

# **Advisory Meeting Minutes As of January 2, 2017**

**Attendance:** Jeff Politis, Steven Threefoot, Gary Quinton, Al Marks, Ed Rohrbach, Ray Seigfried, Carol Larson, Cookie Ohlson, Cecilia Vore, Mike Curtis, Jim Laurino, Lisa Mullinax, David Michelson, Elizabeth Varley, Walter Borders and Carl Falco

Public Notice

Village of Arden Advisory Committee Meeting

7:30 PM at BWVC

Monday, January 2, 2017

## **AGENDA**

### **PUBLIC SESSION**

Acceptance of September Minutes

### **ITEMS for JANUARY TOWN MEETING AGENDA**

#### **Officers' Report**

#### **Trustees Report**

#### **Committee Reports**

Individual Committee Elections (any openings for January?)  
Committee Issues – planned discussion topics at Town Meeting  
Expected Motions, resolutions, etc.  
March Election Slates

#### **Old business items (?)**

#### **New business items (expected)**

Agenda order  
Refreshments

### **Committee Round Table Discussion**

Trustees

Officers

Sunshine Law – Committee Responsibilities  
Updating “Act to Reincorporate”

Committees

Guests

## **Adjournment**

## **Public Session**

**Call to Order** - Chair Jeffrey Politis, called meeting to order at 7:35 P.M.

**Approval of Minutes** - September 2016 Advisory Minutes approved as presented.

**Advisory Meeting Minutes  
As of January 2, 2017**

**ITEMS for JANUARY TOWN MEETING AGENDA**

**Officers' Report**

**Trustees Report**

**Town Chair's Communication Report - Chair Jeffrey Politis**

The Town received a FOIA complaint which was resolved with Town lawyer. Jeff started a dialogue with the Department of Justice to find out what were the requirements for Arden.

Steven - The Village of Arden is a direct democracy which is different from other communities. In other words, everyone has the opportunity to go to the final decision making meeting. This holds for everyone except Assessors and Trustees, who have this other kind of relationship as far as Sunshine Laws.

Jeff - There are certain rules that we have to follow like announcing meetings and keeping minutes. Sometimes we are lax. Because we are a direct democracy and not a representative government, we need to better understand how FOIA applies to Arden. Bottom line, FOIA means for Arden we might not need all the same documentation at the Committee level but it may put more emphasis on your committee reports. Make sure you are announcing your meetings a week ahead of time, documenting your meetings discussion points and posting your minutes. Whenever you have a subsidence discussion that leads to a decision at the Committee level, document that discussion. It does not have to be verbatim. The point is to capture who was saying what and what was the general path. At our retreat, we will discuss further. Community Planning has a check list and they can reissue it.

## **Advisory Meeting Minutes As of January 2, 2017**

**Visitors** – Foresite Association will present final drawings and plans for Bucking Green, Arden Sherwood forest and stream restoration final drawings and plans.

### **Individual Committee Elections (any openings for January?)**

#### **March Election Slates**

**Advisory Committee Report** - Steven Threefoot

Will present slate of ballots:

Chair - Jeffrey Politis

Treasurer - is not up this year

Village Secretary - Liz Resko

Advisory Chair - Steven Threefoot will not run. Need to find someone.

Forest - Katrina Streiff would not have been up for reelection until next March.

Two choices:

- 1) One is to include that position in the March election but three people are elected for two years and fourth person is elected for one year. However, if you do that, you will need two candidates for that position.
- 2) The other thing you can do is, if you have someone who is willing to complete that term, you can nominate that person at the January meeting and they will be approved by the Town Meeting to fulfill the term of Katrina and we will call for nominations from the floor anyone else who would be interested in running. However, if that situation were to occur before the March meeting, no one would have that option anymore. We are not having an election where we are both approving someone to fulfill a position and also having an election of two candidates. Steven: That vacancy occurs between January meeting and the March meeting and just rolls into the March meeting.

## **Advisory Meeting Minutes As of January 2, 2017**

Playground - AJ moved out of town. His term is up in March. On playground, you have two members. Presently there is no quorum for the Playground Committee. At least get one person to serve until March or, if you are filling Katrina's spot, it could be a year from March.

Cecilia asked that when you are asking candidates to run for office she hopes that no one in here is saying please let me just have your name down and you probably will not get elected. This statement implies that you are not very important. You might say if you are elected, we need you on our committee. It also does not build for the future of getting participation in our committees.

By January we need almost a full slate. So in the next few days please address this.

Safety Committee - Al Marks officially resigned at this Advisory Meeting.

Cecilia asked if there are any candidates, contact her.

Announcement of candidates will be part of Advisory Report.

### **Treasurer Report** - David Michelson

No special items to report

**Trustee Report** - Mike Curtis received three calls from people who wanted to get their extra charge for an additional domicile because they were not renting anymore. He reviewed the county criterion which says anyone can do it if they are the owner of the parcel and live in the house, they can have an extra. But it also says 1.2% of county will be allowed to do it because it is a pilot and it has been going since 2012. We need to check with county and if that is the case, we would eliminate 11 of extra domiciles and reduce the federal land rent by \$7,600 for this coming year.

Steven: We will talk to lawyer because this is a different category; these parcels cannot be removed by the county. They are inherent to the land/lease and not to the county's program. It's a special privilege.

## **Advisory Meeting Minutes As of January 2, 2017**

Carl Falco - They were giving a certificate of nonconformity.

Mike - We are only talking about one year. It is the Trustees call because they manage the spreadsheet.

Jeff - It sounds like you are basing your decision on what the county did rather than what the Village of Arden did. Jeff wants to make sure you look at the ordinance that was set up.

Carl Falco - In 2012 the county changed the rules and now the county says anyone can do this.

Jim Laurino - If you take them off the list, does that mean they lose the special privilege forever? Elizabeth Varley – No, just saying it is not unique and you have to pay something extra for it because anyone can do it.

Mike - The question is: Does it increase the rental value of the land under the house?

Gary Quinton – Speaking from Assessors, when we did the assessment we used the spreadsheet. If we were to zero everything, and then arbitrarily change one of the rates, we would collect rent (that I may as well just not have had any of the Assessment meetings) and just decide on the land rent because I would be working with no data. When there is a change in the number of units that we are assessing, (this is a prior assessment. We were collecting in March and it is going to be \$8,000 less, based on a change on a spreadsheet that the assessors gave in a report in June.) now we have a difference between the use of the spreadsheet and the way the assessment was done.

Steven asks Gary to go forward and get the calendar information and we will have more discussion about this. Steven disagrees that they are exactly the same.

Mike - It would have been better if this was done before the June meeting.

## **Advisory Meeting Minutes As of January 2, 2017**

Carl Falco - Wanted to remind everyone that this started because three leaseholders ask how do they get rid of this? They don't rent it and they don't want it anymore.

Steven - they can give it up and they can pay the legal cost to remove it. It was about \$5,000 to \$10,000 per leasehold that we avoided, people who wanted to have extra leaseholds on their property. To undo it there is going to be a cost.

### **After the Advisory Meeting, January 3, Mike sent email to all board member on ADU additions as follows:**

From: Mike Curtis <[mikecurtisarden@icloud.com](mailto:mikecurtisarden@icloud.com)>  
Subject: ADU additions  
Date: January 3, 2017 at 11:35:38 AM EST  
To: Carl Falco <[scfalco@comcast.net](mailto:scfalco@comcast.net)>, Trustees of Arden Arden <[trustees.of.arden@gmail.com](mailto:trustees.of.arden@gmail.com)>, Elizabeth Varley <[evlw@earthlink.net](mailto:evlw@earthlink.net)>, Advisory Chair <[Advisory@Arden.Delaware.gov](mailto:Advisory@Arden.Delaware.gov)>, Ray Siegfried <[communityplanning@theardens.com](mailto:communityplanning@theardens.com)>, Gary Quinton <[geg44@hotmail.com](mailto:geg44@hotmail.com)>

Good Morning Carl, Elizabeth, and Julie, Steve, Ray, and Gary:

I just got off the phone with Shane Bailey from New Castle County Land Use Department.

He said that the point two percent (.2%) of New Castle County parcels, including the Ardens, have already been established with ADUs. Therefore, no additional ADUs may be added in Arden at this time.

There has been legislation introduced into the county that would increase the number from two hundred to four hundred. However, it has not been voted on.

So, in conclusion, those who presently have the privilege of maintaining an ADU within their owner occupied home in Arden, do indeed have an extra privilege, which increases the value of the land under their house.

Mike Curtis

**Board of Assessors - Denis O'Regan - Absent**

### **Committee Reports Committee Issues – planned discussion topics at Town Meeting Expected Motions, resolutions, etc.**

Steven – Provides Discussion Guidelines

The following discussion is not about everything you are going to be talking about in your report. It is about if you are going to bring up a motion or are you going to bring

## **Advisory Meeting Minutes As of January 2, 2017**

up anything that is likely to be a long discussion that we may want to specify a time period for. This is around how do we organize a meeting to make it go as smoothly as possible and with as little controversy as possible. If you know of anything that might be coming outside of your committee, bring that up. It is nice to have that information so we can talk to it.

### **Committee Reports**

**Safety** - Brooke Bovard - Absent

**Registration** - Cecilia Vore

Report on referendum that was held in November.

**Playground** - Jim Laurino

No issues. Mulch on Sherwood Green not big enough. Needs to be a foot and a half deep.

**Forest** - Carol Larson

A visitor will be at the beginning of meeting. Forsite Association is the guest who will talk about the final drawing and plans for Buckingham Green Restoration.

Forest Committee would like to put in a permaculture grove with edible plants in garden grove for Katrina. She liked the edible. There is a little slice of land between Heidi Hoegger's house and Ardencroft. It would be an announcement to encourage anybody who wants to help. Do we want to make it more formal to honor Katrina?

**Community Planning** - Ray Siegfried

Updates on current Ordinance and Special Project

He turned in 6 candidates for his committee for March

Memorial Gardens

**Civic** - Al Marks, Ed Rohrbach

Nothing specific to report. Routine report.

**BWVC** - Walter Borders, Denis O'Regan

**Advisory Meeting Minutes  
As of January 2, 2017**

Nothing specific to report.

**Budget - Gary Quinton**

3 members' slots, need six nominees. Don't need for January. Gary will not be running again.

Also, will present 3 yr. ahead in March

**Audit - Helen "Cookie" Ohlson**

Meeting scheduled for January 18.

**Refreshments – Community Planning**

**Reports Order:** Descending order

**Committee Round Table Discussion**

**Trustees  
Officers**

**Sunshine Law – Committee Responsibilities  
Updating "Act to Reincorporate"**

Align the Act to Incorporate with the state laws and changes and potentially updating it. If we annex the Avery Property, then we would also update land demarcation. We will check with lawyer to make sure by-laws are in alignment with state laws.

1. Update Act of Incorporation with residency piece.
2. Set up Village limits to include Avery Property. We own it but it is not governed by the municipality; it is governed by the county. Annexation of that is important so that it falls within the rules of Arden as opposed to New Castle County. Do we want to annex and have the property part of the Village? And governed by our rule?
3. The Act of Incorporation says that all motions pass by majority. That allows anybody at any Town Meeting simply to overturn anything that goes on. Robert's



## **Advisory Meeting Minutes As of January 2, 2017**

Rules calls for 2/3<sup>rd</sup> majority on reversing a motion that is not announced prior to. In other words, if it is announced, then it is still majority by Robert's Rules (so it is in the Agenda). If it is not announced, and someone comes in and says they do not like the motion that was passed back then, I make a motion to reverse it. By Act of Incorporation, it's a majority of Town Assembly whether it's announced or not. By Robert's Rules it is a 2/3<sup>rd</sup> vote.

Steven - It keeps a relatively small group of people coming in and having one issue that they want to overturn without it being part of the agenda. Bring it up under New Business.

Jeff - It does not mean you cannot overturn it. You can come to Advisory and state you are going to be making a motion, it is now announced and it is now a majority.

Jeff - Understanding The Act of Incorporation is the governing document. We run the Town Meeting by Robert's Rules or however we want to do it. Because the majority is written in the Act of Incorporation, whatever rule we create in the Town Assembly is superseded by The Act of Incorporation. Can't change that in a town vote. Jeff will verify this.

Steven - Those are the By-Laws.

Ray believes this is Community Planning area of responsibility. Need to go through the Act of Incorporation and identify things that need to be cleaned up or potentially represent something that would be a modification. How do we go about changing, updating and setting up a way to review Act of Incorporation to make Town Assembly work better?

### **Mill Road Flood Zone**

## **Advisory Meeting Minutes As of January 2, 2017**

The house being built on 5 Mill Race Rd at the boundary of the Arden Woods has been legal with appropriate permits and has obtained a letter to change flood zone (Survey Stamped Drawings). Arden discovered that the owner's plans (Survey Stamped Drawings) were approximately three feet higher than the County's plan and informed the county about this difference because of concerns that the lots in time will flood. After discussions with owner, the owner realizes he will have a problem with FEMA and now all he wants to do is to recoup his investment. Based on this, Jeff presented the question whether the Village of Arden would be interested in purchasing this land (which would eliminate building 4 houses on this land) and making it part of the Woodlands? It would add a buffer area to protect our forest lands. It would provide a boundary and protection for the creek.

Carl Falco - Will the county relook at this permit?

Jeff - They may but at this point the county has not gotten back to the Village. We have a choice to send our findings to FEMA and seeing the difference, they may reverse. That is the risk that the owner is concerned with. Carl Falco feels that we have a moral obligation to inform FEMA that we are in possession of the maps that differ from county.

Costs? He purchased it as a distressed property (1.5 acres) at \$90,000. Plus, he would want to recoup other costs like survey, grading in which those costs are unknown. Approximately total \$120,000.

Elizabeth Varley – At first, she suggested: At the very least keep talking to the owner. If not, an outright offer. Then she changed her mind and suggested that an offer should be made.

The group would like to pursue this and request more information.

**Unofficial lane/streets in Arden.**

**Advisory Meeting Minutes  
As of January 2, 2017**

Al Marks – Civic Committee is looking at the Fire Lane path that runs back to a cottage and making it a street. They are concerned about the setbacks if they made it an official street. The other one we call “Cottage Lane” that runs behind the sub shop. Their address is Sherwood right now. Steven – suggest for Civic to work with Jeffrey to see what is listed on the street as mileage. It might be a street but not the lane.

Motion to Adjourn 9:25 P.M.

Respectfully Submitted,

Elizabeth Resko

Village Town Secretary