observer. He noted that there have been reports of drug activity near Gild Hall and BWVC; other reports are welcome. We have had contact with New Castle County police.

Ed Rohrbach asked who would be affected by this ordinance. A: Gild Hall, Arden Steak Shop, BWVC, also businesses with walk-in traffic. Someone else questioned whether the Safety Committee could do any police work after the changes made in January, 1981. Denis agreed to look into the question. The report of the Safety Committee was accepted unanimously.

12. Registration Committee. Cecilia Vore made the following report.

Ballots for the Budget Referendum and Assessors Election were counted on Thursday, Nov. 6. There were 341 residents eligible to vote in this election. We received 244 valid envelopes containing ballots; there was 71.6% participation.

Under the rules for approval, the budget needed 172 yes votes to pass. We received 182 votes for "Approve Entire Budget," thereby passing the entire budget. We also received one (1) "Disapprove Entire Budget" vote and 53 ballots with itemized disapprovals. There were three (3) invalid ballots. The town secretary was given a copy of the final tally for all items for the record.

The following residents were elected to the Board of Assessors in order: Carl Falco (convenor), Elizabeth Varley, Lew Aumack, Lynda Kolski, Jeff Politis, Bill Press, Tom Wheeler.

Annual committee elections will be held at the March Town Meeting. The final deadline for nominations will be at the March Advisory Meeting and will be included in the minutes that are mailed to all residents in March. Nominations that have been made thus far are posted here tonight. We will accept nominations from the floor at this point. Ron Ozer was nominated to serve on the Budget Committee.

Hugh Roberts then made the following motion:

*****Moved, that Resolutions of Opinion should be received and considered by the Town Assembly of the Village of Arden. Resolutions of Opinion shall be defined as those with content reflecting other than the regular and normal business of operating and governing the Village. The following procedure should be followed when considering these resolutions.

The registration committee shall make an accurate count of the vote. The vote count shall be either by standing, hand or ballot and not by voice.

The Secretary of the Town Assembly or designate shall make available to news media the result of the vote incorporating the following information: votes for, votes against, the number of registered voters attending the Town Assembly and the number of registered voters in the Village of Arden."

Jeff Politis moved to table Hugh's motion until the March meeting, but that it be published in these Minutes. Hugh accepted Jeff's motion. The Registration Committee's report was accepted unanimously.

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

During the past four months, the two required Playground Inspections were conducted, and all equipment was “adult tested” to ensure safety. All equipment is in safe condition.

This report was accepted unanimously.

14. Legislative Reference Committee. No report was made.

15. Community Planning Committee. Lynda Kolski made the following report.

LAND USE ISSUES—The committee has been discussing different land use issues. The proposed hometown overlay ordinance that is being discussed as an addition to the county code has been suggested as a possibility for Arden. It’s still too early to make a judgment, since it actually hasn’t been passed by County Council yet. Although we believe that in its initial proposed form, it would be too restrictive, we will look at the final version to see if it would in any way benefit Arden.

AIRPLANE NOISE—There hasn’t been any improvement and talk of expanding Philadelphia airport doesn’t bode well for a quieter Arden. There has been talk by others in surrounding about a possible lawsuit.

NAAMANS CREEK—As I mentioned in the Avery report, almost three acres of woods along Naamans Creek were clear-cut by a developer. The Naamans Creek Watershed Association and Pete Renzetti have been staying on top of this in an effort to prevent any further damage. The long-term effects on the watershed and run-off remain to be seen.

MEMORIAL GARDEN—Despite the snow and ice, we are already thinking ahead to the Spring. The Memorial Garden clean-up will be held on May 1.

The Community Planning Committee’s report was unanimously accepted.

16. Civic Committee. No report.

17. Buzz Ware Village Center (BWVC) Committee. Betty O’Regan made this report.

NOMINEES FOR MARCH ELECTIONS: Two positions are up for election this year. Carolyn Cordivano and Betty O’Regan will not be running for re-election. We want to thank both of them for all their work on the committee. Pam Pearson, Cynthia DeWick, Jane Frantz and Julia McNeal have agreed to run for the vacated positions.

BATHROOM RENOVATIONS, after several snags, are finally underway. Once the concrete work has been done this week the rest of the renovations hopefully will quickly fall in place and we should have our new bathrooms by the end of February.

THE NEW ENTRANCE DOORS PROJECT has been put on hold for the time being. We continue to have leakage problems with the entranceway roof and have determined it is best to hold off on installing the doors until we have done strategy planning concerning the entranceway structure.

UPCOMING BUZZ EVENTS:

- **Annual Valentine Making “Bash”** will be on Saturday Feb. 7th from 2:00 to 4:00 pm in Room 4 at the Buzz Ware Village Center. All ages welcome; bring your own scissors and glue (if you don’t want to share what we have). We will supply materials, refreshments and encouragement. YOU bring your imagination and enthusiasm. If you would be willing to help with set-up, please call Ruth Bean, 475-6140.
- Friday, February 13th, 8PM till 11ish PM: **The “Sweethearts” Coffee House.** Pull out your Valentine’s Day songs, poems and stories and head on over with your sweetie for an evening of fun with friends and neighbors.
- Sunday, February 29th, Noon till 5 PM: **The Buzz’s 3rd Annual Day of Relaxation.** Drive those winter doldrums away – come pamper yourself with a session of mas-

sage, reflexology or energy work; or maybe an intuitive reading. The Tea Room will be open with refreshments, quite soothing music, and puzzles. Gift certificates are available – a great Valentine’s Day for that special person. For gift certificates or reservations for massage sessions, call Marguerite Archer, 475-2407.

- Saturday, May 8th: Back by popular demand! **The 2nd Benefit Auction for the BWVC Window Project.** Pull out those items you’d like to donate, or think of some special service you’d like to offer. Keep a lookout for more information or contact Lynda Kolski, 475-1658.

After Betty said that the new colors at the Buzz “will be pretty wild,” Lynda Kolski thanked Betty for five years of colorful service on the BWVC Committee. The BWVC Committee’s report was accepted unanimously.

18. Budget Committee. Tom Frantz had nothing to report except that the three-year budget estimates have been sent out to each committee.

19. Audit Committee. Cookie Ohlson made the following report.

On November 31, 2003, I went over the Arden books to examine the accounts. All was in order. Examination of the accounts by a member of the Audit Committee will be routinely performed each quarter. We will also examine the annual audit.

The Audit Committee’s report was accepted unanimously.

20. Assessors. Carl Falco made the following report.

The 2004 Board of Assessors met on Jan. 6, 2004. All assessors were present. Carl Falco was elected chairman and Elizabeth Varley was elected secretary. A meeting schedule was agreed upon for 2004 and is shown below. The schedule will be published in the *Arden Page*, and can be found posted on the bulletin boards of the Guild Hall, the Buzz Ware Village Center, and the Arden Green. All meetings are held in the BWVC, starting 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.

ASSESSORS 2004 MEETING SCHEDULE

Tuesday, January 27, Discuss full rental value concept, agenda of future meetings.

Tuesday, February 10, Public Hearing

Tuesday, March 9

Monday, April 19

Tuesday, May 11, Public Hearing

Tuesday, June 1, Public Hearing

Tuesday, June 15

The report of the Assessors was accepted unanimously.

21. Archives Committee. Lisa Mullinax made the following report.

The Archives Committee has begun to develop a timetable in anticipation of a move to the Craft Shop Museum in this quarter—probably by the end of February. Our tentative plan is to have an official opening of the museum and first exhibition in the spring, perhaps on “Arden Day.” We have a balance of about \$1,400 in this year budget that we need to spend by March. We anticipate that money will be used to cover moving expenses and the purchase of some storage and display fixtures. Our most immediate tasks are to pack the collection and identify fixtures for immediate and future purchase.

The committee is also considering a request from the Landmark Quest group to take over the process of obtaining Landmark Status for the Ardens. This seems a good fit; but since the move is our most urgent project, we will put this on the back burner until the spring.

Residents of the Ardens are urged to contact the committee if they have packing materials, such as styrofoam “peanuts” and heavyweight boxes to donate to the move.

The terms of members Sally Hamburger and Sadie Somerville terms are up. Nominees for election to the committee are Sadie Somerville, Walter Borders, Barbara Macklem, and Rick Mulrooney. (Sally Hamburger receives applause for her service to the committee.)

Lisa then made the following motion to amend the description of the Archives Committee to more accurately reflect its current operation:

*****Moved: The Arden Archives Committee shall work in conjunction with representatives from Ardentown and Ardencroft as members of the Archives Committee of the Arden Craft Shop Museum, Inc. to:

1. Collect, catalog and preserve documents, photos, artwork and memorabilia from Arden, Ardentown and Ardencroft.
2. Present displays and programs about the Ardens’ past, people and arts.
3. Create and operate an Ardens museum.

Elizabeth Varley seconded this motion, which was accepted unanimously, as was the Archives Committee’s report.

22. Arden Craft Shop Museum. Alton Dahl reported three apartments are ready to go, fourth and fifth soon. The space for the museum is complete, with one room full of Ken Morrison’s tools. We will put down walkways soon, weather permitting. Waiting on New Castle County certificates.

Leuw Aumack asked if the museum can accept special items that need controlled humidity. Yes, says Alton, spaces are separately air conditioned and heated. Entire building has water sprinklers. We may also want to protect items, such as photographs, from sprinklers. We need to move and get some equipment, then we can accept items. Aaron Hamburger reported that one tenant has moved back in and is paying rent. Rest need to wait for a few weeks for occupancy permit.

23. OLD BUSINESS. Ruth Panella presented the following resolution opposing the infringement of constitutional rights by certain provisions of the Patriot Act.

WHEREAS, the prevention of terrorist attacks is a critical national priority, it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles; and

WHEREAS, a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

1. Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen’s home;
2. Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;
3. Section 218 which amends the “probable cause” requirement before conducting secret searches or surveillance to obtain evidence of a crime;
4. Sections 215, 218, 358, and 508 which permit law enforcement authorities to

have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;

5. Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as “terrorist organizations” and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed; and

6. Sections 507 and 508 which impose an unfunded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

WHEREAS, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new law enforcement and intelligence-gathering powers, many of which are not related to terrorism, and which would severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, in response to the threats against civil liberties embodied in certain provisions of the PATRIOT ACT, legislation has been introduced in the House and Senate that would roll back certain provisions of the PATRIOT Act; therefore by the Town Assembly of the Village of Arden be it

RESOLVED that we, the Village of Arden in Delaware, join approximately 235 other U.S. communities in affirming its strong opposition to terrorism, and also affirm that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Arden, the United States, and the world; and be it

FURTHER RESOLVED that we affirm the rights of all people, including United States citizens and citizens of other nations, living within the Village of Arden in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and be it

FURTHER RESOLVED that we reaffirm the concepts and doctrines promulgated in the Bill of Rights and the U.S. Constitution by lawfully resisting every effort to erode those rights and protections including: freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and be it

FURTHER RESOLVED that we call on our United States Representative and Senators to monitor the implementation of the USA PATRIOT Act and the Orders in furtherance thereof and actively work for the repeal or amendment of those sections in the Act and those Orders that violate fundamental rights and liberties as stated in the Bill of Rights and the U.S. Constitution, by sending a copy of this resolution to Senators Biden and Carper and Representative Castle; and be it

FURTHER RESOLVED that by sending a copy of this resolution to the Governor and Attorney General of Delaware, to the Chairpersons of both Houses of the Delaware General Assembly for public reading and inclusion in the record, to the United States Attorney General and the President, we encourage our elected and appointed officials to work for repeal or amendment of the USA PATRIOT Act and those Orders in furtherance thereof which undermine basic civil rights and liberties provided in the Bill of Rights and Constitution of both the state of Delaware and the United States of America.

Discussion ensued. Aaron Hamburger urged that whatever action we take be reported in accordance to Hugh Roberts’ tabled motion. Tom Frantz expressed his opinion that passing this resolution would be a mistake, especially with so few in

attendance at 10:40 p.m. Alton Dahl says the Patriot Act is the worst-named piece of legislation in his memory, since it is nothing that patriots would approve. Lew Aumack says the Town Assembly made a big step forward last meeting when it postponed consideration of this resolution to this meeting; if people leave because it's late, that's their choice. About this motion, we should have more resolutions like this, Lew said, and should have earlier in our history.

The resolution was approved by a majority by voice vote, with 41 present in the audience and one nay vote.

24. **Adjournment.** The meeting adjourned at 10:44 p.m.

Minutes of the Special Town Assembly of the Village of Arden called to discuss purchase of the Avery Property. Monday, February 9, 2004 Gild Hall - Arden, Delaware

Fifty-five (55) residents signed in, as shown below.

Lew Aumack	Brett Heller	Hugh Roberts	Larry C. Walker
Beverly Barnett	Heidi Hoegger	Ed Rohrbach	Laura Wallace
Patrick Barry	Milt Isaacs	Johanne Schroeder	Jan Westerhouse
Ruth Bean	Rodney W. Jester	Christina Schubert	Tom Wheeler
Samuel L. Bean	Harold Kalmus	Danny Schweers	
Steve Blades	Allan Kleban	Sally Sharpe	<i>Also present were</i>
Jennifer Borders	Lynda Kolski	Jan Stearns	<i>New Castle County</i>
Dela Bryan	Mary L. Marconi	Neal Ann Stephens	<i>Executive Tom</i>
Marianne Cinaglia	Stephen Mullins	Beth Stevenson	<i>Gordon, Delaware</i>
Joan Colameco	Denis O'Regan	Steve Tanzer	<i>State Representative</i>
Teri Costello	Ron Ozer	Debbie Theis	<i>Wayne Smith, and</i>
Alton Dahl	Ruth Panella	William Theis	<i>New Castle County</i>
Carol DiGiovanni	Pamela Pearson	Zach Theis	<i>Councilman Bob</i>
Ellen Dolmetsch	Jeffrey Politis	Steven Threefoot	<i>Weiner</i>
Charlie Hahn	Al Pompper	Elizabeth Varley	
Aaron Hamburger	Bill Press	George Vernon	
Sally Hamburger	Peter A. Renzetti	Mary Vernon	

I. Call To Order. Comments from Wayne Smith and Tom Gordon. Steven Threefoot called the meeting to order at 7:35 p.m. He explained that this special meeting can only consider putting forth a referendum to purchase the Avery Property. He expressed appreciation to State Representative Wayne Smith, who spoke briefly on the State's support of this purchase. Steve noted that Wayne has "office hours" every Tuesday morning at Brew-Ha-Ha in Branmar Plaza. Steven also expressed appreciation for the work of New Castle County Executive Tom Gordon and NCCo Councilman Bob Weiner. Tom Gordon arrived at this moment and Steven recognized his presence, to applause. Mr. Gordon said that the purchase of the Avery Property would be a great use of taxpayer money to preserve forest instead of erecting townhouses, a "no brainer," that he was glad County could help out with State and that the County will

remain supportive. He also credited the work of Sherry Freeberry. Lynda Kolski rose to say that without the County and State each covering one-third of the purchase cost, we could not even consider making the purchase.

2. Initial Motion. Beverly Barnett initially put forward the following motion:

The Village of Arden is authorized to purchase 5.02 acres of land known as 2029 E. Marsh Rd. (Avery Property) according to the provisions of the Agreement of Purchase and Sale dated February 7, 2004.

The purchase of this property by the Village of Arden will be financed by contributions of \$283,333 from the State of Delaware, \$283,333 from New Castle County, \$20,000 from Ardentown, \$10,000 from Ardencroft, \$115,000 from individuals and foundations, and a \$165,000, 15 year, 7% loan from the Arden Building & Loan Association. At the time of settlement the amount of the loan could be reduced should additional contributions be received by Arden in the interim.

After purchase of the property, the Village of Arden will preserve this parcel as natural woodland and an extension of Sherwood Forest.

There were many seconds. Lynda Kolski, Chair of the Avery Task Force, gave her report.

3. Report of the Avery Task Force. Tonight marks a tremendous milestone in nearly eight years of work by the Avery Task Force. This group was formed in 1996 and for the last four years has been exceptionally busy. We owe our existence to Leon Tanzer, who back in 1996, found the plan that Marsha Avery had on file with the county, which called for 18 single family homes on her five acres adjacent to Sherwood Forest. When Leon brought his research to the attention of Community Planning, the suggestion was made to appoint a task force to monitor the situation. And that brings us to where we are tonight. Some of the members of the task force have changed over the years, but for the last several years, the members have been consistent. I'd like to recognize those people: Beverly Barnett, Marianna Cinaglia, Aaron Hamburger, Jeffrey Politis, Bill Press, Sally Sharp, Jannie Stearns, Steven Threefoot, and Tom Wheeler.

THE AVERY PROPERTY

What is the Avery property?

The Avery property is a 5.02 acre parcel of land adjacent to Sherwood Forest. It is a long narrow strip between Arden and Sherwood Green with frontage on Marsh Road. The property abuts the Milligan and Kenney leaseholds and extends nearly 800 feet deep into the woods to a point past the water tower. The owner, Marsha Avery, wants to build 18 single family homes on it, and has a plan that was approved by the county in 1986 under the old code. As of January 1, 2003, in order to build, Marsha Avery will have to resubmit her plan under the UDC, which has much more stringent guidelines around environmental issues, wetlands, riparian buffers, etc. She will probably be allowed to build only four or five houses.

History of Avery property.

Marsha Avery purchased in 1970's and drew up a development plan for 18 single-family homes, which was approved by NCC in 1986. Plan sat dormant until late 2001.

The Avery Task Force was formed in 1996. We approached her and inquired about purchasing the property. Her price was \$1.8 million. We estimated fair market value to be approximately \$6-700,000.

1998 NCC passed UDC, which included more stringent guidelines for building developments and dealing with environmental issues. All previously approved plans, including Avery's, were grandfathered for five years until Dec. 31, 2002, after which time they would be required to meet the new UDC requirements.

Late 2001, Avery began inquiring about sewer capacity, the first step in many steps to beginning development. She was told that currently there is no available sewer capacity in this area.

October 2001, Arden had the property appraised, which estimated the value at \$725,000 if the property could be developed into 18 single-family homes.

In late August 2002, her lawyer contacted us and inquired if we were still interested in purchasing the property. Her price was reduced to \$1.2 million.

September 2002, Marsha Avery gets Delaware Department of Agriculture, Division of Forestry permit to clear-cut the entire five acres and begins logging Sept. 30. Five large trees are cut down before New Castle County Land Use issues a stop work order for the logging because she does not have the appropriate reforestation plans and county-approved construction plans on file.

October 2002, the task force began negotiations with her to buy the property.

State Representative Wayne Smith and County Councilman Bob Weiner suggest a state/county/Arden partnership to purchase the property with each party paying one third of the purchase price up to \$300,000 each. State money is from the Open Space Preservation Fund and the county money from County Executive Tom Gordon.

December 2, 2002, Marsha Avery accepts Arden's offer to purchase the property in as-is condition for \$850,000.

August 2003, after putting us on hold for 8 months, NCC reaffirms its commitment to donate 1/3 of purchase price and contract negotiations begin with Marsha Avery.

November 2003, fundraising letter goes out. Ardentown donates \$20,000 and Ardencroft donates \$10,000.

As of February 9, 2004, \$171,135 of Arden's share of the purchase is raised.

Why is this property so important to Arden and the surrounding communities?

The headwaters of tributaries of Perkins Run, and Perkins Run flow through the center of it. Already excessive run-off from Buckingham Green has created very damaging erosion along Perkins Run through Sherwood Forest and further downstream. The Avery development would further destroy the stream and surrounding trees.

It's one of the few remaining natural forested areas in Brandywine Hundred and has been designated a critical natural area by DNREC.

Sherwood Forest and this adjoining five acres serve as a natural habitat for a number of plant and animal species.

Serves as a buffer between Sherwood Forest and other surrounding dense development. On any wooded area or forest, the first 20 feet of woods serves as a buffer with natural habitat for animals and plants actually beginning 20 feet in from the edge. Losing these 5 acres would result in significant habitat destruction in Sherwood Forest.

The December 2003 clear-cutting of 3 acres on Naamans Creek in Highland Woods is an example of the devastation that could occur if this land is bought by a developer.

Some comparisons to consider.

A developer is planning on building 100 \$4-500,000 single family homes on the land between Concord High School and Brandywine Town Center

A new construction 2-story home on a small Arden lot recently sold for \$411,000.

AVERY FINANCIAL STATEMENT, FEBRUARY 9, 2004

Total fundraising goal:	\$ 875,000
Funds raised to date:	
Arden's share of the purchase	(\$ 308,334)
Ardentown donation	\$ 20,000
Ardencroft donation	\$ 10,000
Arden pledge	\$ 25,000
Anonymous	\$ 25,000

Martin Family Foundation	\$ 10,000
3 gifts prior to campaign start	\$ 35,020
Letter campaign	\$ 42,775
Dick & Dorsey Duck Race	\$ 2,440
Pat Liberman memorial	<u>\$ 900</u>
Total raised for Arden's share	\$ 171,135
New Castle County donation	\$ 283,333
State of Delaware donation	<u>\$ 283,333</u>
Total raised	\$ 737,801
Funds still needed:	\$ 137,199
Financing of \$25,000 Arden pledge	<u>\$ 25,000</u>
Loan amount	\$ 162,199

Loan to cover the balance still needed at settlement: \$165,000 loan at 7% for 15 years

- Annual cost to village: \$ 17,796
- Approx. land rent increase for a 12,000 sq. ft. leasehold: \$ 67/year
- Approx. land rent increase for a 19,000 sq. ft. leasehold: \$ 88/year

The Arden Building and Loan Association has agreed to loan the village of Arden whatever funds are still needed at the time of settlement.

It should be noted that the \$42,775 raised through the letter campaign is a phenomenal amount for a small (less than 1000 letters) and short duration (three months) fund raising effort. I believe this shows the wide support from throughout all three villages for the success of this project.

4. Bob Weiner's Remarks. Bob Weiner, who arrived during Lynda's comments, was introduced and Steven Threefoot expressed appreciation for his work. Bob took the floor and said that he was just elated to see this go forward. What a horrible thing for it to be developed. Didn't think it was possible, but somehow we got it done, including winding up the private donations. County is learning to build villages, with Claymont as a prime example. There the County is hoping to revitalize the King's Highway (Philadelphia Pike), provide a historic and scenic byway, document historic properties along Philadelphia Pike, to create separate paths and bikeways along Philadelphia Pike and dow to the train station, and hopes to see a dock out into the river. The County also hopes to extend its parks, Fox Point Park up into Claymont as part of the East Coast Trailways from Maine to Florida, to combine bikeways and pathways that would meander along Grubb Road up to Jester County Park, where 35 acres of park with historic structures would be maintained by a resident curator.

5. Letter from I. Newton Durboraw, III. Lynda Kolski concluded her comments by reading the following letter from a former resident of the Avery Property, which accompanied a sizeable donation to the Sherwood Trust.

February 2, 2004
 Scottsdale, Arizona

Reading the description of the Avery property on the Arden web site brings to mind fond childhood memories concerning this wooded area. In 1938 my father bought the ten-acre property on Marsh Road where I grew up in Delaware. Marsh Road was very rural in those days and I enjoyed the woods very much as a child. This property included the land that is now known as the Avery Property as well as the old house at 2021 Marsh Road and the land which is now

the Sherwood Forest development. The Avery parcel was originally sold by my dad to Sam Eure about 1950. Sam and his wife loved nature and the woods and we welcomed them as neighbors.

One of my early recollections concerned how the Eure's dug their well in the front of the property not too far from Marsh Road. Stanley, from Stanley's Tavern on Foulk Road, had come over with a "divining rod" to locate the well site and when their well was finished, they had so much good water that even a fire truck could not pump it dry. For years, we always had to deal with a dry well in the summer at our house and so one day my dad also called on Stanley with his cherry twig to find a new well for us. Stanley came by the house one summer evening and as I watched with skepticism, he demonstrated the mysterious technique and located the well site that today is next to Durboraw Road. The resulting well proved to be artesian with plenty of good water for the rest of the time our family lived there.

I last had contact with the Eure's in the '70s and know they were adamant about not wanting to see their tall trees destroyed with a housing development. I hope the enclosed contribution will help in your efforts to make this property a permanent nature sanctuary for everyone to enjoy.

Sincerely yours,

I. Newton Durboraw, III

6. Discussion of and Vote on the Motion. Carol DiGiovanni offered some changes to the wording of Bev's resolution, but these died for lack of a second. Carol then made a motion to rephrase the wording of the loan amount and its cost, to better represent both. Bill Press seconded. Aaron Hamburger said amount and costs will be fully explained in information sheets which will accompany the referendum and he would rather see the wording of the referendum kept simple. Lew Aumack agreed with Carol's basic concern. Lynda Kolski echoed Aaron's comments. Ron Ozer called the question. Carol's second motion was defeated on a voice vote.

Alton Dahl then proposed an amendment, that the loan be described as being "guaranteed by the full faith and credit of the Village of Arden." Bev accepted this amendment, so that the motion read as follows.

*******REFERENDUM TO PURCHASE THE "AVERY PROPERTY"**

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After purchase of the property, the Village of Arden will preserve this parcel as natural woodland and an extension of Sherwood Forest.

The question was called and, by a voice vote, the referendum was unanimously approved. The meeting was then adjourned at 8:22 p.m.