

## **Advisory Meeting Minutes As of September 6, 2016**

**Attendance:** Jeff Politis, Steven Threefoot, Gary Quinton, Al Marks, Ed Rohrbach, Ray Seigfried, Brooke Bovard, Denis O'Regan, Carol Larson, Cookie Ohlson, Cecilia Vore, Mike Cutis, Jim Laurino, Lisa Mullinax, David Michelson and Elizabeth Varley and Katrina Streiff.

Guests: Bill Theis, Walter Borders

Advisory Chair, Steven Threefoot, called meeting to order at 7:31 P.M.

Public Notice

Village of Arden Advisory Committee Meeting

7:30 PM at BWVC

Tuesday, September 6, 2016

### **AGENDA**

#### **PUBLIC SESSION**

Acceptance of June Minutes

#### **ITEMS for September TOWN MEETING AGENDA**

Individual Committee Elections (any openings?)

Assessors Slate

Expected Motions, resolutions, etc.

Committee Issues – planned discussion topics at Town Meeting

Community Planning Committee

“Policy for expenditures from registration of vacant dwelling ordinance”

“Recommendation on HB 192 – Firearms in municipal buildings”

Old business items

New business items (expected)

Agenda order

Refreshments

#### **Committee Round Table Discussion**

Trustees

Officers

Committees

Guests

**Adjournment**

**Minutes:** June 2016 Advisory Minutes approved as presented.

**Board of Assessors** - Need a full slate.

**Motions/Resolutions** – Steven believes there might be a motion for the stop sign located on Millers Road presented. If a motion is presented, it would be part of Safety Committee’s Report.

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**Registration –** Delaware State Legislation passed a bill to address **Period of Residency Requirement.** Jeff believes there is an amendment to this bill that could exclude those with Town Charters. He does not believe it excludes Arden but he needs to verify. Maximum of thirty days. If it is a state law, Charter needs to be null and void: It overrules Town's Charter. If it has that amendment, then Charter needs to be changed to reflect the change. To be investigated. Cecilia will announce as part of her Registration Report that there will be a change based on state law change.

**Alternative Assessment** - None presented so far. Cecilia will prepare written procedure in presenting proposal for an Alternative Assessment. Jeff will ask if anyone has a proposal for Alternative Assessment.

**Committee Issues plan to discuss at Town Assembly**

**Budget**

Budget Referendum

Significant Changes to budget -The largest budget change is the referendum taxes: county, school tax increase \$42,500 (non-discretionary).

Changes to the Budget Referendum:

Line 24 B - Donations - decrease to \$500.

Item 21- Footnote Change - In the note section - Brooke requested to add the cost of \$2,400 that was incurred to bring the signs into code compliance. Brooke will forward email with wording of note to Budget Chair.

Safety

Speed enforcement combined with Safety Committee General - Del Dot will not maintain signs on Harvey Rd because the Town does not have a

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maintenance agreement with them and because it is inside the Municipality. That is why they will not do crosswalks. The Town is maintaining the signs at the present time and the State no longer is maintaining them.

Background -Speed enforcement signs on Harvey Rd are kept separate from Safety Committees' general (funds). Safety along with all three Arden representatives had lengthy discussions with traffic engineers from Del Dot approx. two years ago and developed a plan. Eighteen months later the crosswalks were painted. Safety asked for reflective signs to accompany crosswalks as part of safety along Harvey Rd. Del Dot stated that they do not maintain the signs because it is within a Municipality and they will not allow Arden to maintain because it is a state road. Dover may be able to direct Arden on how to obtain a maintenance agreement to maintain this stretch of Harvey Rd.

Problematic particularly Harvey Rd down near Arden and Ardencroft because not sure if Harvey Rd is inside of their boundaries.

Continue with Changes to Budget Referendum:

Budget add the word Committee after it.

Alphabetical order for all committees

Assessors increase to \$100

Appropriate name - Capital Fund or Capital Maintenance & Repairs –

Capital Fund was the original title. New roof is a capital project.

Definition of Capital Maintenance & Repairs is a one-time event.

Two Town Meetings to access it.

Change form Capital Maintenance & Repair to Capital Fund (Budget will finalize).

Capital Fund: Increase by \$25,000 Budget is asking for \$10,000 to replenish because the current level is \$5,000.

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The section where it says the entire budget to be approved recommends that it stand out more.

Civic Committee needs further breakdown of expenses instead of one lump sum amount of \$58,000 to make it clearer so people know what they are voting on. Trash and Municipal Street Aid is not part of Civic. Under footnotes break down expenses. Footnote not to exceed two lines. Lists type of expenditures that comprise total Civic Committees' expenses. Ed Rohrbach will e-mail Gary with a description.

Over the year's line items have been consolidated to make it clear so people know what they are voting for.

Change the order

Line 2 – Policy Statement – Income received by Committees outside of this Budget (which used to say from Grants, in order to cover the Forest Committee receiving grants) also includes Donations, Fund Raisers etc. to be earmarked for the Committee to spend above any budgeted amount of money approved by referendum.

Meaning: Any Committee receiving a donation or having its own fund raiser, outside of what was collected in land rent, is allowed to spend it beyond what is in the budget. This gives the authority to do that. This policy suggestion came from multiple sources who had concerns about raising money from a fund raiser and being unable to access the funds they raised because it would revert to the Town.

Interpretation of Policy Discussion

Can BWVC Rental income - Operating budget can be carried over from year to year? Currently, Operating budget is zeroed out end of the year. Except for Fund Raiser everything else coming in, is from outside.

A club fund could be built and donation money could be project money? This could be an unfair burden on the tax payer.

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Original Policy was written to deal with Grant money received so that it was used for specific tasks and not rolled into operating. Clarification is not automatic because the Treasurer has to decide if it is allowed.

The Policy may have a bigger impact than intended. It could lead unintentionally to unfair practices.

Budget Chair will take policy back to his Committee and withdraw donations and Fund Raiser for further discussion. Will leave Grants since that has already been proposed. This policy is a long term policy and it needs to be clear. If it becomes a change in Policy, it will be presented for discussion at Town Meeting.

Issue: If you fund raise near the end of the fiscal year, and you don't spend it that is an issue.

If there is not a definitive answer on this policy, and in a few months someone wants to add donations or fund raising, it would have to wait for the next referendum.

## **Community Planning**

### **Policy Establishing Expenditures from the Registration of Vacant Dwellings Ordinance #15**

#### **Purpose**

The use of any money collected from the *Annual Registration of Vacant Dwelling and Registration Fees Ordinance #15* must comply with the purpose of the Ordinance. Use of this fund is restricted to the following purpose as stated in the ordinance, to protect the public health, safety and welfare of Arden and to encourage civic engagement throughout the Village.

#### **Process**

- All collected money from the Ordinance will be accounted for as a separate Village fund in perpetuity.
- In compliance with the purpose of the Ordinance money can be used for but is not limited to the following examples;
- Engage real estate agent or attorney for legal opinion

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- Purchase liability insurance for a vacant house
- Hiring police to patrol vacant house
- Projects that improves civic engagement
  - Any resident of Arden, Trustee, Committee or Officer can submit a recommendation to the Village chair or Community Planning for spending this fund.
  - Community Planning Committee and the Village Chair will both participate in the review and approval of recommended expenses that comply with this policy.
  - The chair is responsible for the expenditure of this funds.

### **Discussion Ordinance #15:**

“Any resident of Arden, Trustee, Committee or Officer can submit a recommendation to the Village Chair or Community Planning for spending this fund”. **Clarification** –

Steven: Those submitting a recommendation should go to the Committee that is the appropriate committee to expend the funds and execute the request, they should not go to Community Planning.

Jeff – There is money in Town bank account that they cannot spend generated from Ordinance #15. The point of this is to provide guidance to being able to spend money generated from vacant housing.

“Safety and Civic engagement” That is how we can spend the money, it is in the Vacant Housing Ordinance #15 and how that is interpreted, that wording is up to whoever is spending that money. Key question – How does one bring something to be spent out of this fund and how does it get decided to use that money? Mike - On the impact of vacant housing: Once there is no more vacant housing, there will be no need for the funds.

### **Refine Criteria as follows:**

Should go to Community Planning Committee from other Committees. Then the fiduciary duties are on two officers to finalize, regardless of

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what went on in the Committees. If Community Planning presents to Town officers, the Officers still have authority to overrule it.

Summary – 3 Step Process

Proposal has to come through a Committee. If they like it, they present to Community Planning.

It is reviewed by Community Planning and if they like it, they present to Village Chair.

Officers write checks and signs off on them and have final authorization.

The 3 Step Process Should be transparent. Policy be posted to web.

Remove Examples from Ordinance, need to focus on Process.

**House Bill 192, act amending Title 22 of Delaware code relating to possession of firearms.**

Community Planning reviewed House Bill 192 and cannot support Bill based on the following issues:

The Bill puts the onus on the local Municipality to enforce this process. Community Planning felt as though this was too dangerous for anyone individual to take on that role. (role is to approach the person with the gun and inform them of the violation of gun ordinance and obtain their address in order to fine them and ask them to leave the building).

Other issue, will it be consistently enforced years down road?

Community Planning does not want to have an ordinance that is no longer enforced.

Community Planning will only recommend if there was police protection present.

Community Planning will make part of their report that they reviewed bill and did not support it.

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Enforcement would still happen if someone showed up with a gun at town meeting. Someone would still have to call police. Instead believe the decision to not support the bill is because it is a weak bill.

**Old Business Items**

Trees near BWVC obstruction solar panels. This is not for Town Assembly. To be worked out with the committees.

**New Business Items**

**Visitors**

**Refreshments** - Civic refreshments.

**Reports Order**: Alphabetical order

**General Discussion**

**Safety**

Safety Committee can reach out to Claymont Fire Company about making roads accessible for fire trucks. This is not for Town Meeting but for Safety Committee to address who has been working on it all along. If they want to address it, they can make it part of Safety Committee Report.

Right-of -ways seem more overgrown lately. Leaseholders job to maintain the right-of-way. As a community Jeff believes we should start dealing with overgrowth more aggressively so we don't have a significant issue later on. It is up to Safety to manage it.

**Motions**

Jeff - Sent last few recorded minutes to JJ (parliamentarian). How the written minutes' deal adequately or inadequately with cover meeting? He received feedback on calling of the question. In essence, you can

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change the motion after the question has been called. A motion has to be made and by Robert's Rules that motion has to be unanimous (which we would not have been (the case) at our meeting). However, our Charter says we have a 50% majority on all motions. If a true motion that was made at our Meeting to change the motion to be voted on after the question was called, it could have been made and seconded to vote on. Jeff thinks there are some very valid voting principles in Roberts Rule of Order that the Town does not follow because of the Town Charter. Consider whether the charter should be changed. In January formally ask for approval from Town Assembly to form a group to evaluate Town Charter and do you have limits on it.

Domicile

Trustees will mention in their report about adding a second domicile in the boundaries of their house. They can follow county process.

Trustees Gift to Town

Generous gift from trustees to the town from the leasehold transfer of the vacant property in the amount of approximately \$9,100. \$3,000 spent on slide which was over budget. We need to decide what to do with the remaining amount. Where do we target the amount remaining- Capital Maintenance Fund? The money was a result of vacant housing and maybe should go into that fund and follow whatever that process is. Thanks to the Trustees.

Adjourned 9:25 P.M.

Respectfully Submitted,

Elizabeth Resko

Village Town Secretary