

Minutes of the Town Assembly for the Village of Arden (uncorrected)

Monday, March 22, 2010

Gild Hall -Arden, DE

64 attendees:

Sue Rothrock  
Terry Ann Colgan  
Marvin Sayed  
Kate Sayed  
David Michelson  
Patrick Barry  
Betty Greene  
Anna Greene  
Gary E. Quinton  
Deborah Ricard  
Sadie Somerville  
Rodney Jester  
Tom Wheeler  
Mike Curtis  
Connee McKinney  
Cookie Ohlson  
Pam Politis  
Ray Seigfried  
Mary Murphy  
Lisa Mullinax  
Larry Walker  
Jeffrey Politis  
Larry Strange  
Jane Claney  
Steven Threefoot  
Sherry Burke  
June Kleban  
Julia McNeil  
Heidi Hoegger  
Marianne Cinaglia  
Beth Stevenson  
David Claney

Mary Vernon  
George Vernon  
Carol Lawson  
Dorinda Dove  
Roger Garrison  
Bill Theis  
Ed Rohrbach  
Warren Rosenkranz  
Ruth Bean  
Elizabeth Varley  
Sam Starr  
Betty O'Regan  
Denis O'Regan  
Jennifer Borders  
Walt Borders  
Alton Dahl  
Beverly Barnett  
Carl Falco  
Lynda Kolski  
Jan Westerhouse  
Ruth Panella  
Linda Scott  
James W. Scott  
Barbara Macklem  
Debbie Theis  
J. Claney  
Van Taylor  
Cecilia Vore  
Laura Wallace  
Elaine Hickey  
Bonnie Phillips  
Keith Minsinger (NV)

## **1.0 CALL TO ORDER**

Chair Steven Threefoot called the meeting to order at 7:38 PM.

## **2.0 MINUTES**

The Minutes of the January 25, 2010 Town Meeting were approved as read.

## **3.0 ELECTION of Officers and Standing Committees**

Ruth Bean described the voting process: Voting would continue throughout the meeting for those arriving late. All ballots must be turned in by the end of the meeting. Read the ballot carefully because if you vote for too many candidate on a particular committee your vote will be disqualified for that committee. Votes will be counted on Wednesday, March 24 at 7PM in the BWVC. All are welcome to attend. Results will be posted on the Town Bulletin Boards and Website on Thursday, March 25.

## **4.0 NEW RESIDENTS** – None

## **5.0 VISITORS**

Lisa Mullinax introduced the Museum & Archives Curator Keith Minsinger. Keith said he would enjoy talking with people about the Museum and Arden history, so please drop in or stop him if you see him around the Village.

## **6.0 COMMUNICATIONS** – Chair Steven Threefoot

### *FEMA/DEMA*

The State has applied for Federal funds for reimbursing municipalities for money spent dealing with the record February snowfalls. We will know in 3-4 weeks if the State request has been granted. Then we will have to figure out the calculation because Federal rules don't work very well when you have snow over a 4-5 day period.

### *Census*

Please return the short form that you receive. If you don't return it, the government has to send someone to your house. That makes the Census process very expensive.

## **7.0 RECOGNITION OF THE DEPARTED** – None

## **8.0 TRUSTEES' REPORT** – Connee McKinney

The Trustees have several items to report and a motion to make:

**Finances:** We have copies of the quarterly financial report available tonight. (See Attachments) The 2010 land rent is coming in and is due March 25 when the new fiscal year begins. If you have any questions about your bill, please contact our assistant (475-7980 or at [Trustees.of.Arden@gmail.com](mailto:Trustees.of.Arden@gmail.com)).

**Lease Transfers:** There have been three lease transfers since the January Town Meeting. Welcome to Katrina Streiff and A. James Laurino, 2207 Orleans Road and Kalai King at 2100 Harvey Road.

**Trustee Outreach:** We have had three outreach meetings: one on the Trustee tree policy, one on Why Do We Need the Trust? and yesterday, one on variances and surveys. Thank you to those who attended and joined in this discussion. Our next outreach meeting will be held jointly with Community Planning: What should be the policy for new ADUs.

**Legal / Buckingham Greene:** Roger Akin, our lawyer, is unable to be with us this evening. He had a public meeting he needed to attend. In the future he will try to get here. If there are specific legal questions I will jot them down and pass them along to him, and then get back to you. He sends his apologies. The Buckingham Greene lawsuit that the Trustees have filed on behalf of Arden residents continues into its 14th year (The suit against Buckingham Greene LLC began in 1996). Our goal from the beginning was and continues to be protection of the Sherwood Forest as best we can from what we consider an unreasonable impact from water runoff as a result of the development of Buckingham Greene by Buckingham Green LLC.

#### • **Recent History**

In January 2008, we were encouraged by requests for information by the judge in the case (Vice Chancellor Noble) and were expecting a favorable decision. The judge did preliminarily determine that the damage to the Sherwood Forest by the development was “unreasonable.” We came to Town Assembly to ask for continued support of the lawsuit. The motion that we presented and Town Assembly passed read:

“The Town Meeting supports the Arden Trustees regarding expenditures in the Buckingham Greene lawsuit. The Trustees will give an accounting of those expenditures at the March 2008 Town Meeting.”

Part of the judge’s ruling required the defendant and the Trustees to present a remedy that we both agreed to along with a budget. Our remedy was prepared by the engineering firm, Legette, Brashears & Graham (LBG) who specialize in groundwater and environmental engineering services (corporate headquarters in Connecticut) and was submitted to the Judge by our lawyer, Roger Akin. Our spirits lifted in the hope that maybe this lawsuit could come to an end.

#### • **Present Situation**

We won the case in June 2009; however, we are still in the remedy phase. Two years after our submission of a remedy, we just received a response from Buckingham Greene. The Wilmington firm, Duffield Associates, who are consultants in geosciences, prepared their report. Duffield has been their engineering consultants since the trial. The Duffield Report was short on detail but presented a case for repairing the eroded site without addressing how to stop the on-going flow of water that will continue to erode the Sherwood Forest and, citing our report, critiqued some potential permitting problems and knowledge of the latest local codes.

#### • **Expenditures**

The Trustees are well aware of the Buckingham Greene lawsuit fatigue being experienced by all of you and we are also well aware that the increasing financial

burden on our less than 200 leaseholds is pushing our patience to the limit. When the Trustees reported back in March 2008, the expenditures on the lawsuit were \$107,516 (\$59,003 engineering cost, \$48,512 legal costs). We did have one of the defendants settle; however, under the terms of the settlement, the amount that they settled for must be confidential. As of March 2010, the total expenditures for legal and engineering minus the settlement comes to \$91,644,00. These totals are from 2000 to the present when the legal and engineering costs were significant.

#### • **Issues to Consider**

Even though we have won this court case, we have yet to see any justice. The flow of water from Buckingham Greene continues to carve deeper cuts into Sherwood Forest — a natural resource that our community has protected for over 100 years. Given the time, given the costs, the Trustees think that we must return to this Assembly to offer two options for you to consider and ask you to voice your support for pursuing either of these options. Let us be clear: We will not get our money back in this lawsuit and that there are no guarantees of a successful outcome with either option. The strategy from Buckingham Greene to date has been to delay, delay, and delay. We could be very reasonable and agree to Option 1 and they could still drag this on and on. We could fight as in Option 2. We would return to the Town Assembly with a progress report on those expenditures.

My sincere apologies for being so gloomy in my presentation, but I am thinking that this might be a case of justice denied.

The Trustees would like to make the following motion the essence of which is: Support us to proceed with two options (1) Take what we can get to end the suit and (2) Pursue a remedy.

#### **Trustees of Arden Motion**

**We move that the Town Assembly of Arden vote to show support for the Trustee pursuing one of two options regarding the Buckingham Greene lawsuit that will be our response to the Duffield Report that is sent to the Chancery Court judge.**

#### **Option 1**

Agree to a plan in principle that would only stabilize and replant the area of the erosion ditches in Sherwood Forest and escrow funds for a set period of time for maintenance of the site. Part of the plan would have terms that would not allow mechanized equipment in the Sherwood Forest that could further damage the Forest and insist on supervision of the repair by a landscape architect and horticulturist. This plan would not stop the flow of water into Sherwood Forest: it would only repair the damage done. Also, it does not guarantee that our terms for not allowing mechanized equipment or for oversight of the replanting of the area by an environmental team of our choosing would be granted by the Judge.

#### **Option 2**

Agree to continue with the lawsuit that would likely require a Court hearing and additional engineering costs to counter Buckingham Greene's critique of our remedy. We

could seek a middle ground to break the current gridlock, i.e. allow some discharge of water to go the outflow pipe at the Forest edge from a section of Buckingham Greene. We would ask the Court to relieve us of some further expenditures since we have already incurred costs when we presented a conceptual plan with a budget for the remedy and will have to incur further costs to rework our plan to find a middle ground.

Respectfully submitted,  
Connee McKinney, Arden Trustee



### **Discussion:**

Marianne Cinaglia distributed a summary of the timeline and issues encountered during the Buckingham Greene Case, (See Attachment) and made the following comments:

We started the process without the benefit of a lawyer in 1995 when Bev Barnett was on the Community Planning Committee and brought it to Marianne's (then Trustee) attention. There was correspondence with Land Use but County and State law does not deal with this type of problem. Just because the County has rules about storm water, it doesn't mean that they cover every situation and this one was not addressed. We needed to go to court. Roger Akin was selected as our attorney because he was the attorney for New Castle and Newark and had municipality experience. Judges changed 4 times, so each time the new one had to be brought up to speed. Each of the 3 defendants had their own lawyers and they changed. They issued motions to dismiss. They made numerous requests for information. They asked for extensions. Our engineering firm kept updating the situation as the case moved along. In 2002 the Judge who finally got around to hearing the case was brought in. He suggested going into mediation, but that did not work. It was then suggested that the engineers get together but our engineer had since moved out of town. Our new engineer and Duffield Associates finally got together about a year later. Our engineer submitted a report in early 2007. Duffield gave their response in 2010, which our engineer believed pinpointed a lot of situations that are normally present in a redevelopment and could most likely be handled by variances. Marianne is for the Motion.

Ray Seigfried asked if there is a solution and how much will it cost. Answer: The Trustees' solution is to stop the water from coming into the forest and to repair the damage that has been done. The cost would be about \$500,000. Duffield's response is to allow some water to continue to go into the forest. The proposal in Option 2 is to find middle ground by finding a way that we can allow some water to go into the forest without it eroding it too much.

Alton Dahl asked if Option 2 will still take some water away. Answer: yes. Alton asked if there was ever a proposal for a financial settlement. Answer: There was only the financial settlement with the construction company. The difficulty is that Chancery Court is an equity court and you are fighting on principle. That is why, from the beginning, this was never about the money. It was about the fact that we had unreasonable damage. Alton is for the Motion.

Ed Rohrbach asked if New Castle County had approved the Buckingham Greene storm water management scheme. Answer: yes. Still, they are not allowed to increase the flow of water onto someone else's property that will cause damage and that is the principle we are standing on.

Jeff Politis said there doesn't appear to be a clear avenue for completion to the situation with this Motion. He would prefer a Motion that would have a final resolution.

Beverly Barnett said she is undecided on the Motion and that if we disclose that we would be willing to spend a certain amount of money, the defendants would wait that long. She is inclined to want to continue to protect our forest.

Denis O'Regan is undecided on the Motion and asked for the name of the developer. Answer: Simeone.

Rodney Jester is for the Motion. Regardless of the financial issue we should not let Buckingham Greene get away with this. We need to set a precedent on this.

Lynda Kolski is for the Motion. We have spent a lot of money on our forests to protect them and we need to stand our ground on this. We just had a bad rainy season. This problem is just going to get worse. We need to prevent the runoff from going into our forest. We need to find a solution. We should strike the dollar amount from the report.

Elizabeth Varley is for the Motion. We need to continue and agrees with Lynda.

Ray Seigfried asked if this does not pass tonight where does this put the Trustees. Answer: We would tell the lawyer that the Town does not support it. Ray agrees it is worthwhile standing up for but is undecided because there is no clear resolution with this Motion.

Ed Rohrbach said to get what we want we need to threaten them with something much worse.

Carol Lawson, Chair of the Forest Committee, said the committee just took down two very large trees whose roots were compromised by water right behind Buckingham Greene. She is for the Motion.

Betty O'Regan asked if we would be able to use the Johanna Schroeder Bequest funds for this. Answer: That is not Trustee money. Money spent is Trustee money and not Town money, but this doesn't mean the Village couldn't provide money for the Trustee's to pursue the case if that is what the Village wants. That is not the Motion that is on the Floor now. Betty is undecided on the Motion.

Terry Colgan would like to support the Motion. The lawsuit began in 1995. It is a different society we live in now. We are concerned about our environment.

Larry Strange said he took photographs of the area back in 1995 when Bev and Marianne asked him to document it. It is difficult to capture the damage in 2-dimension. Larry encourages everyone to go and see in 3-dimension the damage that has been done. It is getting worse each year. He is for the Motion.

Tom Wheeler is for the Motion. The forest is why we are here. We need to take a stand on our 165 acres. Tom thanks the Trustees for the time they have spent on this.

Bev Barnett wanted to clarify that the Trustees are pursuing on behalf of the Town.

Call for the Question

The Secretary read the Motion with Options 1 & 2.

Motion Passed. Ayes have it. The Trustees have the support of the Town to make the decision.

Alton Dahl made the following Motion:

MOVED

The Trustees use the details in the Motion that was just passed as guidelines and not restrictions.

Seconded

Discussion – none

Call for the Question

The Secretary read the Motion

Motion Passed. Ayes have it.

Questions on the Trustees' Report

Connee would like to strike the sentence from the Trustees' Report that says we would put a cap on spending. [There was a limit set but it has been struck from the Trustees Report in these Minutes.]

Trustees' Report accepted as Amended.

### **9.0 TREASURER'S REPORT** – David Michelson

David went over the Statement of Financial Activity and the Statement of Financial Position. (See Attached) He commented that some of the funds have restrictions. We are doing better in our revenue than what we had budgeted. We will be over Budget in Trash Service but under Budget in Debt Service.

Questions:

Alton Dahl - The Hamburger Lecture Fund is held jointly by the Village and the Arden Club.

Treasurer's Report Accepted

### **10.0 ADVISORY COMMITTEE REPORT** – None

### **11.0 BOARD OF ASSESSORS' REPORT** – Alton Dahl

The Board has held three meetings. The next 3 meetings are Public meetings and will be held on April 20, May 11, and June 3 at 7PM in the BWVC.

Board of Assessors' Report Accepted.

## **12.0 COMMITTEE REPORTS**

### **12.1 Archives Committee** – Lisa Mullinax

The Museum and Archives is open every Wednesday, 7:30 – 9:00 PM and Sunday, 1:00 – 3:00 PM. Curator Keith Minsinger has been doing a great job helping to organize the collection and revitalizing our oral history project. We are organizing interviews, transcribing & digitizing them. We are looking for volunteers to interview, suggested people to interview, and to help with the transcribing. If you would like to help, please contact a member of the committee. The Arden History project that was co-sponsored by the Georgist Guild was just completed. It was a great success and well attended.

“Afternoon With the Artist” which Debbie Ricard organizes, will feature photography by Nick Vinson on April 11 and on May 25 Eleanore Morrow will present her handpainted scarves and note cards. There will be a *Garden Day* this summer featuring photographs of Arden residents’ gardens. “Afternoon With the Artist” is held in the Museum’s Community Room. Watch for details in *The Page*.

Questions-

Ruth Bean asked if a date had been set for Remembrance Day. Answer: Not yet.

Archives Report Accepted

### **12.2 Audit Committee Report** – Cookie Ohlson

The quarterly Arden audit was performed on March 10, 2010. All is in order.

Questions – None

Audit Committee Report Accepted

### **12.3 Budget Committee** – Jeffrey Politis

Jeffrey went over the Three Year Budget Look Ahead and Notes. (See Attached)

The Committee is recommending that the Town Expenses, e.g. the Secretary and Treasurer salaries be placed in non-budgeted expenses as part of overall referendum and not as line items. In order to account for the way the BWVC is budgeted, we have included BWVC income, along with expenses, in the Budget Report. The offsetting income will show as a negative number going against expenses. In the non-budgeted expenses you will see BWVC expenses. The Town supported the BWVC in 2009-2010 with \$13,000. The Town had approved \$7,000 of that support. In this case the BWVC overspent their budget by \$6,000. The subsidy shows up in 2 places: first, as income for the BWVC and second, as a budget expense for the Town.

Changes have occurred as a result of separating the Town Budget from the Trust Budget. In the past the Prudent Reserve was under the control of the Trustees. The Trustees give the Town a Prudent Reserve of \$25,000. We need to come up with a process for handling the reserve funds. The Committee will propose a process to the June Town Meeting.

The Committee would like to add a new line item called Capital Fund to the Budget. Currently the Town would have to go to the Trustees in case of a capital fund emergency and ask for money. We propose proactively setting aside \$10,000 for 3 years to build a Town Capital Fund.

The biggest change is in the non-budgeted expenses in School Tax. It is the best estimation at this time. We anticipate significant increase in the out years.

Questions:

Chair Steven Threefoot pointed out that we are not voting on this budget. It is a document on keeping track of budget items and a budget projection for the next 3 years.

Alton Dahl asked what Jeffrey meant by “prudent reserve” and his use of the words “how to spend it.” That in the past, the prudent reserve was what we thought we would have in the bank at the end of the year. Answer: There is currently no mechanism to access the reserve if we need it. Alton asked about the BWVC. He recalls that when we agreed to take on the BWVC there was discussion at Town Meeting that the people who were going to run the BWVC would generate enough money to run it, however, the Town continues to put money into the BWVC.

Denis O’Regan asked where the projection of \$7,000 for the next 3 years for the BWVC comes from and why it stays at \$7,000 when they spent \$13,000 this year, plus having a \$10,000 Capital Fund. Jeffrey replied that the number for the Referendum comes from the BWVC. The over budget amount this year may be a one-time occurrence. We are still new at having a Town Budget. We have to build some history.

David Michelson - There will probably be under-spending in several budget categories this year so categories that went over budget will be covered. The Town Officers’ authority for spending lies in the Referendum and Budget that was approved by the Village, so there is no mechanism for accessing the Prudent Reserve. The Budget Committee will propose a mechanism in June.

Debbie Theis - When she was on the BWVC Committee the budget was \$3500. At that time they had to ask for an increase because of extra expenses, e.g. new windows. Costs go up.

Alton Dahl - The Board of Assessors does use the Projection Budget when figuring the assessment. They are important numbers. With that said, Jeffrey announced that if the Town has an opinion on the Capital Fund line item, now is the time to voice it.

Lynda Kolski asked what Contingencies are used for. Jeffrey said it was put in the Budget a couple of years ago to account for overruns within committees. Chair Steven Threefoot said that this year, for example, it was used for snow removal. In 2008-2009 \$0 was spent from the contingency fund. The Trustees use to pay the bills. Now we only have authority to spend what is in the Town Budget.

Carl Falco asked if there was no way to access the Prudent Reserve how was the Town able to give the BWVC the extra \$6000. Steven replied that other committees were under budget which made money available.

Larry Walker presented information in the way of history on the contingency fund. In the past when committees went over their budget there was a restrictive procedure for a committee to apply for contingency funds. Larry supports the addition of the Capital Fund line item to the Budget.

Budget Committee Report Accepted.

**12.4 Buzz Ware Village Center Committee** – Warren Rosenkranz

Warren presented the following report:

First I'd like to thank all of the attendees and volunteers of the Beach Blast held last Saturday evening at the Buzz. There was live music, dancing, tremendous food and \$2 Margaritas. We know a good time was had by all.

We, at the Buzz, are proud of our volunteers and their efforts. During the 2009 – 2010 year we estimate our volunteers have worked more than 1850 hours. The Arden committee members and our members from Ardentown and Ardencroft have made a concerted commitment to helping the Buzz grow and make the building a venue of which the Villages can be proud. We especially want to thank Beverley Fleming, our building manger for leading the volunteer list with over 1000 hours. The Buzz has hosted more than 600 individual events during this past year. They add up fast and keep us busy.

During the March Advisory Committee Meeting there seemed to be some concern of an expense overage for capital improvements, mainly the modernization of the Buzz' Air Conditioners. On the table you will find the financial reasoning for our investment in air conditioner condensers and heat pumps. We expect to raise the rental income about 5% annually.

The following information was distributed:

*IF there were NO programs or rentals at the Buzz Ware Village Center and the BWVC was only used as housing for the Village Office and committee meetings.*

*Estimated Annual Expenses*

<i>Custodian w/P/R tax</i>	\$ 7,400
<i>Supplies</i>	\$ 350
<i>Phone</i>	\$ 1,367
<i>Electricity</i>	\$ 2,390
<i>Fuel Oil</i>	\$ 2,600
<i>Water</i>	\$ 251
<i>Alarm Monitoring</i>	\$ 781
<i>Repairs &amp; Maint</i>	\$ 5,985
<i>Total Estimated Basic Expenses</i>	\$21,124
<i>Income from Arden</i>	\$ 7,000

*Annual Estimated Profit or (loss)* \$(14,124)

<i>Estimated Program Income 4/2009-3/2010</i>	\$7,170	
<i>Estimated income without A/C</i>		\$3,370
<i>Estimated Rental Income 4/2009-3/2010</i>	\$13,811	
<i>Estimated Rental Income without A/C</i>		\$8,800
<i>Estimated 2009-2010 gain of income w/ modernized A/C</i>		\$8,811
<i>A/C modernization Expense 2009/2010 (5 yr. warranty)</i>		\$6,653

<i>Est. gain in profit year 1</i>	\$2,458	
<i>Est. gain in profit year 2</i>	\$8,811	
<i>Est. gain in profit year 3</i>	\$9,000	
<i>Est. gain in profit year 4</i>	\$9,400	
<i>Est. gain in profit year 5</i>	\$9,800	
<i>5 yr est. gain as a result of A/C modernization</i>	\$39,469	
<i>Avg. annual Return on Investment (ROI)</i>		124%

#### Questions:

Mike Curtis - We have talked about the BWVC going over budget but we need to keep in mind that when we set the budget we had the Montessori School as a regular rental there and we were having committee meetings in people's homes. He thinks the BWVC is doing an amazing job of being self supportive.

Connee McKinney - Installing the new air conditioner was the reason the BWVC went over budget. That expense was necessary because a renter who brings regular and substantial income to the BWVC complained about the poor AC. The BWVC felt they needed to upgrade the AC in order to keep them.

Denis O'Regan - We need to consider the balance of support that the three Ardens give the BWVC. The Ardencroft and Ardentown contribute \$3800 each. Arden went from a 65% subsidy to a 77% subsidy of the BWVC. We need to reach out to the other two Ardens.

Ruth Bean said her question about how much each Arden contributes, which does not appear on the sheet Warren distributed, was answered. The BWVC is our government building, our civic center. It is well used by committees.

Chair Steven Threefoot urged all standing committees to begin using the Town Office in the BWVC as a repository for Committee records. Records no longer need to be kept in people's houses.

Buzz Ware Village Center Committee Report Accepted

### **12.5 Civic Committee** – Sue Rothrock

The winter storm total for plowing and tree damage was \$13000. Hopefully, we will be receiving some aid from the state for the snow emergency.

The very popular annual Electronics Recycling Day will be held on April 10th from 9AM to 1PM in the parking lot of the Buzz Ware Village Center. The type of electronics that can be recycled will be listed on the bulletin boards. Electronics Recycling day is open to all residents of the three Ardens.

I want to thank George Brocklesby for tilling and seeding the area of the Sherwood Green that was damaged during the Spring Fling. Parking is a problem during inclement weather with all the activities at the Buzz Ware Center and the Gild Hall. This is one of the issues that still need to be addressed between Village of Arden committees, residents and the Gild Hall.

I want to thank all of you who have thanked me for being Chair of Civic for the last eight and half years. It was a lot of work but I feel we accomplished a lot. Many problems that existed for years were resolved and some of the workload was given to new or other committees. There are still many problems to solve and I wish the next Civic Committee the best of luck.

Respectfully submitted, Sue Rothrock, Chair from 9/2001 – 4/2010, Civic/  
Public Works Committee

Questions:

Marianne Cinaglia - The Hagley Museum has an annual Invention Convention which is an opportunity for children to take apart electronic devices to see how they work. Perhaps Arden could donate its collection.

Mary Murphy asked if we get reimbursed when trash is not picked up. Chair Steven Threefoot responded that since the State declared a state of emergency during the snow storm it is unlikely we will get reimbursed, but we will look into it. Steven also asked everyone who volunteered to help Arden clear roads after the storm to please contact him since we will get credit from the State for volunteer time.

Civic Committee Report Accepted

### **12.6 Community Planning Committee – Ray Seigfried**

Ray asked Ruth Bean to report on the Memorial Garden. Ruth said the new wooden sign for the Memorial Garden will be installed on April 1. Clean up day is Saturday, May 1, 9AM-Noon. Sunday, May 2, 10AM-1PM is the rain date. Volunteers are needed. Please bring your garden tools and wheelbarrows. Refreshments will be provided. Also, please remove Christmas decorations from the Memorial Garden as soon as possible.

Ray reported that Danny Schweers continues to update and make improvements to the website. The Committee has identified 10 vacant domiciles and has prepared 5 proposals for dealing with them. There will be two public meetings: Wednesday, April 21 and Wednesday, May 19 at 7:30 PM in the BWVC to present the 5 options. At that time the Committee will listen to community input so that they can come up with the proposal they will present at the June Town Meeting.

Questions:

Larry Walker - Because the PROPERTY MAINTENANCE CODE of New Castle County is not consistent with the traditional standards and practices of Arden Residents, this community should not be held to those standards, and an “Arden Exception” should be made to guide the Code Enforcement Officers on “Property Maintenance Violations. Larry made the following Motion:

MOVED

The Town Assembly of the Village of Arden requests that County Councilman John Cartier introduce legislation to make an “Arden Exception” on Property Maintenance Violations on the following points:

1. Piles of sticks, yard debris, limbs, and other organic materials will not be a violation.
2. The height of grass and weeds on a leasehold will not be a violation.
3. Instant Tickets shall not be issued in the Village of Arden.
4. Motor vehicles, boats, trailers, and other vehicles do not have to be parked on a hardened surface.
5. Only an Arden Resident living adjacent to a leasehold may make a complaint about suspected Property Maintenance Violations to New Castle County about conditions on that adjacent Arden leasehold. Village of Arden Officials may also make complaints about Property Maintenance Violations.

**Point of Order:**

Chair Steven Threefoot responded that the Community Planning report is being presented, and that this Motion should be under New Business. Larry replied that Community Planning reported on this subject at the September Town Meeting but there was no mention at the January Town Meeting.

Steven clarified that there is a Motion on the Floor.

Motion Seconded as presented.

**Discussion:**

Larry Walker - The anonymous calling-in of property violations is misused as harassment and retaliation, that piles of sticks and branches are in practically every Arden yard, that we resist paving because of the runoff it creates, and that Instant Ticketing is seen as revenue enhancement. Currently the County is being taken to Federal Court on Instant Ticketing.

Denis O'Regan moved that we table this Motion until Community Planning can come back to Town Meeting with a well planned Motion on these issues.

Second the Motion to Table the Motion on the Floor.

Passed. Ayes have it.

Ray Seigfried - This subject was brought to Community Planning a year ago. They debated the issues and brought possible actions to the Town Assembly, but there was no consensus on how to proceed. The Committee will take this up one more time, but it is not as simple as it appears to be.

Cecilia Vore asked if the Town Meeting as a whole be considering the Motion, or just Community Planning?

Denis O'Regan moved that we keep the Motion tabled until Community Planning can return to the next Town Assembly addressing the issues of Instant Ticketing and ground conditions in Arden.

Seconded

Call for the Question.

Passed. Ayes have it. Community Planning will address the Motion.

Cecilia Vore asked that Larry's points be the basis for the Community Planning discussion. He has done a good job of reporting something concrete. It is one of the most important issues in Arden.

Lynda Kolski said it sounds like there is a lot more to this Motion than the issue of Instant Ticketing, and that Larry mentioned being taken off the County Code. That is a big issue which requires a lot more discussion Village wide over a period of time. She doesn't think that Community Planning should feel forced to resolve this issue by June.

Community Planning Report Accepted.

**12.7 Forest Committee** – Elizabeth Varley

This is the first reading of the amendments to Ordinance #4. (See Attachment) Elizabeth read the changes which are in italics and underlined. These changes give the Forest Committee responsibility for sections in Ordinance #4 that currently only the Civic Committee holds.

### Questions-

Ed Rohrbach asked why we need to justify a refusal, and that the wording regarding places for fires should be changed to “places and times.”

Rodney Jester said, regarding the removal of wood, he thought the Stewardship Policy was that wood was not to be removed. Answer: It is written that way so that if the Policy changes it doesn't have to be written into the Ordinance.

Larry Walker mentioned a few typing corrections

Terry Colgan said that section 2 and 4 should be stated as “without written permission.” Chair Steven Threefoot mentioned we need to avoid using the word “written” since permission may be given electronically.

Ruth Bean suggested the fine be raised from \$25 to \$50.

Elizabeth noted all suggestions read the following report:

### *Update on drainage problems with our neighbors at Buckingham Greene*

Individual homeowners in BG, owing to the fact that they are draining their roof run-off directly into the woods. (In the case of 26 Weiler's Bend they are running pipes 3-4 feet into the woods.) The original drainage plan specified that these houses direct their runoff to the street in front of their houses so the water would then go to the detention basin built for that purpose. County code specifies that rain spouts must stay five feet within the property line.

In August 2009, Mike Curtis and subsequently, the Forest Committee, was contacted by tree contractors that a homeowner in Buckingham Greene wanted to cut our trees lining his property. This is the same homeowner who had asked for a variance to build closer to the woods in April of 2008. The Forest Committee submitted a letter at that hearing saying we would not oppose the variance if the homeowner took care not to damage tree roots and to correct the flow of his roof run-off. He did not take care about the trees roots: in fact he dug a foundation within the root area of the trees. He did not change the run-off from his roof. The trees directly behind his house have suffered damage to the point that they are risky. The fact that the homeowners extra water damaged the trees is in writing from the State Forester. The Forest Committee offered to let the homeowner take out trees if he would change his roof runoff. He was unwilling to put in ANY kind of system that would help mitigate the effects of the run-off. We took out the risky trees because we would be liable if they fell. The homeowner had a contractor take many large branches off a very nice white oak and disfigured it because the branches were hanging over his house. The situation became unpleasant, but we no longer have any liability. The drainage is still a problem. Marianne Cinaglia has been leading an effort to convince the Department of Land Use to act on the problem. We hope that John Cartier will stand behind his statement that would act to protect the Sherwood Forest. Thus far, we have not seen any action. Awaiting answer to correspondence to the Department of Land Use.

Spring 2010 Woods clean-up is April 24<sup>th</sup>. Come get Coffee and treats at 8:45 and go forth to help clean up the woods. April 10<sup>th</sup> is the Christiana River Clean-up if anyone is interested.

Questions:

Ed Rohrbach asked if the debris from the 2 trees that were taken down around Peter Renzetti's leasehold was going to be cleaned up.

Marianne Cinaglia - It would be nice if someone took a slice from some of the old trees that are being taken down so the Village could learn more about just how old these trees are.

Sue Rothrock - Branches are in the drainage ditch which is actually the storm water runoff ditch that is connected to all the storm water runoff drains around the Green.

Mike Curtis said he was there when Ron's Tree Service cut down the branches that hung over the Buckingham Greene house. Ron would not cut down the leaders, which would mean the death of the oak if he did.

Roger Garrison asked if the old branches and brush left to decay in the woods is a fire hazard. Elizabeth replied that the Committee assesses situations that are potential fire hazard areas. Roger also pointed out that there is a fallen tree across Perkins Run that could create a dam.

Bev Barnett - Assistance with assessing forest fire hazards is available from the State Forestry Department. It was done 10 years ago and at that time it was said that our forest is too wet. However, we have had fires since then.

Forest Committee Report Accepted.

**12.8 Playground Committee** – Larry Walker

Since the last Town Meeting, the one required Playground Equipment Inspection were held, and all equipment was inspected to determine that it was in good order. In addition, all equipment was adult tested for safety. All equipment is in safe condition.

As a reminder to the Town, the fenced in area behind the BWVC, formerly known as the "Tot Lot," has been changed to Community Garden Plots, so the area is no longer a playground area. The swings were removed, and other play equipment removed.

The major project for the past year was to be the renovation of the area under the swings and slide at the "Millers Road" end of the Village Green. Because of unexpected expenses this past year, committees were asked to curtail expenses where possible, so this project was put off until May 2010, which will put the expense in the next Fiscal Year.

Submitted by,

Mary Vernon and Larry Walker, Co-Chairs

Questions – None

Playground Committee Report Accepted.

**12.9 Safety Committee** – Denis O'Regan

We haven't seen any vandalism lately but with nice weather arriving, it can be expected. If you see anything out of the ordinary please report it on the Website's Safety Blog. On April 9-11 someone from the Safety Committee will attend a seminar on HazMat Mitigation.

Questions – None

Safety Committee Report Accepted

**12.10 Registration Committee** – Debbie Theis

The Registration Committee will conduct the annual election of Committees and Officers tonight. Votes will be counted on Wednesday, March 24 in room 1 of the Buzz Ware Village Center at 7pm. The public is invited to attend. Results will be posted on the Village website and bulletin boards.

The Committee will discuss an absentee voting procedure for future March elections when the new Registration Committee convenes in April. We will provide an opportunity for the public to comment on the procedure, and the resulting policy will be presented at the June meeting.

Respectfully submitted,

Cecilia Vore, Chair

Questions:

Marianne Cinaglia Made the following Motion

MOVED

That the Registration Committee, as they write the absentee ballot policy, consider methods of increasing participation in elections that reflect contemporary life of all residents, young, medium, and retired, and make concerted effort to introduce candidates to residents.

Seconded

Discussion-

Marianne Cinaglia - It would be a good if the policy for Absentee Voting reflects contemporary life, e.g. working parents, child care, and traveling retirees, and that the Town Meeting Minutes should be posted immediately instead of being distributed one week before the meeting.

Chair Steven Threefoot made a Point of Order. The Town Meeting Minutes are posted on the official website as soon as they are ready.

Cecilia thanked Marianne and pointed out that the Registration Committee is charged with conducting elections and getting out the vote for the Referendum. The Advisory Committee gets the slate of candidates. The Registration Committee does accommodate families with working parents and small children. Voters can come and go at any point during Town Meeting. Regarding the Motion on the Floor, the Registration Committee will do all they can, but only what is within the purview of their job.

Call for the Question

The Secretary read the Motion as presented.

Passed. Ayes have it.

Call for Hand Count. Those in favor – 24. Those opposed – 10

Registration Committee Report Accepted.

### **13.0 OLD BUSINESS** – None

### **14.0 NEW BUSINESS**

#### **14.1 2123 The Highway**

Lighthouse Poet, Bonnie Phillips, announced that work crews destroyed a hedge on her property. It had been planted by her father many years ago. She made the following Motion:

MOVED

Whenever there is a crew employed by Arden to do work on a leasehold, they should first inform the individual leaseholder and get permission.

Discussion:

Bonnie Phillips said, at considerable expense, she had a survey done and the hedge was on her property. It was removed to make a parking lot. Cars are valued over people.

Connee McKinney asked if, in cases like this, a letter could be sent to the leaseholder, before a work crew arrives, to inform them that work is going to be done.

Chair Steven Threefoot - Connee is suggesting that the word “permission” in the Motion, be changed to “notification.” Is there a Second to that amendment?

Mike Curtis - The Trustees need to step in if someone comes onto a leasehold and does something to the property.

Lynda Kolski – It should be a policy that leaseholders are notified before the Town does work on a leasehold.

Chair Steven Threefoot – The Town does not do work on leaseholds.

Mike Curtis asked if anyone present knew about this situation and why it happened.

No one from the Civic Committee was present to reply. Mike asked if the Motion could be tabled until the next meeting so that we can find out what this is all about.

Seconded

Passed. Ayes have it.

#### **14.2 Town Meeting Refreshments**

Warren Rosenkranz suggested that whoever does Town Meeting refreshment please use compostable cups and plates.

#### **14.3 Solar Panels**

Warren Rosenkranz – The G3 and BWVC Committee placed a notice in *The Page* endorsing the purchase of Solar Panels with the ARRA (*American Recovery and Reinvestment Act*) Stimulus money that Arden will receive from the State. He asks that those responsible for making a decision keep the Village apprised of how the stimulus process is coming along.

Chair Steven Threefoot – The State is still in the process of bringing in a contractor to administer the fund and establish the rules. All three Ardens have their numbers in the system. He cannot explain why it is taking so long, but the State does apologize every time he asks. It will be posted on the Arden website as soon as information is available.

**15.0 Good & Welfare** – None

**16.0 Meeting Adjourned** - 10:30 PM

Respectfully submitted,

Elaine Hickey  
Secretary  
Village of Arden

To save postage, Arden Minutes & Agenda Items are addressed to one member of each household. If you do not wish to share this information among those residing at your leasehold, please contact [registration@theardens.com](mailto:registration@theardens.com) and we will arrange separate mailings.

# Attachments

	<u>FEB 24, 10</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
ARDEN BUILDING & LOAN - TRUSTEE	173,978.88
TRUSTEES - WILMINGTON TRUST	44,997.56
VANGUARD	
Fund 11 Trust Bequest	1.29
Fund 32 Trust Bequest	69,486.75
FUND 33	4,423.40
Fund 49 Trust Bequest	69,496.21
Fund 30 Trust Bequest	81,249.24
Total VANGUARD	<u>224,656.89</u>
Total Checking/Savings	<u>443,633.33</u>
Accounts Receivable	
LAND RENT RECEIVABLE	<u>-35,497.42</u>
Total Accounts Receivable	<u>-35,497.42</u>
Total Current Assets	408,135.91
Other Assets	
Due From Village of Arden	<u>1,449.13</u>
Total Other Assets	<u>1,449.13</u>
<b>TOTAL CURRENT ASSETS</b>	<b>409,586.33</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Deferred Revenue - Grants	2,594.31
Due to Village of Arden	<u>100.00</u>
Total Other Current Liabilities	<u>2,694.31</u>
Total Current Liabilities	<u>2,694.31</u>
Total Liabilities	2,694.31
Equity	
Fund Bal Sherwood Forest Annex	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	535,343.76
Total Equity	<u>6,308,789.17</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>6,311,483.48</u></b>

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

	<u>FEB 24, 10</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Gains/Losses	-1261.89
Interest - Trustees Cking Acct	141.28
<b>INVESTMENT INCOME</b>	11,331.32
<b>LAND RENT</b>	516,401.26
<b>LAND RENT FINANCE CHARGE</b>	1,082.92
<b>MEADOW LANE ACCESS</b>	700.40
Uncategorized Income	0.03
<b>Total Inome</b>	<u>528,395.32</u>
<b>Expense</b>	
Loan Payable	1,993.08
Office Supplies	163.52
<b>TAXES</b>	376,452.54
<b>VILLAGE ADMINISTRATIVE EXP.</b>	1,518.75
Village of Arden	<u>194,524.60</u>
<b>TRUSTEE ADMINISTRATIVE</b>	
Auditing	6,860.00
Fees/Operation	7,099.67
Insurance	9,759.05
Legal	2,829.50
Payroll	7,396.52
Trustee Administrative	<u>33,944.74</u>
<b>Total Expense</b>	<u>608,597.23</u>
<b>Net   Net Ordinary Income</b>	<u>-80,201.91</u>
	<u><u>-80,201.91</u></u>

Trustee: Mike Curtis

Admin. Asst.: Judith McNeil

**Village of Arden**  
**Statement of Financial Position**  
**As of February 28, 2010**

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

1000 · TD Bank Operating Account	6,749	General operating
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1005 - ING Direct	50,001	General operating
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<b>Total Checking/Savings - Village Funds</b>	<u>56,750</u>	
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1010 · TD Bank MSA Checking Account	<u>128</u>	Municipal Street Aid
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1004 · 2 CD's - Firsttrust Bank	219,224	Schroeder Bequest
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1020 · Wilmington Trust 2943-0071	<u>174,792</u>	Schroeder Bequest
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<b>Total Schroeder Bequest</b>	<u>394,016</u>	
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1030 · Arden Building & Loan	<u>11,671</u>	Hamburger Lecture Series
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**Other Current Assets**

1100 · Due From Trustees of Arden	<u>541</u>	
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<b>Total Other Current Assets</b>	<u>541</u>	
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<b>Total Current Assets</b>	<u>463,107</u>	
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<b>TOTAL ASSETS</b>	<u><u>463,107</u></u>	
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**LIABILITIES & EQUITY****Liabilities****Current Liabilities****Accounts Payable**

2000 · Accounts Payable	<u>4,853</u>	
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<b>Total Accounts Payable</b>	<u>4,853</u>	
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**Other Current Liabilities**

2010 · Payroll Liabilities	459	
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2100 · Due To Trustees of Arden	<u>1,287</u>	
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<b>Total Other Current Liabilities</b>	<u>1,746</u>	
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<b>Total Current Liabilities</b>	<u>6,599</u>	
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<b>Total Liabilities</b>	<u>6,599</u>	
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**Equity**

<b>Total Equity</b>	<u>456,508</u>	(Schroeder Bequest = \$394,016)
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<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>463,107</u></u>	
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**Village  
Statement of  
April 2009 thr**

	BuzzWare			G-3
	Apr 09 - Feb 10	Budget	% to Budget	Apr 09 - F
<b>Revenue</b>				
4310 · Donations	4,032.00	3,500.00	115.20%	
4100 · Program Revenue	5,996.00	3,550.00	168.90%	
4300 · MSA Grant	0.00	0.00		
4400 · Rentals	14,349.00	19,500.00	73.58%	
4510 · Franchise Fee Receipts	0.00	0.00		
4300 · Bequests	0.00	0.00		
4300 · Interest Income	0.00	0.00		
<b>Total Revenue</b>	<b>24,377.00</b>	<b>26,550.00</b>	<b>91.82%</b>	
<b>Expenses</b>				
6300 · Payroll	10,178.00	7,800.00	130.49%	
6310 · Payroll Taxes	1,115.01	1,170.00	95.30%	
6300 · Administrative Expenses	121.57	420.00	28.95%	
6310 · Janitorial Supplies	724.79	0.00		
6320 · Printing Expenses	0.00	0.00		
6330 · Postage	17.60	0.00		
6500 · Equipment Purchases	261.72	0.00		
6900 · Audit,Bkping,PR Expenses	219.87	0.00		
7310 · Gild Hall Rental	0.00	0.00		
7320 · Telephone	1,151.40	528.00	218.07%	
7330 · Electricity	2,399.81	3,600.00	66.66%	
7340 · Oil	5,062.09	4,800.00	105.46%	
7350 · Water	250.74	240.00	104.48%	
7370 · Alarm Monitoring	586.35	0.00		
7500 · Renovations	5,191.01	2,500.00	207.64%	2,6
7500 · Repairs & Maintenance	3,284.27	2,025.00	162.19%	2
8000 · Program Expenses	1,816.16	2,600.00	69.85%	1
8310 · Contributions & Donations	0.00	0.00		
8330 · Trash Service	0.00	0.00		
8340 · Tree Service	0.00	0.00		
8350 · Road Maintenance	0.00	0.00		
8360 · Ground Maintenance (mowing, etc	0.00	0.00		
9300 · Debt Service	0.00	0.00		
<b>Total Expense</b>	<b>32,370.39</b>	<b>25,683.00</b>	<b>126.04%</b>	<b>3,</b>
4399 · Carried forward funds	0.00			<b>3,</b>
<b>Surplus (deficit)</b>	<b>(7,993.39)</b>	<b>867.00</b>	<b>-34.22%</b>	



**Village of Arden**  
**Statement of Financial Activity**  
**April 2009 through February 2010**

	Apr '09 - Feb '10	Budget	% to Budget
<b>Revenue</b>			
4010 - Donations	262	-	
4200 - Grants	14,480	-	
4400 - Rentals	50	-	
4510 - Franchise Fee Receipts	12,939	7,382	175.28%
4900 - Interest Income	708	4,250	16.67%
<b>Total Revenue</b>	<b>28,440</b>	<b>11,632</b>	<b>244.49%</b>
<b>Expenses</b>			
6000 - Payroll & Payroll Taxes	5,375	6,052	88.81%
6300 - Administrative Expenses	8,145	10,000	81.45%
6900 - Audit, Bkping, PR Expenses	1,569	5,450	28.80%
7010 - Gild Hall Rental	-	1,300	0.00%
7500 - Renovations	12,221	13,000	94.01%
7600 - Repairs & Maintenance	3,445	3,000	114.83%
8000 - Committee Expenses	29,864	53,790	55.52%
8010 - Contributions & Donations	5,300	5,300	100.00%
8030 - Trash Service	48,407	48,000	100.85%
8070 - Snow Plowing	10,970	3,000	365.67%
9000 - Debt Service	9,374	16,176	57.95%
<b>Total Expense</b>	<b>134,971</b>	<b>165,068</b>	<b>81.59%</b>
Transferred from Trustees	159,606	153,436	
<b>Surplus (deficit)</b>	<b>53,375</b>	<b>-</b>	

Arden Town Assembly  
March 2010  
Three Year Budget Look ahead

		2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
	NOTE	Actual	Appropriated	Appropriated	Forecast	Forecast	Forecast
<b>BUDGET EXPENSES</b>							
Advisory		139	300	300	300	300	300
Archives	2	620	1,440	1,440	1,440	1,440	1,440
Assessors	2	0	50	50	50	50	50
Buzz Ware Village Center Subsidy	8	8,036	7,000	7,000	7,480	7,353	8,963
Capital Fund	9				10,000	10,000	10,000
Civic Committee							
Roads, Commons, Snow plowing		36,272	42,000	50,000	50,000	50,000	50,000
Community Planning	2	0	1,000	1,000	1,000	1,000	1,000
Forests		1,622	5,000	8,000	5,000	5,000	5,000
Playground	2	2,705	3,000	3,000	3,000	3,000	3,000
Registration		0	1,000	1,000	1,000	1,000	1,000
Safety Committee							
Safety - General		0	1,000	1,000	1,000	1,000	1,000
Harvey Road Speed Enforcement		0	1,000	1,000	1,000	1,000	1,000
Donations							
ACRA		1,500	1,500	1,500	1,500	1,500	1,500
Arden Page		1,500	1,500	1,500	1,500	1,500	1,500
Arden Library		600	700	700	700	700	700
Fire Companies		1,450	1,600	1,600	1,600	1,600	1,600
Gild Hall Rental		1,300	1,300	1,300	0	0	0
Contingencies		0	8,000	9,500	10,000	10,000	10,000
<b>SUBTOTAL BUDGET EXPENSES</b>		<b>55,744</b>	<b>77,390</b>	<b>89,890</b>	<b>96,570</b>	<b>96,443</b>	<b>98,053</b>
<b>TOTAL TOWN EXPENSES</b>		<b>143,897</b>	<b>172,882</b>	<b>190,000</b>	<b>198,435</b>	<b>200,093</b>	<b>203,533</b>
<b>TOTAL TRUSTEE &amp; TOWN EXPENSES</b>		<b>529,783</b>	<b>585,670</b>	<b>624,056</b>	<b>661,511</b>	<b>697,254</b>	<b>738,495</b>

Arden Town Assembly  
March 2010  
Three Year  
Budget Look ahead

		2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
	NOTE	Actual	Appropriated	Appropriated	Forecast	Forecast	Forecast
<b>TRUSTEE'S NON-BUDGET EXPENSES</b>							
Property Taxes							
County (Property + Crossing Guard)	1	71,012	74,900	99,239	108,625	120,085	132,754
School (Brandywine + Votech)	1	279,698	290,288	297,217	318,151	339,676	363,208
Trustees Administration (Details below)	3	35,176	47,600	37,600	36,300	37,400	39,000
Audit		5,900	6,000	3,000	3,100	3,200	3,300
Insurance		9,782	11,500	12,000	12,500	13,000	13,200
Professional-Legal		2,174	3,000	3,000	3,300	3,500	3,700
Professional-Engineering/Misc			5,000	5,000	5,500	5,700	6,000
Professional-Bookkeeping		5,674	10,900	5,000	3,200	3,000	3,500
Office Rent		2,436	2,600	0	0	0	0
Payroll Taxes		2,130	1,100	2,000	1,000	1,100	1,200
Salaries		7,080	7,500	7,600	7,700	7,900	8,100
<b>SUBTOTAL TRUSTEE'S NON-BUDGET EXPENSE</b>		<b>385,886</b>	<b>412,788</b>	<b>434,056</b>	<b>463,076</b>	<b>497,161</b>	<b>534,962</b>
<b>TOWN NON-BUDGET EXPENSES</b>							
Trash & Special Pickup	4	45,043	48,000	58,100	61,005	62,530	64,093
Audit				4,000	4,500	4,635	4,774
Professional-Legal				3,000	3,000	3,000	3,000
Professional-Bookkeeping	5			2,400	0	0	0
Long Term Debt(Sherwood Forest)		16,176	16,176	16,176	16,176	16,176	16,176
State Aid and Grants	6						
Community Transportation Grant		0	0	0	0	0	0
Municipal Street Aid		21,414	13,264	0	0	0	0
Trails Renewal Grant		0	0	0	0	0	0
Buzz Ware Village Center Expenses	7		37,030	33,802	35,480	37,153	38,963
Buzz Ware Estimated Offsetting Income	7		-24,034	-26,371	-28,000	-29,800	-30,000
Buzz Ware Town Assembly Subsidy	7		-12,996	-7,431	-7,480	-7,353	-8,963
Town Expenses	10						
Secretary		5,520	5,252	5,252	5,252	5,252	5,252
Treasurer		0	0	5,252	5,252	5,252	5,252
Town Payroll Taxes		0	800	1,680	1,680	1,680	1,680
Town Administrative Expenses		0	4,000	4,250	5,000	5,125	5,253
Office Construction		0	8,000	0	0	0	0
<b>SUBTOTAL TOWN NON-BUDGET EXPENSES</b>		<b>88,153</b>	<b>95,492</b>	<b>100,110</b>	<b>101,865</b>	<b>103,650</b>	<b>105,480</b>

### Notes to March 2010 3YR Projections

#### Note 1- School & County Taxes, Brandywine School District

Our school board representative (Patricia Hearn) has confirmed that there are no plans for a referendum that would take effect for YE 2011. However it is unknown how the State budget crisis will eventually affect the BSD budget. Therefore, we are assuming no rate increase in the Current Expense portion of the BSD budget for YE 2011, a 15% rise for YE 2012 & a 10% increase thereafter for years ending 2013 & 2014. The overall BSD expected increases are 7.58% for YE 2012, 5.93% for 2013 & 6.09% for 2014

BSD tax components: (all figures are per hundred dollars assessed valuation)

Current Brandywine expense Increases 15% for YE 2012

Temporary rate for athletic fields Decreases per referendum to 0 in 2012

Safety, security, energy & maintenance Holds at .0330 through 2012

Current County expense Fixed by statute at .4680

Debt Service tax Estimated to rise at .05 per year

Tuition tax Estimated to rise at .05 per year

Minor Capital improvement tax Estimated to rise at .02 per year

Technology tax Fixed by statute at .0145

Votech Taxes - The Votech rate is not subject to a referendum. Fortunately, this rate is not a huge component in our taxes. The rate remained stable for about three years, then jumped forty percent for YE 2008. We estimate a 10% per annum rise in this rate.

#### County Taxes & Crossing Guard

Thereafter we estimate a 10% increase each year through YE 2014

#### Total Assessed Arden Property Value

For projections, we use the assumption that the total assessed value of Arden will rise 1/2 of one percent each year.

Note 2- Denotes that budget amounts are set by the budget committee.

Note 3- Trustees administration costs are not expected to vary greatly from their YE 2011 levels.

Note 4- Trash pickup is figured to rise at 5% over the next three years

Note 5- The need for professional bookkeeping has been eliminated. Town budgets for Audit & Legal expenses are new items for Town Nonbudget items as of YE 2011

Note 6- Grants & Municipal Street Aid are not expected to be received.

Note 7- The Buzz Ware Village Center line items for Expenses, expected offsetting income & the amount of Town subsidy necessary to meet expenses are new to the three year look ahead.

Because this format is new, the figures for YE 2010 & 2011 are not what was appropriated (budgeted) as in the cases of the other expenses in the remaining report, but what were recently supplied by the BWVC committee treasurer. We usually do not list income in this report, but are doing so in the case of the BWVC for a clearer picture of the potential costs of maintaining the BWVC. The three line items with note # 7 are the net picture of BWVC finances.

Note 8- The subsidy for the BWVC will continue. This item is listed under Budget expenses for clarity, but will be moved to non-budget expenses for the referendum.

Note 9- A new line item for the Capital Fund is proposed by the Budget Committee to cover necessary renovations for the BWVC and other town needs that should fall outside of the prudent reserve.

Note 10- Town expenses for Secretary, Treasurer, Office construction, & Administrative are moved to the Non\_budget expenses.

Town Budget Expenses for the next three years are expected to hold at YE 2011 levels.

## VILLAGE OF ARDEN ORDINANCE #4

Use of the Commons *and Forests*

*Adopted by the Town Assembly March 22, 2010. Underlined text replaces Ordinance #4 adopted July 1973.*

Section 1. Purpose. The residents of Arden wish to preserve the community forests, greens and other commons for the enjoyment of themselves and their invited guests. It shall be unlawful for any person to commit any of the following acts.

Section 2. No person or group shall sleep or camp overnight on the greens or other commons in Arden. No person or group shall sleep or camp overnight in the forest without written permission from the Chairman of the Forest Committee or his/her designates. If permission is not granted, the reason for the refusal shall be made in writing to the applicant.

Section 3. No person shall litter the commons of Arden. Littering of any kind in the woods, streams or commons is prohibited. "Litter" includes but is not limited to cans, paper, building material, etc., and shall also include organic material such as piles of leaves, hedge clippings and Christmas trees.

Section 4. Open fires shall not be permitted on the greens and forests except at places designated by the Civic or Forest Committee. However, no fires shall be permitted at times the State Fire Marshal proclaims a ban on outdoor fires.

Section 5. No person shall fell a standing tree (dead or living) in the forests or common lands without possessing authorization from the Civic or Forest Committee. Removal of wood from fallen trees in the forests shall be restricted to residents of Arden and subject to the current Forest Stewardship Policy.

Section 6. No person shall damage or destroy recreational equipment or benches on the commons of Arden.

Section 7. No person shall drive a motor vehicle on the greens, forests or pedestrian paths of Arden except in parking areas designated by the Civic or Forest Committee.

Section 8. The Civic Committee shall establish rules for the use of commons including, but not restricted to, consumption of alcoholic beverages, use of recreational equipment, and requests for exclusive use of a specific area. The rules are to be posted at several places in the Village. The rules will take effect and can be changed after a majority vote of the Town Assembly. Violation of the rules shall be considered a violation of this ordinance.

Section 9. Violation of this ordinance shall be punishable by a fine of not less \$25 nor exceeding \$100. Each instance of violation shall be considered a separate offense.

Section 8. Any party who violates this ordinance and/or refuses to remove litter or repair damage in a timely manner shall be subject to a fine of \$50 and costs of the clean-up.