

**Village of Arden  
Advisory Meeting  
September 5, 2017**

**Attendance** - Jeff Politis, Ed Rohrbach, Elizabeth Varley, Ray Seigfried, Al Marks, Carol Larson, Danny Schweers, Brooke Bovard, Walter Borders, Barbara Henry, & Mike Curtis.

**Guests** - Carol DiGiovanni, Jan Westerhouse, Alton Dahl & Tom Wheeler.

**Call to Order** – Danny Schweers, Advisory Chair, called the meeting to order at 7:31 p.m. at Buzz Ware Village Center and presented the following Agenda:

AGENDA FOR ADVISORY COMMITTEE MEETING  
OF TUESDAY, SEPTEMBER 5, 2017  
for the Village of Arden, Delaware  
at the Buzz Ware Village Center

Acceptance of Previous Minutes

Discussion of Items for Next Town Meeting

- Deceased Residents to be Recognized
- Visitors
- Officers
- Trustees
- Assessors
- Committees
- Old Business
- New Business
- Good and Welfare

Set Town Meeting Agenda

Refreshments for Town Meeting

Round Table Discussion of Community Issues

Old Business including Freedom of Information Act, posting of minutes, use of email.

New Business Items

Guests Comments and Questions

Adjourn

## **Alternative Assessment**

The agenda was suspended to allow Alton Dahl and Tom Wheeler to discuss Alternative Assessment they will be presenting to the Town Assembly. For the most part both assessments are the same except for how the extra domiciles are treated. The Assessors this year decided to make a complete change in how the extra domiciles are treated. They proposed using flat fees on top of basic land rent. The Alternative Assessment reverts back to using AUD method which is the traditional B rate based on lot size on extra domiciles as has been codified in 1980 (Ardencroft-Court Opinion: adverse decision). Between the two methods the Alternative Assessment has a modest overall increase of approximately \$7 or pennies per A rate.

### Alternative Assessment Logistics

Agenda placement: the report will be presented following the Advisory Report. (Motion vote: 6 (after Advisory) to 5 (New Business)).

Public notice: Post to Village website (Danny will provide Liz a copy), and list on the postcards agenda notifications mailings.

Projected Timeframe: Presentation - 10 minutes, open floor discussion Q & A -10 minutes and vote -10. The Assembly will decide if to continue or not beyond the suggested timeframe.

**Minutes** – June Advisory minutes approved as presented.

**Visitors** – (25 minutes to be adjusted as needed).

County Executive Matt Meyer will be presenting the Village with a check as part of participation for the land purchase.

John Cartier NCCC will probably give updates.

Parliamentarian Johnathan Jacobs will be reviewing his findings as outlined in his letter. (Copies of letter will be made available).

**Communications Report** – Jeff Politis

**Trustees’ Report** – Mike Curtis

**Treasurer’s Report** – David Michelson (Absent)

**Board of Assessors’ Report** – No Report. Tom Wheeler and Alton Dahl will present Alternative Assessment.

**Advisory** - Danny Schweers will report on emails, website, FOIA and bulletin board.

**Committee Reports** – (Ascending Order)

**Archives** – Lisa Mullinax (Absent)

**Audit** – Cookie Ohlson (Absent)

**Budget** – Denise Nordheimer (Absent)

2018 – 2019 Budget Ballot approval.

**BWVC** - Walter Borders

Mailboxes status we will discuss at officers meeting.

**Civic** - Co Chair Al Marks & Ed Rohrbach

Issue: Overgrowth trees on the road and overgrowth on rights-of-way.

Low hanging Trees -Trim trees on street to height limit specifications.

Encroachment on rights-of-way

Rights- of - way overgrowth is the responsibility of leaseholder to cut back per specifications. Safety’s responsibility is to notify leaseholders. Ordinance - if leaseholders are notified and they fail to comply, then authority is granted to Civic to

cut back and bill leaseholders. Leaseholders need to be made aware of the specifications of width cut back. A process needs to be developed to notify leaseholders.

Off street parking on Cherry Ln on the right-of-way needs to be further discussed when Archives Chair is present.

The following suggested statement (to be posted to Arden Page, posted to Village website, send out community emails and announce at Town Assembly):

Overgrowth of low hanging trees and overgrowth on rights-of-way presents safety issues for both individuals and for emergency vehicles getting through. Civic Committee will trim trees back by a certain height by a certain date. If leaseholder is concerned about their tree, they need to contact Civic by deadline date or trim tree themselves. Safety is looking at the rights-of-way and is reminding everyone that the right-of-way is the leaseholder's responsibility and request that they trim them. If not trimmed by a certain date, then leaseholder will be charged. (Not sure if we want to charge at this point. To be discussed further).

Civic is in the process of developing a Tree Policy.

Civic is planning to trim trees this fall.

Postcard mailing of agenda: under civic list tree trimming.

Suggest Civic Report for Town Assembly should inform the town they are working on trimming trees and rights-of-way and the leaseholder has the option to trim by date deadline. Safety will make sure safe conditions.

## **Community Planning**

Meeting time -Changed meeting date to 3<sup>rd</sup> Tuesday of every month at 7 p. m. at BWVC.

Vacancy position - Cynthia Dewick will be stepping down and a vacancy will need to be filled. On postcard agenda mailings list Nominee vacancy.

Transformational Concept - First open public meeting was held in August in which guidelines were crafted. Concept is to come up with an idea (not money) that will have a transformational impact on Arden. Another meeting is scheduled for next Thursday at 730 BWVC. Goal is to have a final report for Town Assembly in 2018 with a list of ideas and renewal of concept.

Modification of the Arden land deed restriction clause.

The Trustees deeded to the Village of Arden seven (7) parcels of land. The deed of Trust for these parcels had a clause with a restricted utilization of the parcels. Any change has to go to full referendum. An attorney has been engaged to review and clarify. The attorney who was retained is the attorney who drafted the county land use. Very well voiced in the land code. The deed is posted on Village website. No clause to present to Town Assembly. Just inform only.

### ADUs

#### 1. Decertify ADU

Two (2) leaseholds want to decertified their ADUs.

This presents 2 issues: Arden ADUs are exempt from the county that have 7 or 8 specific rules for compliance. Community Planning is trying to figure out how to decertify an ADU. The county code allows people in Arden to put on a domicile attached to your house. They would have to follow the code. The certified domiciles may not have the kind of value as originally thought. Trying to come up with a rational on both sides. First – can we decommission?

#### 2. Add an ADU

A detached (standalone) to your house requires two (2) acres. If you add an ADU to your house (attached), that is allowed and must follow county code and must be owner occupied. Exception -If ADU is certified and attached, does not have to be owner occupied.

When Ordinance #14 was passed there was not a consensus about future additional ADUs. Embedded in Ordinance #14 it states any additional ADUs will be decided by the Village. There is a leaseholder interested in pursuing an ADU which they petitioned in July to be attached to their house.

Trustees believe that they as representatives of the Village have the authority to approve a new ADU. The Ordinance does not say “Town Assembly”, it just says the “Village”. However, Community Planning believes a Town Assembly vote is required to approve new ADU. Trustees do not think you can give one person permission without giving everyone permission. Trustees think you can vote one time for everyone from now on, but they do not want voting for each new ADU petitioned. Another problem is the Town Assembly meets quarterly. Those petitioning for a new ADU would be held up for 4 months.

Community Planning refers back to 2008 - Section 1 in the intro and statement of purpose, last sentence “Leaseholders who wish to build ADUs after this process is completed will need to obtain approval by the Trustees, the Village, and go through the normal process with the county to obtain legal approval”. Cannot look at this as an individual but rather as a Village that want to add an ADU.

A motion will be presented at Town Assembly and Discussion of Motion outline follows:

Under these conditions the Village will approve the domicile for the next year. *(This would give a general approval under conditions and that motion would be in essence a broad vote to*

*accept it. In general, the village wants to allow domiciles under these circumstances and believes that this would satisfy the ordinance and would satisfy the trustee).*

*(Rather than a single domicile case, could add some structure to it, but this will complicate it. For example, under these conditions:),*

The Village would approve domiciles for the next year and it would have to be renewed annually.

*(Or allow under these conditions)*

Five (5) more domiciles to be added to the Village until further notice.

## 2 Step Process:

1. Have Village vote on the ADU by the one family who petitioned in July.
2. After that, the Community Planning will review alternatives to the language in Ordinance #14. It must be an open public meeting and go before the Village to discuss and vote on.

Jeff has concerns about a motion to add one ADU. Would rather present a motion with a broader ADUs approval. Will leave it to Community Planning to decide how motion will be structured.

Postcard notification Agenda: Motion will be presented to add ADU based on Ordinance #14.

## Community Gardens and Memorial Gardens

They are technically a committee under Community Planning Committee in which Memorial has no members. Because they are viewed more like a service, Community Planning would like to change from calling it “committee” to calling it “subcommittee”. From accountability point of view, it should be clear that the

Committees themselves, the elected committee members, are the accountable parties for anything they are overseeing.

Community Gardens is a group of people meeting and deciding on policies which could be problematic. They appear to function independently. They currently are deciding issues rather than Community Planning telling them here are the policies you will work out. Community Gardens provides Community Planning with financial reports and an annual report. Suggest subcommittees start providing written report to Town Assembly so community is aware of their services.

**Forest** - Carol Larson

**Playground** - Ruth Panella (Absent)

**Registration** - Barbara Henry sitting in for Cecilia Vore.

Budget referendum and Assessor's elections will be held.

Dates:

- Oct 7 at 2 p.m, BWVC, Rm 4, update current Village residents list.
- Budget sheet from budget committee by September 30; Ballots going to printer October 2.
- Nominees Assessors needed by September 30 (provide to Advisory). Brooke Bovard volunteered to place her name on ballot.
- October 14 at Barbara Henry's house, she will let us know time. Meeting purpose to stuffing envelopes.
- November 7 counting ballots for election. 7 p.m. committee meeting and 7:30 p.m. counting ballots at the BWVC (rooms 1 & 2). Looking for volunteers.

**Safety** - Brooke Bovard will report on signage, right away and dog licensing update.



**Old Business** – Tabled Motion to reconstitute the Legislator Reference Committee.  
A motion to lift from the table may be presented.

**Hospitality** – Exempt Trustees, Treasurer and Assessors. Standing committees only.  
Brooke says Advisory is a standing committee: Advisory will bring snacks for  
September.

January 2018 - Assessors  
March 2018 - Registration  
June 2018 - Safety  
Sept 2018 - Archives

**New Business** -

**Other Questions**

**Review timeline for TA as follows:**

BOA Alternative Assessment -	Presentation	10
	Clarity	10
	Speaking to/against	10

Meeting adjourned at 10:21 p.m.

Respectfully submitted,

Elizabeth Resko

Village Secretary