

Minutes of the Town Assembly for the Village of Arden (uncorrected)  
**Tuesday, September 29, 2009**  
Buzz Ware Village Center - Arden, DE

56 Attendees

Ruth Bean	David Michelson
Steve Blades	Betty O'Regan
Jennifer Borders	Denis O'Regan
Lizzie A. Broadbent	Ron Ozer
Dale Brumbaugh	Jeffrey Politis
Marianne Cinnaglia	Gary Quinton
David Claney	Peter A. Renzetti
Jane Claney	Clay Ridings
Jonathan N. Claney	Hugh Roberts
Felise Cressman	Charles Robinson
Mike Curtis	Nanette Robinson
Keri del Tufo	Ed Rohrbach
Cynthia Dewick	Shelley Robyn
Dorinda Dove	Warren Rozenkranz
Roger Garrison	Esther Schmerling
Willard Glenn	Danny Schweers
Barbara J. Henry	Ray Seigfried
Elaine Hickey	Sadie Somerville
Heidi Hoegger	Samuel Starr
Rodney Jester	Larry Strange
June Kleban	Van Taylor
Lynda Kolski	Bill Theis
Carol Larson	Debbie Theis
Barbara Macklem	Steven Threefoot
Rhys McClure	Elizabeth Varley
Connee McKinney	Cecilia Vore
Julia McNeil	Larry Walker
Ron Meick	Laura Wallace

1.0 Call to Order

Chair, Steven Threefoot called the meeting to order at 7:41 PM.

Steven began with an apology for moving the meeting date from Monday, 9/28, to Tuesday, 9/29. He had not realized until after the last Town Meeting that Yom Kippur would be falling on Monday, 9/28. A number of people were unable to attend and asked that the Meeting date be changed. Steven consulted with the Town Attorney who agreed that it made sense to change the date, but to make sure we made public notification, which we did. However, this was not the appropriate way to change the date of a regular Town Meeting. To do it correctly, a Motion should be made at a regular Town Meeting to change the next Meeting date. To do that we would have had to hold a Special Town Meeting. Steven made the executive decision to consult the Town Attorney, and took the advice to give plenty of public notice. He knew there were some issues regarding that decision; invited anyone who wished to comment, to do so at that time, and apologized for the way the date change was handled.

## 2.0 Minutes

The Minutes of the June 22, 2009 Town Meeting were corrected. June Kleban corrected the following errors: on page 23, Shelley Robyn's name was misspelled and on page 26, Gary Quinton's name was misspelled. Also, Tom Wheeler's name was left off of the Attendance list.

The Minutes were accepted as Corrected.

## 3.0 New Residents

No new residents attending.

## 4.0 Recognition of the Departed

Albert Barrish, Charlotte Schedd, Jeanne Broadbent Harris, and Jim Larsen

## 5.0 Visitors

No visitors attending.

## 6.0 Communications

### *Verizon Wireless*

Verizon Wireless is in negotiation with United Water to put antennae on a couple of their water towers. Verizon Wireless is in favor of using other water towers, instead of Arden's, as their model because it does not involve a third party negotiation. Steven will make inquiries and hopefully have more definite information at the next Town Meeting.

### *MD-DE Solid Waste Association*

MD-DE Solid Waste Association, a trade association for solid waste management companies, sent the Village a letter saying that the DE Solid Waste Authority is likely to increase their tipping fees significantly - on the order of 50% - and the cost will be passed on to their customers. Waste Management, Inc. knew this was coming and we could not negotiate it out of our contract. We will use our lobbying group, the Delaware League of Local Governments, to lobby the State Legislature to minimize the impact on municipalities.

### *Hazardous Waste Pick-up*

There will be a pick-up for home hazardous waste in November. Steven will make sure a notice is placed in *The Page*.

### *Tall Tree Survey*

A representative from Travelers Insurance requested a copy of the Arden Tall Tree Survey which was performed in November 2001. The request was in regard to a tree that fell at 2317 Walnut Lane. Trees on that property were recorded as unsafe in the survey. Mike Cutis commented that some unsafe trees were deemed safe in that survey. Rodney Jester commented that, when the survey was done, some of the property lines were not correct.

## 7.0 TRUSTEES REPORT – Connee McKinney

Copies of the Quarterly Financial Report were distributed. (See Attachments)

### **Trustees Report September 29, 2009, Town Meeting**

The Trustees have several items to report:

**Finances:** We have copies of the quarterly report available tonight. The County and School taxes were paid on September 24: County taxes \$82,418.35; School taxes \$266,610.09 for a total of \$349,028.44. Individual rebate checks will go out in about a month: total \$27,074.58. In August, we issued a check to the Village for \$84,605.60 (the balance of the town's portion of the budget —\$75,000 was transferred to the town in April). We closed the Municipal Street aid account and issued a check to the Village for that balance (\$31,620.29). The Trustee Bequest Fund has a balance of \$221,000. At present, we are earning little interest on that endowment

and, as with the Village endowment account, we have no plans to expend the principle. We will consider alternative investments in the future. Funds expended will be governed by the Deed of Trust which means that funds will be used for the benefit of the community and will give no individual leaseholder an advantage over the other.

**Lease Transfers:** There has been one lease transfer since the June Town Meeting. Welcome **Wayne B. Ellifritz**, 2109 Harvey Road.

**Town/Trustee Office:** The Trustees have moved our office to the Buzz Ware Village Center, 2119 The Highway. Our new e-mail address is: [Trustees.of.Arden@gmail.com](mailto:Trustees.of.Arden@gmail.com). The phone number remains the same (302) 475-7980. On August 24, we hired a new Trustees Assistant, Julie McNeil, and she has begun the task of organizing the office space that we are sharing with the Village. Julie brings excellent organizing skills to the position as well as a very personable manner. For those of you who do not know her, please introduce yourself to her. The past year's new documents such as lease transfers and ADU letters from the County are at DMI for scanning as part of our annual update of leaseholder files. Also, we are reviewing all of our memos and policies so that our information is current: We hope to have that completed next month. Our next task is to begin developing a Trustee Website. We are exploring how best to accomplish that and welcome suggestions as to features that would be helpful to you as a leaseholder. Call or e-mail us with your thoughts or comments.

**Long Range Issues:** We are participating in discussions with the Community Planning Committee around several important issues. One issue is how to handle vacant housing in Arden. Community Planning has a very full agenda but they, along with the Trustees, plan on having public input around this topic. Look for meeting notices in the future. Other topics in discussion are lot splitting and new ADUs (Accessory Dwelling Units).

**Trustee Outreach:** As part of our continuing series of discussions that center on Trustee issues, our next topic will be "Why do we need the Arden Trust?" Good question don't you think? The discussion will be on Sunday, November 8 from 1-3 p.m. at the Buzz Ware Village Center. Please join us as either a newcomer with lot of questions or as a seasoned Arden resident with questions that you always wanted to ask. We welcome your participation and will offer you some light refreshments.

Respectfully submitted,  
Connee McKinney, Arden Trustee

Questions:

Ruth Bean had a question regarding the Fund Balance for the Memorial Garden. It should be more than the \$3588.01 stated on the Financial Report. Connee said those funds are now part of the Town Funds and to contact the Town Treasurer.

The Trustees Report was Accepted.

8.0 TREASURER REPORT - David Michelson  
Copies of the Financial Statements were distributed.

David went over the line items on the Balance Sheet, and Statement of Financial Activity sheets.

**Village of Arden**  
**Balance Sheet**  
*As of August 31, 2009*

**ASSETS****Current Assets****Checking/Savings**

1000 - TD Bank Operating Account 75,864 General operating

1020 - Wilmington Trust 2943-0071 30,000 General operating**Total Checking/Savings - Village Funds** 105,8641010 - TD Bank MSA Checking Account 31,625 Municipal Street Aid

1004 - 2 CD's - Firsttrust Bank 217,357 Schroeder Bequest

1020 - Wilmington Trust 2943-0071 174,760 (\$174,760 Schroeder Bequest)**Total Schroeder Bequest** 392,1171030 - Arden Building & Loan 11,342 Hamburger Lecture Series**Other Current Assets**1100 - Due From Trustees of Arden 542**Total Other Current Assets** 542**Total Current Assets** 541,490**TOTAL ASSETS** 541,490**LIABILITIES & EQUITY****Liabilities****Current Liabilities****Accounts Payable**2000 - Accounts Payable 2,647**Total Accounts Payable** 2,647**Other Current Liabilities**

2010 - Payroll Liabilities 417

2100 - Due To Trustees of Arden 1,449**Total Other Current Liabilities** 1,866**Total Current Liabilities** 4,513**Total Liabilities** 4,513**Equity****Total Equity** 536,977 (Schroeder Bequest = \$392,117)**TOTAL LIABILITIES & EQUITY** 541,490

**Village of Aiden**  
**Statement of Financial Activity**  
**April through August 2009**

	Apr - Aug 09	Budget	% to Budget
<b>Revenue</b>			
4010 · Donations	140	-	
4400 · Rentals	50	-	
4610 · Franchise Fee Receipts	3,483	7,382	47.18%
4900 · Interest Income	500	4,250	11.77%
<b>Total Revenue</b>	<b>4,173</b>	<b>11,632</b>	<b>35.83%</b>
<b>Expenses</b>			
6000 · Payroll & Payroll Taxes	2,428	6,052	40.12%
6300 · Administrative Expenses	4,199	4,030	104.98%
6900 · Audit, Bkping, PR Expenses	1,314	5,450	24.11%
7010 · Gild Hall Rental	-	1,300	0.00%
7500 · Renovations	9,221	11,000	83.83%
7600 · Repairs & Maintenance	3,000	3,000	100.00%
8000 · Program Expenses	18,421	61,790	29.81%
8010 · Contributions & Donations	5,300	5,300	100.00%
8030 · Trash Service	19,234	48,000	40.07%
8050 · Road Maintenance	777	3,000	25.90%
9000 · Debt Service	1,339	16,176	8.28%
<b>Total Expense</b>	<b>65,233</b>	<b>165,068</b>	<b>39.52%</b>
Transferred from Trustees	159,606	153,436	
<b>Surplus (deficit)</b>	<b>98,546</b>	<b>-</b>	



Questions:

Sam Starr asked what MSA stands for. It is the Municipal Street Aid. This is an item that was struck from the State Budget this year. The expectation is that it will also not be there next year.

David reminded all committees to submit their vouchers in a timely manner.

Treasurer's Report was Accepted.

## 9.0 BOARD OF ASSESSORS

The Board of Assessors Report was received at the June 2009 Town Meeting. There was a call for any alternative assessments from the floor. There was none. The June Assessment is now official and will be used by the Trustees to calculate land rent for the 2010-2011 fiscal year.

## 10.0 COMMITTEE REPORTS

### 10.1 Advisory Committee – Bill Theis

Bill pointed out the list of nominees on the board at the front of the room and thanked them all for running. They are: Alton Dahl, Denis O'Regan, Brooke Bovard, Walter Borders, Tom Wheeler, Jeffrey Politis, Larry Walker, Ed Rohrbach, Liz Resko, Bill Theis, David Gerbec, Barbara Threefoot, Peter Campo, and Gary Quinton.

No nominations from the floor.

Advisory Retreat will be on November 21.

Questions: None

Advisory Committee Report was Accepted.

### 10.2 Archives – Sadie Somerville

The Arden Craft Shop Museum celebrates its fifth anniversary next month. Thanks to all who have helped make our first five years a success. Two events are planned in conjunction with the Anniversary.

Remembrance Day on October 11, will honor the "founding mothers" of the Archives: Pat Liberman, Jean Brachman, Ethel Monfort, Joan Colgan and Sally Hamburger. Please join us at Gild Hall from 2 to 4 p.m.

A fifth anniversary celebration will be held at the Museum on Sunday, Oct. 25 from 1 to 4 p.m. A new exhibition, "Threads of Memory," will feature items added to the collection during the Museum's first five years.

Questions: None

Archives Report was Accepted.

### 10.3 Audit – No Report.

### 10.4 Budget – Jeffrey Politis

The Budget has been prepared for Referendum. The Budget spreadsheet and Notes page were distributed. (See Attachment.) This is the first year the Town Budget and Trustee Budget are separate. It is also the first year that the Buzz Ware Village Center budget is in the Referendum and forecasting spreadsheet.

The total Reserve at the end of the 2009-2010 FY will be \$180,000, which is a combination of the Trust's \$155,000 Reserve and the Town's \$25,000 Reserve. That's the Prudent Reserve with which we anticipate starting the 2010-2011 FY.



The BWVC Income is listed as \$26,000, but the BWVC estimates that to be \$29,000. That number is also the estimate of their expenses.

The Town will be operating under a break-even Budget. The Prudent Reserve the Town is getting from the Trust is anticipated to stay at \$25,000 at the end of the FY.

Non-budgeted expenses for the Town now include:

1) The trash pick-up. That money will not go into the Civic Budget. It is a contractual obligation and will not be voted on.

2) The Long Term Debt for the Sherwood Forest purchase. It use to be under the Trustees' expenses but is now a Town expense. It is a mortgage that has to be paid.

3) BWVC income is used to pay BWVC expenses.

In the future, the Town Secretary and Treasurer salaries could possibly be moved to non-discretionary expenses.

Questions:

Jennifer Borders - Regarding Trash & Special Pickup. Earlier in the Meeting it was mentioned there could possibly be a 50% increase with Waste Management. How would that affect the budgeted number? Steven explained the possible 50% increase would be in the tipping fee and not 50% of the budgeted \$58,000. If there is an increase it will come out of the Contingency Funds.

Connee McKinney - Regarding clarification on the BWVC Budget. Is there rollover money for the BWVC to buildup a maintenance fund? Jeffrey replied that it is not meant to be rollover money, but more like a contingency fund. However, there does need to be discussion in the future on how to account for future operation and maintenance of the BWVC building.

Mike Curtis - Regarding the Treasurer being a paid position and having discretionary authority. Steven pointed out that the Secretary is an elected and a paid position. Both the Secretary and the Treasurer have strong commitments and obligations.

Elizabeth Varley - Regarding Forest Committee Budget. The Forest Committee is facing unexpected expenses and requests that their budget be increased to \$8,000. The Budget Committee agreed to increase the amount from \$5,000 to \$8,000.

Danny Schweers - The Budget has gone up 40% in 3 years – some \$66,000. What is the sense of where we are going as a Town in terms of what we are spending on our government? Jeffrey replied that what is driving the costs up is unclear, with the exception of the Civic expenses. He will have to get back to us on that question.

The Trustees are budgeting a loss for 2010-2011. They will go from a reserve of \$155,000 to roughly \$85,000. The Town Reserve will stay at \$25,000.

Cecilia Vore - Regarding the BWVC Income being non-budgeted. Why would the BWVC expenditures not have to be approved by Referendum? Jeffrey relied that any funds contributed to the BWVC by the Town are discretionary, but the Committee decided that funds they earn and use to pay their expenses, are not. If the Town Assembly wishes to change that we can discuss it now and put a Motion on the floor.

MOVED:

That the BWVC Budget be moved into the budgeted section of the Budget.

Discussion:

Rodney Jester, Jeffrey Politis, and Connee McKinney spoke against the Motion in that what the BWVC brings in should be spent as they see fit. The \$7,000 they get from the Town is voted on in Referendum. The BWVC is the only Committee that is expected to raise money.

Denis O'Regan spoke for the Motion. Any money that comes into the Town should go through the Budget process.

Jeffrey Politis pointed out that the BWVC will have to report on a quarterly basis and does not write its own checks. It cannot spend money without going through the Town Treasurer and all checks require the signatures of two Town Officials. Ruth Bean agreed that there should be a record of accountability.

Call for the Question:

It is Moved that the BWVC Budget be moved into the discretionary section of the Town Budget.

Not Passed. No's have it.

The Budget Report was Accepted as Amended.

#### 10.5 Buzz Ware Village Center Committee – Warren Rosenkranz

Since the June Meeting the Buzz has had its major Summer fund raiser, Peddlers, Potions and Practitioners concurrent with the Arden Fair. It was very successful having 27 vendors . Our net proceeds for this event were \$3068. We want to extend a word of thanks to Larry Walker who quickly got us some new fuses, spares and fuse pullers when the old main fuses just wore out during the Fair. Thanks, Larry! [Larry was presented with a box of cookies.] We feel that if the Arden Club food court continues connecting to the Buzz' electric service during the Arden Fair, we will need to upgrade the service from 100 to 200 Amps. The Buzz and the Club will try to work out an amicable resolution to this issue.

Room Rentals are continuing to be popular both one-time rentals and multiple date rentals for continuing programs. We feel that our rental schedule is keeping in line with our forecast.

We look forward to another busy Fall-Winter season and we are in the process of finalizing the plans for our 2nd Annual New Year's Day Champagne Brunch. We hope it will be as successful as the first brunch, where we observed a true sense of community and had some great food and friendly conversation.

Next on the Buzz Committee agenda is the report from the Community Garden Committee.

Respectfully Submitted

Warren Rosenkranz, co-chair of the Buzz Ware Village Center.

The Community Garden Report was presented later in the Meeting.

Warren made the following Motion:

MOVED:

That the Arden Town Meeting continue to be held at the Buzz Ware Village Center.

Questions:

Marianne Cinaglia suggested that when people speak to the Motion they identify their roles in the Town and the Club to better assess what they have to say for or against the Motion. Marianne spoke for the Motion, feeling the BWVC is a better setting for the Meeting. The fact that the Club pays land rent does not justify holding the meetings at the Gild Hall.

Chair Steven Threefoot read a letter from Bonnie Phillips who spoke against the Motion.

Hugh Roberts, Ed Rohrback, Bill Theis, Larry Walker, Elizabeth Varley, Jeffrey Politis, and Willard Glenn spoke against the Motion, stating that the wall dividing the room makes it unsuitable, the Gild Hall allows for more visibility of the attendees, the Gild Hall can better accommodate a large crowd and the parking there is more accessible.

Mike Curtis and Linda Kolski spoke for the Motion in that the past few meetings we have had in the BWVC have gone well and that we should not have to pay rent to have our meetings in the Gild Hall when we have our own Town Building.

Ruth Bean said she understood from our last Town Meeting that a committee would look into negotiating with the Club to have rent free Town Meetings at the Gild Hall. Peter Renzetti, 1<sup>st</sup> Vice President of the Arden Club said he thinks there could be some negotiation on the fee. He is against the Motion, feeling the Gild Hall is more open and suitable for large Town Meetings.

Chair Steven Threefoot mentioned his major concern with not being able to see everyone in attendance at the BWVC venue. If his vote was necessary to break a tie, he would vote against the Motion.

Connee McKinney said that the BWVC Committee has felt a responsibility to step up to the plate and make the Town Building available for Town Meetings, if that is what the Community wants. They are not out to pull business away from the Gild Hall.

Esther Schmerling suggested having half of our Town Meetings at the Gild Hall and half at the BWVC.

Call for the Question.

MOVED

That the Arden Town Meeting continue to be held at the Buzz Ware Village Center.

Not Passed. No's have it.

Future Town Meetings will be held at the Gild Hall.

Warren Rosenkranz made the following Motion:

MOVED

That the Advisory Committee come up with a Negotiating Committee to talk with the Arden Club to get us better rental rates than we are getting now.

Seconded.

Passed. Ayes have it.

Questions:

Larry Walker asked about the mentioning in the BWVC Report that a new electrical service would be installed. Warren explained that the BWVC electrical is pushed to the limit during the Arden Fair when the Food Court is hooked in. They need to increase from 100 to 200 amperes of service. Larry suggested an increase to 300 amperes because they installed 5 rooftop a/c units before the Fair. Warren said they spoke to 5 electricians and that 200 amperes would be sufficient. Denis O'Regan suggested renting a power center on wheels during the Fair. This issue will be resolved by the BWVC Committee.

BWVC Report Accepted.

## 10.6 Civic Committee – No Report.

The Town Chair reported that the Town received support for road drainage work from our State Representative Bryon Short and State Senator Cathy Coultier totaling \$14,400 to recover the loss of the Municipal Street Aid. It is reimbursement money, not a grant. It does not show up on the Budget until we get reimbursed. It is part of the Civic Committee's operating budget.

## 10.7 Community Planning – Ray Seigfried

Proposed Resolution:

A Motion to change the date of future and current Town Meetings may be made at a Regular or Special Town Meeting. The Motion must state the proposed date change and the reason for the change, and be approved by a simple majority in order to conduct the business of the Village at

that meeting. Subsequently, all residents of Arden will be notified of the new date, time, location, and the reason for the change. This notice must be provided ten days before the newly scheduled meeting is held.

To approve the legitimacy of this current meeting. Ray made the following Motion:

MOVED

The Town Assembly accept the change of this Regular Town Meeting to Tuesday, September 29, 2009, for official business of the Village.

Seconded.

Passed. Ayes have it.

Discussion regarding the previous resolution for a process for changing the date of future Town Meetings was amended:

MOVED:

A regular meeting date of Town Assembly may be changed in the following manner: A Motion to change the date of a future Town Meeting may be made at a regular or special Town Meeting. The Motion must state the proposed date change and the reason for the change. The Motion must be approved by a simple majority in order to conduct the business of the Village at that Meeting. Each resident of Arden will be notified, by US Mail, of the new date, time, location, and reason for the change, 7 days prior to the newly scheduled meeting.

Seconded.

Passed. Ayes have it.

*Memorial Garden-* Ruth Bean & Ron Meick are working on getting a new sign for the Memorial Garden. They've received 4 bids. We should have a new sign in a couple of months. Ruth & Ed are still working on updating the map of the Memorial Garden.

*County Code Enforcement/Instant Ticketing* – The Committee held an open meeting regarding Instant Ticketing and received a lot of input. Ray has been working with the County Land Use Dept. The Committee has proposed exception to the Law. There are 10 citations that the County can ticket on. The Committee would like exception from the citations for: overgrown grass, tree branches on your yard, and vehicles parked on the lawn. The Committee is working with Ardencroft & Ardentown. If they concur, the Committee will go next to the County Council to get exceptions approved. There was discussion regarding 1) the reasons for instant ticketing are merely aesthetic and 2) the desirability of having exceptions to County Codes. These exceptions to County Code should be brought before the Town Assembly. We desire exception from instant ticketing, not County Code and, if so, then how would County Code be enforced, and would exception lead to lower property values?

*Sub-committee on the Web Page* – Danny Schweers is in charge of the sub-committee on the web page. Please contact Danny if you have questions or suggestions.

#### 10.8 Forest Coomittee – Elizabeth Varley

Elizabeth read the following report submitted by Forest Committee Chair Carol Larson:

1. Because of the exceptionally wet summer season, the forest committee is dealing with many trees that are potentially dangerous. Forest is in the process of getting bids for taking down six trees at this point and may have to find out about exceeding the \$5,000 budget allotted. We are calling Del Dot (trees overhanging Marsh Road) and DelMarVa (Trees overhanging wires) whenever possible to take down dangerous trees at no cost.

2. David Lubin, a homeowner in Buckingham Green at 28 Weiler's Bend has asked to remove some trees on Sherwood Forest land because they are overhanging his property. Mike Curtis visited his property and we had the Kyle Hoyd, Urban Forester from the Delaware Department of Agriculture assess the trees. His report is attached. (See Attachments) In summary, it says that one beech is particularly dangerous because of rot caused by excess water and that it may be necessary to take another beech to get to the second one further into the woods. In April 2008, the Lubins got a variance to build an addition onto their home closer to the woods than usually allowed. They were informed at that time that they should direct their rain flow toward the street and sewers rather than into the woods or it would be problematic.

They never redirected their water flow and many trees in the woods are suffering because of swampy conditions. Because of the ongoing lawsuit with Buckingham Green, Marianne Cinaglia asked that we get another opinion about the health of the beeches because Kyle Hoyd did not have technical equipment (a borer or tree sonar) with which to assess the trees. (The State of Delaware could not afford to fix their machines) John Kerns is going to look at the trees on 9/28 and make an assessment but I have some doubt about his impartiality because his own home backs up to the Avery tract.

I have a recommendation from the Delaware Horticultural Society for the consulting arborist, Russ Carlson but he wanted \$400 to make an initial visit and more to write a report. This matter should not wait for very long because if the tree should fall, the responsibility would be an issue because we were informed. The issue stands at getting a second impartial report on the trees and finding out whether individual homeowners in Buckingham Green can be compelled to redirect their water. The Lubins are not the only household directing their runoff into Sherwood Forest. Weiler's Bend is the closest to Sherwood Forest and homes on either side have piping into the woods.

3. Forest Committee is working on marking boundaries of the forest to make the community more aware of encroachments and invasive plants getting into the forest. We appreciate any notification of invasive plants, dangerous trees and vandalism.

#### Questions:

Ed Rohrbach asked if there is an established procedure for determining when trees are a potential hazard or is it dealt with when someone brings it up. Elizabeth replied that yes there is an extensive forest management procedure that is referred to when trees in the forest affect the safety of leaseholds. The committee assesses the situation and asks for help when it is beyond their expertise. Ed asked about 2 trees in Arden Woods with red tape on them. Elizabeth replied that one is close to a path and its condition is a safety concern. Peter Renzetti spoke about the other tree which is a sweet gum and has a 6-7 inch rotted root at the bottom on the back side away from their house. The tree is leaning and they are concerned it will hit the house if it falls. He has asked the Forest Committee to do more research with the tree service to find an economical and safe way to handle the situation.

Jeffrey Politis asked about the white insects on the beech trees. Peter responded that they will only kill the branch they are on and will not kill the tree.

Mike Curtis suggested that future antennae income be given to the Forest Committee for maintaining the forest.

Forest Committee Report Accepted.

## 10.9 Playground Committee – Larry Walker

Since the last Town Meeting, the required Playground Equipment Inspections have been held, and necessary repairs have been made. All equipment was “adult tested” to ensure safety. The August

Equipment Inspection was held right before the Arden Fair to ensure that everything was in good shape before the heavy usage on Fair Day. All equipment is in safe condition.

The Playground Committee has been seeking either a buyer, or user, for the soccer goals that had been on the Sherwood Green. These were disassembled in August, and the parts stored. The search is ongoing.

Respectfully submitted, Larry Walker, Co-Chair, Playground Committee

Playground Committee Report Accepted

#### 10.10 Registration Committee – Cecilia Vore

The Registration Committee will conduct the annual Budget Referendum and the election of the Board of Assessors in October and November. The committee will review the list of eligible voters on Saturday, Oct. 3. The ballots will be mailed on or before Oct. 16, and will be counted on Wed. Nov. 11. Results will be posted on the bulletin boards and on the Village website by Nov. 13. Please notify a member of the Registration Committee tonight if there are any changes to the eligible voters in your household.

Respectfully submitted, Cecilia Vore, Chair

Registration Committee Report Accepted.

#### 10.11 Safety Committee – Denis O'Regan

Denis announced the second reading of the proposed changes to Ordinance 11. Copies were distributed. It is proposed the Safety Committee be responsible for enforcing the use of right-of-ways between leaseholds and Town roads, e.g. anything that compromises the safety of traffic. At the January Town Meeting we will have the third reading. At that time we will adopt this version as replacing the previous Ordinance 11.

There was a burglary on Sherwood Lane. A plasma TV was stolen. All are reminded to be vigilant and report suspicious activity to the police.

The Safety Blog will be up on the Web page next Friday. It will be moderated by the Safety Committee. Its intent is to get safety-related information across to the community in a timely manner. No names will go live online.

Handouts and bumper stickers from New Castle County Emergency Management are available on the Sign-in table.

Safety Committee Report Accepted

#### 11.0 OLD BUSINESS

##### *Absentee Voting*

Marianne Cinaglia made the following Motion.

MOVED

That the Town Assembly initiate procedures for absentee voting for Town officials and committee members in connection with the annual election held at the Town Assembly Meeting in March.

Seconded.

Discussion:

Marianne gave background on the Motion. Currently you have to present at the March Town Meeting in order to vote. The Motion would allow those who are unable to attend the meeting to vote and thus increase participation in voting.

Cecilia Vore said the Registration Committee does not want absentee voting since the Act to Reincorporate clearly states that the officials and two of the committees are to be elected by the Town Assembly, however, the rule could change. The Registration Committee would investigate the procedure for initiating absentee voting and layout conditions and deadlines, if the Town so desired.

Jeffrey Politis said he reads the Motion as actually voting to begin absentee voting, and not a Motion to investigate it and therefore feels we should table the Motion.

Seconded.

Vote to Table the Motion until the January Town Meeting.

Passed. Ayes have it.

Steven recommends that the Advisory Committee note the vote to table the Motion and place the discussion at the beginning of the January Town Meeting.

#### *Community Garden*

Shelley Robyn read the following Motion:

MOVED

The Community Garden Association will continue to offer plots to residents of the Ardens on the Sherwood Green inside the fenced area known as the “tot lot”. Plots will be awarded on a first come, first served basis as long as they are available. Additional requests will be placed on a waiting list. A minimal service charge will cover the cost of water, initial tilling, and miscellaneous equipment and upkeep. A portion of the funds collected will be set aside to restore the area to its original condition should the garden project be terminated.

Seconded.

Passed.

#### 12.0 NEW BUSINESS

Peter Renzetti announced that the Arden Craft Shop and Museum is switching from oil to gas heat.

#### 13.0 GOOD & WELFARE – None

Meeting adjourned – 10:35 PM

Respectfully submitted,  
Elaine Hickey  
Secretary, Village of Arden

Attachments

**Trustees of Arden  
Balance Sheet  
As of August 24, 2009**

	<b>Aug 24, 09</b>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
ARDEN BUILDING & LOAN - TRUSTEE	178,923.31
TRUSTEES - WILMINGTON TRUST	39,561.33
<b>VANGUARD</b>	
FUND 33	339,110.43
Vanguard 30 Trust Bequest	220,815.17
<b>Total VANGUARD</b>	559,925.60
<b>Total Checking/Savings</b>	778,410.24
<b>Accounts Receivable</b>	
LAND RENT RECEIVABLE	15,594.01
<b>Total Accounts Receivable</b>	15,594.01
<b>Other Current Assets</b>	
Prepaid Taxes and Rebates	376,103.02
<b>Total Other Current Assets</b>	376,103.02
<b>Total Current Assets</b>	1,170,107.27
<b>Other Assets</b>	
Due From Village of Arden	1,449.13
<b>Total Other Assets</b>	1,449.13
<b>TOTAL ASSETS</b>	<b>1,171,556.40</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Other Current Liabilities</b>	
Deferred Revenue - Grants	2,594.31
Due to Village of Arden	-191,474.27
New Castle County Taxes Due	349,028.44
Tax Rebates Due	27,074.58
<b>Total Other Current Liabilities</b>	187,223.06
<b>Total Current Liabilities</b>	187,223.06
<b>Total Liabilities</b>	187,223.06
<b>Equity</b>	
Fund Balance - Avery Property	733,052.00 *
Fund Balance - BWVC	34,006.00 *
Fund Balance - General Fund	123,299.99 *
Fund balance - Memorial Garden	3,588.01 *
Fund Balance - MSA Fund	32,352.00 *
Retained Earnings	4,847,147.41
Net Income	528,469.50
<b>Total Equity</b>	6,301,914.91
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>6,489,137.97</b>

\* Note: Funds moved to Village of Arden. Entries to zero account booked at year end.



	<u>Aug 24, 09</u>
Ordinary Income/Expense	
Income	
Interest - Trustees Cking Acct	119.85
INVESTMENT INCOME	4,971.92
LAND RENT	501,694.32
LAND RENT FINANCE CHARGE	191.27
MEADOW LANE ACCESS	700.40
Total Income	<u>507,677.76</u>
Expense	
Loan Payable	1,993.08
TAXES	265.27
TOWN ADMINISTRATIVE EXP.	875.00
TRUSTEE ADMINISTRATIVE	22,552.60
Postage Expense	44.00
Total Expense	<u>25,729.95</u>
Net Ordinary Income	<u>481,947.81</u>
Net Income	<u><u>481,947.81</u></u>

Trustee:

*Wipe Curtis*

Admin. Asst.:

*Johanna Michael*

Arden Town Assembly  
September 2009  
Projected Budget For Fiscal Year March 25, 2010 to 2011

		2010-2011	2009-2010	2008-2009	2007-2008
<b>TRUSTEE'S INCOME</b>	<b>NOTE</b>	<b>Referendum</b>	<b>Appropriated</b>	<b>ACTUAL</b>	<b>ACTUAL</b>
Land Rent	1	546,000	520,000	566,701	488,752
Interest & Other Income (details below)	2	16,225	16,300	22,826	22,524
<i>Road ROW</i>		0	4,600	0	4,587
<i>Meadow Lane Access</i>		725	700	720	720
<i>Investment Income</i>		14,000	10,000	19,829	14,988
<i>Misc</i>		1,500	1,000	2,277	2,229
<b>SUB-TOTAL TRUSTEE'S INCOME</b>		<b>562,225</b>	<b>536,300</b>	<b>589,527</b>	<b>511,276</b>
Trustee's Reserve	3	155,000	165,381	236,307	147,683
<b>TOTAL TRUSTEE'S FUNDS AVAILABLE</b>		<b>717,225</b>	<b>701,681</b>	<b>825,834</b>	<b>658,959</b>
<b>TRUSTEE'S NON-BUDGET EXPENSES</b>					
Property Taxes					
County (Property + Crossing Guard	4	99,239	74,900	71,012	70,040
School (Brandywine + Votech)	5	297,217	290,288	279,698	265,785
Trustees Administration (Details below)	6	37,600	47,600	35,176	34,947
<i>Audit</i>		3,000	6,000	5,900	5,800
<i>Insurance</i>		12,000	11,500	9,782	10,735
<i>Professional-Legal</i>		3,000	3,000	2,174	903
<i>Professional-Engineering/Misc</i>		5,000	5,000		6,123
<i>Professional-Bookkeeping</i>		5,000	10,900	5,674	0
<i>Office Rent</i>		0	2,600	2,436	2,436
<i>Payroll Taxes</i>		2,000	1,100	2,130	1,067
<i>Salaries</i>		7,600	7,500	7,080	7,883
** Trustee Fund Transfer to Town	8	199,000			
<b>SUBTOTAL TRUSTEE'S NON-BUDGET EXPENSES</b>		<b>633,056</b>	<b>428,964</b>	<b>402,062</b>	<b>#VALUE!</b>
<b>TOWN INCOME</b>	<b>NOTE</b>	<b>Referendum</b>	<b>Appropriated</b>	<b>ACTUAL</b>	<b>ACTUAL</b>
Trail Renewal Grant	9	0	0	0	950
Delaware Municipal Street Aid	9	0	13,264	21,414	15,356
Community Transportation Grant	9	0	0	0	12,555
Cable ROW		6,500	6,500	12,690	6,522
Antenna ROW		5,600	5,315	5,749	5,528
** Income supplied by Trustees	10	174,000	0	0	0
** Investment Income	11	1,000	0	0	0
Buzz Ware Village Center(details below)	12	26,000	26,000	26,660	20,410
<b>SUB-TOTAL TOWN INCOME</b>		<b>213,100</b>	<b>51,079</b>	<b>66,513</b>	<b>61,321</b>
Town's Reserve	13	25,000	0	0	0
<b>TOTAL TOWN FUNDS AVAILABLE</b>		<b>238,100</b>	<b>51,079</b>	<b>66,513</b>	<b>61,321</b>
<b>TOWN NON-BUDGET EXPENSES</b>					

Arden Town Assembly  
September 2009  
Projected Budget For Fiscal Year March 25, 2010 to 2011

Trash & Special Pickup	14	58,100	48,000	45,043	46,125
Audit	15	4,000	6,000	5,900	5,800
Professional-Legal		3,000	3,000	2,174	903
Professional-Bookkeeping	16	2,400	10,900	5,674	0
Long Term Debt(Sherwood Forest)	7	16,176	16,176	16,176	n
State Aid and Grants					
Community Transportation Grant	17	0	0	0	12,555
Municipal Street Aid	17	0	13,264	21,414	15,356
Trails Renewal Grant	17	0	0	0	950
Buzz Ware Village Center	18	26,000	26,000		
<b>SUBTOTAL TOWN NON-BUDGET EXPENSES</b>		<b>109,676</b>	<b>123,340</b>	<b>96,381</b>	<b>81,689</b>
		<b>2010-2011</b>	<b>2009-2010</b>	<b>2008-2009</b>	<b>2007-2008</b>
	<b>NOTE</b>	<b>Referendum</b>	<b>Appropriated</b>	<b>ACTUAL</b>	<b>ACTUAL</b>
<b>BUDGET EXPENSES</b>					
Advisory	19	300	300	139	178
Archives	20	1,440	1,440	620	809
Assessors	21	50	50	0	0
Buzz Ware Village Center Subsidy	22	7,000	7,000	8,036	6,500
Civic Committee					
Roads,Commons,Snow plowing	23	50,000	42,000	36,272	30,899
Community Planning	24	1,000	1,000	0	0
Forests	25	8,000	5,000	1,622	1,918
Playground	26	3,000	3,000	2,705	2,400
Registration	27	1,000	1,000	0	482
Safety Committee					
Safety - General		1,000	1,000	0	45
Town Watch Coordinator Fees		0	0	1,400	2,400
Harvey Road Speed Enforcement		1,000	1,000	0	0
Town Expenses					
Secretary	29	5,252	5,252	5,520	5,520
Treasurer		5,252			
Town Payroll Taxes		1,680	800		742
Town Administrative Expenses		4,250	4,000		6,966
Office Construction		0	8,000	0	0
Donations					
ACRA	30	1,500	1,500	1,500	1,500
Arden Page		1,500	1,500	1,500	1,500
Arden Library		700	700	600	600
Fire Companies		1,600	1,600	1,450	1,450
Gild Hall Rental	31	1,300	1,300	1,300	1,300
Contingencies	32	9,500	8,000	0	0
<b>SUBTOTAL BUDGET EXPENSES</b>		<b>106,324</b>	<b>95,442</b>	<b>62,664</b>	<b>65,209</b>
<b>TOTAL TOWN EXPENSES</b>		<b>216,000</b>	<b>218,782</b>	<b>159,045</b>	<b>146,898</b>

## **Arden Budget Notes YE 2011**

Overall- The amounts shown in the column for fiscal year 2009-2010 are those exact amounts as approved by referendum and do not reflect expected changes during the current fiscal year.

### **Trustee's Income**

1. Land Rent- Based on Assessor's report from June 2009 Town Meeting.
2. Interest and other income from the following sources:  
Cable ROW 6,500  
Antenna ROW 5,600  
Meadow Lane Access 700  
Investment Income 10,000  
Misc 1,000
3. Trustee's Prudent Reserve- This figure of 155,000 is supplied by Connee McKinney. The calculation of the Budget committee is in agreement.

### **Trustee's Expenses**

4. New Castle County taxes are estimated to rise 10% over YE 2010 levels, however the 2010 levels jumped 20% over budgeted amounts for that year.
5. School Taxes are estimated to rise approximately 3% over YE 2010.
6. Trustee's Administration expense estimate- Decrease of 10,000  
Audit- 3,000  
Insurance- 12,000  
Legal- 3,000  
Engineering, misc 5,000  
Bookkeeping 5,000  
Payroll taxes 2,000  
Salaries 7,600
7. Sherwood Forest Loan- No change
8. Trustee supply of Town Funds- New item

### **Town Income**

9. We will not receive any Grant or Aid for YE 2011 and will not receive any for the current fiscal year.
10. Town Income supplied by the Trustees- New Item
11. Town Investment Income- New Item
12. Buzz Ware Village Center Income  
Investment Income  
Rent & Maintenance Payments  
Local Donations  
Other Income
13. Town's Prudent Reserve- This figure of 25,000 is from Connee McKinney

### **Town Non-Budget Expenses**

14. Trash & Recycle increase Represents cost of new service contract (effective September 2009 –

2012)

15. Estimated cost of Village audit

16. Estimated cost for bookkeeping services for Village accounts

17. No State Aid/Grant Funds are available

18. Buzz Ware Village Budget expenses are included for the first time into the Town Budget

**Discretionary Town Budget Expenses**

19. Advisory- No change

20. Archives-No change

21. Assessors- No change

22. Buzz Ware Village Subsidy- 7,000 in total has been approved for last year to augment income for the BWVC

23. Roads, Commons, & Snow Plowing- Increase of 8,000 over last year because of the lack of

Municipal Street Aid & Grants

24. Community Planning- No change

25. Forests- Increased by \$3000

26. Playground- No change

27. Registration – No change

28. Safety Committee- No change

29. Town Expenses – Treasurer responsibilities require specific time and skills similar time and

availability requirements to the secretary's role. Secretary salary remains the same.

Administrative expenses include phone, internet, membership fees, travel, printing, mailing, etc.

30. Donations – No change

31. Gild Hall Rental – Project rental costs for Gild Hall for Town Meetings

32. Contingencies – Level set at approximately five percent of Village budgeted expenses

September 21, 2009  
Forest Committee of Arden  
Attn: Carol Larson  
1900 Sherwood Rd  
Arden, DE 19810

Subject: **Assessment of the 2 American Beech Trees behind the home of 28 Weilers Bend, Buckingham Greene.**

Dear Ms. Larson,

Thank you for the opportunity to visit the community of Arden on Monday, September 21, 2009, to inspect the American Beech trees behind the home at 28 Weilers Bend. While there, I assessed the condition of the trees and the possibility of failure to occur.

Upon my inspection I assessed the root system, trunk, canopy, and any defects that were present. During my inspection I noticed one major problem affecting both the beech trees in question, the water runoff from Buckingham Greene homes. This issue is causing premature root rot and eroding the soil from around the tree roots. Overtime, this will cause stress to the trees resulting in dieback within the crown and eventually death.

The beech closest to 28 Weilers Bend shows sign of stress due to the water runoff; however it is in relatively good health. The 2<sup>nd</sup> beech tree in question is located directly behind the 1<sup>st</sup> beech and shows signs of potential failure. This also can be contributed to the amount of water that the tree is being exposed to. This tree has several cavities located at its base, and each cavity ranges between 6-16" in length within the trunk. This raises concern about the total amount of rot present within in the lower portion of the trunk/roots.

It is my recommendation that the second tree furthest from the home be removed to alleviate any future problems that may occur. I am recommending that the first tree also be removed. Although the first tree is in relatively good health with very few defects, the site is very wet causing concern for this tree to become wind thrown once the second tree is removed. I also recommend that the runoff from the homes of Buckingham Greene be diverted so that issues like this can be avoided in the years to come.

Please feel free to contact me if you have any questions or concerns. I can be reached at (302) 943-7869 or [kyle.hoyd@state.de.us](mailto:kyle.hoyd@state.de.us). Once again, I would like to thank you for the opportunity to assess the trees within your community.

Sincerely,

Kyle Hoyd  
Urban Forester  
Delaware Forest Service