

INSIDE: June 28, 2010 Meeting Minutes

All Village of Arden
residents are encouraged
to attend the next

Town Meeting

Monday, September 27, 2010
7:30 p.m. - Gild Hall
2119 The Highway
Arden, Delaware

AGENDA ITEMS WILL INCLUDE:

1. Energy, Efficiency, & Conservation Block Grant
2. Budget Proposal
3. Absentee Balloting Motion
4. Annual Audit Report
5. BWVC Annual Report
6. Nominations for Assessors

All are welcome hither

Please note:

Those attending Town Meetings are eligible to vote if they have resided in the Village of Arden six months prior to the Meeting and are 18 years of age, or older.

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

Monday, June 28, 2010

Gild Hall -Arden, DE

46 attendees:

Steven Threefoot
Carol DiGiovanni?
Alton Dahl
Ray Seigfried
Mary Murphy
Marianne Cinaglia
Rodney Jester
Cynthia Dewick
David Gerbec
Sadie Somerville
Hugh Roberts
Nanette Robinson
Charles Robinson
Ed Rohrbach
Lizzie Broadbent
Debbie Ricard
Warren Rosenkranz
Ron Meick
Tom Wheeler
Jan Westerhouse
Lynda Kolski
Mary Marconi
Carol Larson

Willard Glenn
Connee L. McKinney
Mike Curtis
Sue Rothrock
Lisa Mullinax
Carl Falco
Danny Schweers
Mary Vernon
Cookie Ohlson
Beth Stevenson
Beverly A. Barnett
Dale Brumbaugh
Mick Fitzharris
Bill Theis
Shelley Robyn
Barbara Macklem
David Michelson
Bob Andress
Patrick Barry
Cecilia Vore
Laura Wallace
Elaine Hickey
Bonnie Phillips

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 and we will arrange separate mailings.

1.0 Call to Order

Chair Steven Threefoot called the meeting to order at 7:40 PM.

2.0 Approval of the Minutes

The following corrections were made to the Minutes of the March 22, 2010 Town Meeting: In the Attendees listing *Sayed* should be *Sayer*, *Lawson* should be *Larson*, and Sam Starr should be designated as NV (non-voting). The Minutes were accepted as corrected.

3.0 New Residents - None present.

4.0 Recognition of the Departed

John Davis, Terri Colgan, Jean Smolens, David King, Wendie D'Angelo Brand, and Judy Hammond.

5.0 Visitors

Evelyn Ann Dahl (granddaughter of Alton Dahl & Bev Barnett)

6.0 Election of BWVC Committee Member

To fill the current BWVC Committee vacancy, Registration Committee Chair Cecilia Vore conducted the election by handing out paper for the Assembly to vote for one of the two nominees: Russ McKinney or Warren Rosenkranz. The Meeting proceeded as the voting took place.

7.0 Communications - None

8.0 Trustees' Report—Connee McKinney read the following report:

The Trustees have several items to report this evening and it is a short report:

Finances: We have copies of the quarterly financial report available tonight [See Attachments]. We are waiting for the New Castle County taxes to arrive next month and then will be issuing the second check to the Village to cover their budgeted items for 2010–2011.

Lease Transfers: There have been two lease transfers since the March Town Meeting. Welcome to Regina and Jeffrey Kessler, 1905 Millers Road, and Christopher Junk and Jillian Moncarz, 2210 Lower Lane. There is another lease transfer pending.

Village Matters: We have been meeting with Community Planning regarding our thoughts on a vacant housing policy. One matter that needs further discussion with Community Planning is an agreed on policy for creating new ADUs. If you have any questions or concerns, please contact us at 475-7980 or at Trustees.of.Arden@gmail.com or Mike Curtis, Carl Falco and I are, of course, available to talk with you one-on-one.

Respectfully submitted,

Connee McKinney, Arden Trustee

Discussion: None

The Trustees' Report accepted.

9.0 Treasurer's Report - David Michelson

Financial Report

David went over the Financial Reports that were distributed. (See Attached) He explained that, starting July 1, the State of Delaware will increase dumping fees for trash haulers by 70%. The impact on us will be a 20% increase from last year due to our contractual agreement with Waste Management. We will exceed our trash budget by about \$8500.

Questions --- None

Policies for the Village of Arden

Town Chair Steven Threefoot presented a list of six policies on how finances will be administered. (See Attached) The Treasurer's Report shows that money will be tight this year and the policies are in place to give us better oversight on handling cash flow.

David made the following Motion which he explained should be done each year at the June Meeting to give the Town Officers authorization to establish bank accounts and sign checks.

MOVED

It is moved, the Officers of the Village of Arden (i.e. Town Assembly Chair, Secretary of the Town Assembly, Treasurer of the Village of Arden and Advisory Committee Chair of the Village of Arden) are authorized to establish bank accounts, checking accounts, and financial accounts in the name of the Village of Arden for the purpose of managing the funds of the Village. Such accounts shall require signatures from two of the four officers.

Seconded

Discussion – None

Motion Passed

Treasurer's Report was accepted with one abstention.

10.0 Advisory Committee Report – None

11.0 COMMITTEE REPORTS

11.1 Safety - Bill Theis read the following report:

The STOP sign that was down at Miller and Orleans has been repaired. It still needs the post tightened up, but it is serviceable at this time.

The letter to residents at intersections regarding visibility was not sent out since the last town meeting, however, some leaseholders have cleared the right of way. An inspection of the intersections will be done and letters sent out before the end of July.

Unauthorized use of Indian Circle and the fires associated with this use has increased recently. The police have been called but they have not responded regarding increased patrols. If you see fires in the woods in the Indian Circle area, please call 911 to get response from the County Police. Increased surveillance by the Town will be instituted.

Reports of door-to-door magazine salespersons have been reported. Buyer beware.

A reminder that fireworks are illegal in Delaware - If you report the use of fireworks to the police, you need to supply the address of the offenders. If this occurs on Thursday or Friday call the Fire Marshall. All other times – call the police.

Questions: None

Safety Committee Report Accepted

11.2 Registration - Cecilia Vore

Cecilia announced the results of the BWVC Committee member election that was conducted at the beginning of the meeting. Warren Rosenkranz won by receiving 35 votes. Russ McKinney received 8 votes. There was one abstention. Cecilia thanked Warren and Russ for running.

Cecilia read the following Registration Committee Report:

The Registration Committee counted the votes for the election of Committees and Officers on Wednesday, March 24. We were assisted by volunteers Bill Theis, Elaine Hickey, Elizabeth Varley, and Gary Quinton. Election results were posted on the town bulletin boards, the web site and printed in the April Arden Page.

Following the March elections, the Registration Committee convened on April 9 and elected Cecilia Vore chair.

Since the March Town Meeting, the committee has re-vamped its Welcome Hither activities, adding a number of new volunteers to deliver welcome packets to new residents. The Registration Committee and its volunteers have delivered 27 welcome packets to new residents since January. We are now up-to-date and delivering information to new residents in a timely manner.

The Committee has a motion for Absentee Voting for Committees and Officers to present tonight but was unable to make this motion available for public review before tonight, although that was our intention. We will present the motion now and public review can take place as part of the debate. If the Town Assembly feels we need more time for public review, the Assembly can table the motion until the next meeting.

Respectfully submitted, Cecilia Vore, Chair

Cecilia made the Following Motion regarding Absentee Voting for Committees & Officers

MOVED

The Registration Committee will establish a procedure for absentee voting for the March election of Standing Committees and Officers. Such absentee voting will be available for all residents of Arden who have regularly attended Town Meetings and who cannot vote in person for the following reasons:

- The resident's business or occupation prevents him or her from voting at the Town Meeting
- The resident will be out of town on election day. This includes military service, college, vacation as examples.

- The tenets or teachings of the resident's religion prevent participation in an election
- The resident has a physical disability – either temporary or permanent – which prevents the resident from voting at the Town Meeting

The Registration Committee will establish a method of obtaining and submitting the absentee ballot between the date of the March Advisory meeting and the date of the March Town Meeting. The ballot shall be accompanied by a signed affidavit stating the reason for absentee voting.

The Registration Committee will review each affidavit during the public vote count. For the purposes of establishing an absentee voting procedure, regular attendance at town meetings will mean the resident has attended at least two town meetings in the year leading up to the election.

Seconded

Discussion:

Cecilia explained that the attendance to two meetings in the last year could be changed but the committee feels some regular attendance should be required.

Alton Dahl asked about religion preventing participation in voting. Cecilia explained that a person's religious practice may take precedence over attending the March Town Meeting.

Marianne Cinaglia prepared and distributed her suggested procedure for Absentee Voting. (See Attached) She said that in 23 states you need no reason at all for requesting an absentee ballot. She spoke to an election official at New Castle County and the State. He said he thought that there was going to be a ruling in the near future saying all states would have to go to "no excuse balloting for absentee voting." Marianne disagrees with the committee's requirement that residents have to regularly attend Town Meetings in the previous year. She proposed the following amendments to the Motion:

- Disregard the requirement that people attend two meetings in the year prior to the elections
- Change "resident's business or occupation" to "because of the nature of such person's business or occupation, including the business or occupation of providing care to a parent, spouse, or that person's child who is living at home and requires constant care." [taken from the State of Delaware Title 15]

Chair Steven Threefoot read the Motion to amend the Motion on the floor.

The amendment is to strike "who have regularly attended Town Meeting" from the first paragraph and strike the last sentence in full.

Seconded

Discussion:

Cecilia said the Registration Committee feels there is an advantage to attending Town Meetings and gaining more knowledge about committee members. The major part of Town Meeting is the presentation of committee reports so that you know what is going on in the committees. The Registration Committee could get statements from all the nominees as they do for the

election of the Assessors. If the requirement to regularly attend Town Meeting is removed you will change our basic method for voting and it will require a change to the Act to Reincorporate. She and the Registration Committee are against the amendment to the Motion. Another committee would have to form to handle Absentee Voting if the amendment is passed.

Lynda Kolski agrees with the amendment. There is currently no checking at the March Town Meeting that those voting have attended two Town Meetings in the previous year. If we leave it in we would have to ensure that it applies to those voting at the March Town Meeting as well as those Absentee voters. Also, you don't find out much about people who are running for committees by hearing committee reports at Town Meeting.

Alton Dahl – We operate Arden as a Town Meeting government. That's how it is structured. It's understood that you don't hear about the people who are running for committees at Town Meeting but you do learn about the committee or office and what it does. If we are doing this as a favor to people who don't routinely attend Town Meeting, then I am against it.

Connee McKinney supports the Motion to amend on the grounds of privacy, however Chair Steven Threefoot says that is not the amendment that is on the floor. Connee disagrees with the "two meeting" requirement.

Ed Rohrbach is against the amendment. The people who attend Town Meeting deserve the privilege of voting.

Hugh Roberts is against the amendment.

Carol DiGiovanni agrees with the amendment. You should not have to attend Town Meeting to know what a committee does.

David Michelson – When he moved to Arden and came to Town Meeting and got a ballot for the election he turned to Aaron Hamburger and asked him who these people were. Aaron told him it was his responsibility to meet and learn about those people. David feels that attending Town Meetings has helped him greatly in getting to know people in the community.

Call for the Question:

Amendment to the Motion on the floor is to strike the last sentence and also the reference in the first paragraph that states "who have regularly attended Town Meetings."

25 Ayes, 14 Nays

Amendment passed.

Point of Order:

Cecilia Vore – It is her understanding that this is a change to Voting Procedure and will require a change to the Act to Reincorporate. An amendment to the Act will require a reading at three Town Meetings.

Steven Threefoot – The Motion has not passed yet. If it does, we will check with our attorney as to how to proceed.

Alton Dahl – This should probably be an Ordinance to do anything beyond Town Meeting.

Hugh Roberts – Let's table the Motion.

Ray Seigfried made the following Motion:

MOVED

We table the Motion and find the correct way to present this change and then present it at Town Meeting in that format.

Seconded

Passed – Ayes have it.

Chair Steven Threefoot – We will establish a committee other than the Registration Committee to look further into this and go through a process to have something for the September Town Meeting.

Questions:

Carol DiGiovanni – What is in the Welcome Packet that the Registration Committee gives to newcomers and what about Red Book information? Cecilia Vore – There is a flyer in the packet telling who to contact to get a copy of the Red Book. We are in the process now of putting the Red Book on the website. The packet includes: the Arden Book, Arden Club coupons, the ACRA phone book, a sheet describing how Arden works, and recycling information.

Carol D. – Will the website include everything that is in the Red Book? Cecilia V. – I hope so. It is up to the entire Town government to do so, not just the Registration Committee, to get the Red Book onto the website.

Carol D. – Will the Act to Re-incorporate and the Deed of Trust be included and when will it be finished? Cecilia V. – That is the goal. There is no set date for completion. The work is done by each committee.

Carol D. – What committee is responsible for putting the Act to Re-incorporate on the website? Steven Threefoot – It is already on the website.

Registration Committee report accepted with one abstention.

11.3 Playground - Mary Vernon read the following report:

Since the March Town Meeting, the required Playground Equipment Inspections were held, and all equipment was inspected to determine that it was in good order. Several items were repaired to correct problems. In addition, all equipment was adult tested for safety. Additional “Playground Wood Mulch” was put under the equipment on the Sherwood Green, and on the northern end of the Village Green. This is to renew the shock absorbing capacity of the wood carpet under the Town’s equipment. All equipment is in safe condition.

The major maintenance project for this year will to be the renovation of the area under the swings and slide at the “Millers Road” end of the Village Green. If contractors and expenses can be worked out, the project will be done this summer. Submitted by,

Mary Vernon and Larry Walker, Co-Chairs

Questions: None

Playground Committee report accepted.

11.4 Forest - Carol Larson

Carol announced the second reading of Ordinance #4 with minor changes to the previous reading. Carol read the sections that are changes to Ordinance #4. (See Attached)

Questions:

Carol DiGiovanni – How are violations enforced? Carol Larson – We are exploring that issue. The Safety Committee has informed us that if you contact the police, not much happens. They file a complaint with the Justice of the Peace. We should know more about this by the next Town Meeting.

Mike Curtis –In section 4 “Civic or Forest Committees” should read as “the respective Civic or Forest Committees.”

Rodney Jester – I agree with Mike. It needs to be made clearer that Civic will cover Civic areas and Forest will cover Forest areas.

Mary Vernon – Is carving on trees considered to be graffiti? Carol L. – There is no way for us to repair the carvings as we can with painting over graffiti. We might fine for carving on trees.

Carol then presented the following Forest Committee report:

- Drainage ditch on Woodland Lane (near Renzetti leasehold): brush blockage – will contact contractor who cut down trees
- Trees down at forest and 2103 Miller Road. Mullinax shed down. Brush cleared and chipped.
- Please contact Forest Committee when work is done on forest border so we can monitor brush accumulation. **NO CHIPS IN THE CREEK.**
- Trees overhanging wires on Miller at Mill: Called Delmarva to work on these trees May 12. No progress. Will call contractor if we get no action from Delmarva.
- Grant writing to replace growth along Marsh Road. Native planting that are lower growing to fit under wires.

Questions: None

Forest Committee report accepted with one No vote.

11.5 Community Planning - Ray Seigfried

Ray mentioned that there are five members on the Community Planning Committee and they all work very hard. Make no doubt about it.

Memorial Garden

Denis O'Regan has built and installed an unbelievably beautiful sign for the Memorial Garden. [Ray passed along a picture for all to look at.]

David Grubb contacted Ruth Bean and asked if the Grubb family members who do not live in Arden could have their ashes buried alongside their ancestors who were buried in the Memorial Garden many years ago. The Committee will propose that David identify who those family members are so that we would have a list. The Memorial Garden would charge them \$700/burial site and follow all the normal procedures for burial there.

Instant Ticketing

Ray presented the following background on Community Planning process:

What we were asked to review:

- Investigate the process of instant ticketing, specifically codes PM 302.4 grass and weed height, PM 302.11 debris tree branches, and PM 302.8.6 vehicles parking only on hardened surface; and report back with a recommendation.
- Look into a process that will hold leaseholders accountable for houses that are vacant for more than one year with some type of financial fine and report back to Town Meeting.

The committee considered community letters, Larry Walkers motion, and emails from Trustees; held two open meeting in April and May; posted minutes of every meeting on Arden web page for transparency; and every monthly Community Planning meeting was open to everyone to participate.

The committee was in contact with The Department of Land Use many times throughout the past year to clarify and understand instant ticketing process and county code.

During the past 6 months some leaseholders complained about the abuse of instant ticketing and argued for a total exception for Arden from any code enforcement. Others argued for a more modified approach based on a belief of community responsibility to everyone in Arden.

Community Planning Committee has reviewed all of the feedback and has the following motions for consideration. The four [4] motions take into consideration all of the feedback listed above and strive for a balanced community approach.

Ray provided the background:

| Action | Old Process | First Generation Instant Ticketing | Current Instant Ticketing |
|--|--|--|--|
| Step one County action to compliant | Inspection | Notice sent of all offenses | Inspection of property |
| Step two | Violation notice issued for any violation found | First inspection and ticket if violation found. | First inspection and if violation noticed issued a letter identifying ticketable violation. |
| Step three | Second inspection if not corrected potential criminal enforcement if violation still exists. | Second inspection if still in violation a second ticket. | Second inspection 12-14 days later after violation notice mailed and if violation exists a ticket is issued. |
| Cost | \$150-\$200 potential court appearance and cost. | \$50 | \$50 |

Ray made the following first Motion:

MOVED

Maintain New Castle County's "Instant Ticketing" process for Arden.

Seconded

Questions:

Alton Dahl – Why is it called instant ticketing if it takes weeks to get the ticket? Ray S. – It is relative, I guess.

Motion passed. Ayes have it.

Ray made the following Motion:

MOVED

Maintain the current code **Section PM 302.4.2 Weeds and Grasses**....that is, grass and weeds shall be no more than eight [8] inches tall. Within the code exist exemptions for ornamental shrubs and trees, and for wildflower meadows more than 10 feet from the lot line.

Seconded

Questions:

Alton Dahl – What does 10 feet from the property line mean? Ray replied that you can have the wildflowers 10 feet from the property line. Alton does not agree with that.

Sue Rothrock does not agree. Many people in Arden have plantings closer to the property line.

Charles Robinson – Does the restriction for 10 ft. from the property line apply only to wildflowers? Ray replied, yes.

Carol DiGiovanni – I agree with the County Code

Call for the Question:

Chair Steven Threefoot read the Motion.

Motion passed. Ayes have it.

Ray made the following Motion:

MOVED

Seek exception to **Section PM 302.8.6 Parking of Vehicles**. ..that is, vehicles do not need to be parked on a hardened surface. Arden would not be exempt from other sections of Section PM 302.8 governing including off-highway vehicles, inoperable and unregistered vehicles, oversized vehicles, and recreational vehicles.

Seconded

Questions:

Ed Rohrbach – Does a stone driveway fall within the definition of a paved surface? Ray -Yes.

Steven Threefoot – The Motion on the floor is asking for an exemption from parking on a hardened surface.

Alton Dahl – Does this mean we cannot park vehicles on the Greens? Steven replied we are seeking an exemption.

Charles Robinson – The Red Book states that every leaseholder must provide sufficient space for parking. Isn't the code the same as what the Red Book states? Why is this being brought up? Has there been a complaint? Ray replied that one person has received a violation for parking on their front lawn. Charles R. – What is the wisdom for getting an exemption from a code that enforces what the Red Book says? He is against the Motion.

Carol DiGiovanni – What is the reasoning behind this exemption and what positive effect can it have? Ray replied that the question has come up before the committee many times with people saying they want the right to do this. However, Charles has a good point.

Steven Threetfoot – I don't think the Red Book specifies that the parking you provide has to be a hardened surface.

Mike Curtis – I believe the Ordinance says you must provide off street parking for residents.

Willard Glenn – Has never seen it abused.

Charles R. – Ordinance 13, Section 2 does not specify "hardened surface" but the implication is that every leaseholder must somehow find accommodation above and beyond parking on the front lawn.

Marianne Cinaglia – It is a different situation when the car belongs to a resident and not a visitor.

Call for the Question

Chair Steven Threetfoot read the Motion

The Registration Committee conducted a hand vote.

Motion passed. Ayes 21 and Nays 12

Ray made the following Motion:

MOVED

Seek exception for tree branches to **Section PM 302.11 Outside storage of debris**. ..that is, tree branches would be exempted from this section for Arden. County inspectors now include fallen branches as wood debris.

Seconded

Discussion:

Rodney Jester asked how many tree branches.

Carol DiGiovanni can see the potential for fire and health hazards.

Tom Wheeler likes the habitat environment. It is how we keep our animals, insects, and critters.

Ed Rohrbach says the Forest Committee cuts down tree branches and leaves them.

Hugh Roberts said he collects tree branches, grinds them up and composts them.

Call for the Question:

Chair Steven Threetfoot read the Motion.

Motion passed. Ayes have it.

Ray made the following Motion in order to get a sense of the community regarding vacant houses.

MOVED

Vacant houses do not support Arden's community spirit and therefore Town Meeting requests that Community Planning continue to develop a process which includes a financial fine for all leaseholds vacant for greater than one year and report back at the Sept. 2010 meeting with a recommendation.

Seconded

Discussion:

Ed Rohrbach – Would this apply even if they continue to pay land rent? Ray – Yes. Ed – The principle upon which Arden is founded is that you pay land rent and the building you put on it is your own business.

Warren Rosenkranz suggested we first see how Wilmington handles this issue and if it is court tested.

Alton Dahl questions the use of the word “leasehold” in the statement. It is the empty houses that become unsightly. Ray replied that what the committee keeps hearing is that it is not just the fact that the houses are falling apart, it is the fact that no one is living in the houses that is the biggest concern.

Sadie Somerville said perhaps there could be other options to persuade people to improve the properties.

Charles Robinson – What if the house is empty but on the market? Ray -That is why they put a time limit on it. The seller may be asking an unreasonable price for the house.

Tom Wheeler – What about vacant ADUs? Ray - ADUs would be exempt as long as someone is living in the primary house.

Carol DiGiovanni – What is New Castle County’s policy? Ray - The County has very elaborate codes. If you are in violation of any of those codes, they take action immediately. However, what we are hearing from the community that it is not the condition of the house as much as the fact that the house is empty that is the concern.

Ed Rohrbach – We would get in legal hot water if we tried to do anything as long as the leaseholders are paying their land rent. Ray – Technically we could do something if we so choose.

Connee McKinney – Would like to ask the committee to look into whether any similar cases have been court tested. It may be a problem if we mandate that someone live in a house.

Lynda Kolski questions the exemption of ADUs if the owner is living in the primary residence. This is not the case currently at the Weave Shop. The owners do not live in Arden but they keep 2 of the 5 apartments rented. Please reconsider the policy regarding ADUs. Also, she knows of a house whose owner died and left it to her daughter in California. The daughter does not want to sell, but wishes to maintain it so that she can use it when she visits the east coast. Originally, Arden was not a year-round community.

Carl Falco - Nowhere in the lease agreement does it say that anyone has to live in a structure on that land or that there even has to be a structure on that land. We need to get a clear legal opinion before doing anything.

Mike Curtis knows that the City of Wilmington has had enormous success with their law against vacant homes but does not know how many vacant houses have been re-inhabited. Does the committee have statistics on that? Ray replied that they would find out. Mike C.- You may want to look at the City of Harrisburg which is a little smaller than Wilmington.

Call for the Question:

Chair Steven Threefoot – It is the sense of the Town Meeting that the Community Planning Committee take the input presented and move forward with coming up with a way to address the vacant residences in Arden.

Motion passed. Ayes have it.

Questions;

See Rothrock – Is it a policy or an ordinance that you have to have lived in Arden in order to be buried in the Memorial Garden? Steven Threefoot replied that he thinks it is a policy.

Lynda Kolski – How many additional Grubbs would qualify to be buried in Memorial Garden? Ray - It would be whatever can be accommodated within the stone wall area.

Cecilia Vore – Propose the following Motion:

MOVED

That a possible violation against the New Castle County Property Maintenance Code can only be reported by an individual residing in the adjacent leasehold or by an official of the Village of Arden.

Seconded

Background on the Motion:

Cecilia V. – Reporting possible violations could be used to harass residents. This way only those directly impacted by the possible violations can report it. In cases of egregious conditions, a Town official could report if an adjacent neighbor chooses not to.

Discussion:

Carol DiGiovanni explained how she feels she is targeted by this Motion and resents being accused of harassment by Larry Walker for reporting possible code violations. If you say you can't exercise your civil liberties it is a violation of civil liberties. Anyone in a community has a right to call and report a code violation.

Ray Seigfried – Community Planning did talk to Larry Walker about this issue and decided not to agree with him. The committee is trying to strike a balance between the individual wanting to do what they want to do and the community good. We are all in this together. It is not just about next door neighbors. The committee does not endorse the Motion.

Cecilia V. – I did not mention names. I am speaking for myself. I understand that the committee has taken this into consideration but would like to go forward with the Motion to see what happens.

Marianne Cinaglia – I am against the motion. There is a term, “externality.” An externality exists whenever one individual's actions affect the well-being of another individual. We need to weigh an individual's rights and good versus the community's rights and good. For example, we use this idea when assessing lots that border community greens or roads. If the community has respect for itself and its neighbors, it will work well.

Mary Marconi – It seems the Motion is contradictory to what we were talking about regarding vacant lots, unless it is just neighbors who could complain about vacant lots. I am against the Motion.

Call for the Question:

Chair Steven Threefoot read the Motion.

Motion does not pass. Naves have it.

Community Planning report Accepted.

11.6 Civic - Tom Wheeler

Tom announced that he and Ed Rohrbach are sharing duties as Acting Co-Chairs. As soon as they have a complete slate of committee members, they will elect a permanent Chair. Tom read the following report:

The members of the committee made a survey of the towns roads and have noted a number of potholes and other deficiencies that we are planning to get fixed as soon as we determine how much money is available for this work.

Tom Wheeler & resident Sue Rothrock met with Representative Bryon Short requesting assistance to clear the storm drain at Marsh & Millers which had been filled with rock and soil. This drain has now been cleared by DeDot at Rep. Short's request.

We are also working on getting a street sign replaced at the corner of Orleans and Harvey Road that was knocked down during an auto accident.

Two members of the committee resigned in May and the committee is down to only three members.

We have two people, Valerie Hutchinson, and Mickey Fitzharris, who have volunteered to join the committee if approved by the town assembly.

Submitted by Ed Rohrbach & Tom Wheeler

Chair Steven Threefoot – All those in favor of Valerie Hutchinson and Mickey Fitzharris being elected to the two vacant positions on the Civic Committee?

All were in favor.

Danny Schweers – Point of Order. What is the term length for these two positions? Cecilia Vore – They will serve until March 2011.

Steven Threefoot – At the last Town Meeting Civic was given direction to report back on what happened at a particular leasehold. Tom replied, that given the short notice on it, they did not have anything prepared, but that Rodney Jester does have the following Motion:

MOVED

That the Village of Arden apply to the Delaware Forest Service Urban and Community Forestry Program for \$2,500 in matching funds toward the bid of \$5,000 from Brandywine Tree and Shrub to remove the trees along the northeast side of the Sherwood Green.

Rodney explained that the bid includes removing the trees from the upper part of the Green down to the Highway. This will add that section to the Green. At one time it was the right-of-way for a road that was never built. This motion is to apply for a matching grant to help with the cost

Seconded

Questions:

Lynda Kolski – Why do you want to remove them? Rodney – They are Norway maples, an invasive species, and it would give us more space on the Green. Lynda – Do you have a survey showing where the Sherwood Green boundary lines are?

Rodney – We have found that it has been surveyed. There is a survey point at the upper end. We have a marker in the middle of The Highway. We can only extrapolate that the line bisects Bonnie Phillips' driveway. We have no intention of touching the driveway or shrubbery there.

Lynda – Due to the Village financial situation I do not see this as a priority, and if you plan on removing them that they be replaced with something immediately; and that no work be done until a survey is done that clearly delineates where the land is.

Connee McKinney is concerned about dealing with this issue at this time since there is currently controversy regarding this location. Do we need to push this now? Rodney – No.

Bonnie Phillips – At the last Town Meeting I informed the community that the hedge that my father planted had been removed without any notification. This is not in keeping with the Arden spirit. It was suppose to have been dealt with at this meeting, and it seems it's going to be postponed again. If you are talking about the tree line on my leasehold, you don't have the right to cut down my trees without my permission. Rodney – The trees we are referring to are on Town land. Bonnie – When my parents leased that property they were assured that the driveway was on their leasehold.

Steven Threefoot – We will make sure that nothing is done on your leasehold without first getting verification.

Call for the Question:

Chair Steven Threefoot read the Motion.

Motion did not pass. Nays have it.

Civic Committee Report Accepted.

Chair Steven Threefoot asked to suspend the order of the Agenda at this point so that the Assembly could vote on accepting the New Castle County All Hazard Mitigation Plan. Copies of the Plan were distributed at the door. (See Attached) Steven made the following Motion:

MOVED

That the Village of Arden accept by acclamation the New Castle County multi-jurisdictional All Hazard Mitigation Plan as its All Hazard Mitigation Plan.

Seconded

Questions:

Alton Dahl – In paragraph 4 does it mean that the Village of Arden has developed a separate set of Hazard Mitigation strategies? Steven – That means that there are additional things that our Safety Committee does that are appropriate for our municipality. Alton – I move that we insert the word "additional" into that sentence.

Motion Accepted as amended.

11.7 Buzz Ware Village Center – No report

1 1.8 Budget - David Michelson

David presented the report that was distributed at the door. (See Attached) It is a proposal for a capital and repair fund which the committee would like to include in the Budget Referendum that is presented at the September Town Meeting.

Questions:

Danny Schweers – What has the Village been doing for the past 110 years? Steven Threefoot – The Trustees have had a Prudent Reserve that filled that role. They still have a Prudent Reserve.

Charles Robinson – So, if we don't do this we still have the Prudent Reserve to cover these conditions? David Michelson – Yes. The committee feels we should start putting money aside in a separate fund for this.

Budget Committee Report Accepted.

11.9 Audit - Cookie Ohlson

Cookie read the following report:

During the fiscal year ended on March 24, 2010, the Trustees of Arden separated their combined financial reporting between their organization and the Village of Arden, Inc. I have reviewed the Trustees' audit as submitted by Corcoran Associates and have found it to be fine and reasonable.

Due to the separation of funds, there were issues in regard to wording and format for the Village of Arden audit as presented by Corcoran Associates. We are still in discussion with those auditors, and there is no final copy for approval at this time. Submitted by Cookie Ohlson

Questions – None

Audit Committee Report Accepted

11.10 Archives - Lisa Mullinax

We would like to remember our committee member Terry Colgan. We will be forever grateful for her friendship, her stories, and her passionate support for the Archives and the Museum. It is my sad duty to ask for an election to fill the remainder of her term. Lisa announced that the committee wished to nominate their current alternate member Barbara Macklem as a committee member to replace Terry Colgan.

Chair Steven Threefoot asked if there were any nominations from the floor. There were none.

All were in favor of Barbara Macklem as the new member of the Archives Committee.

Lisa read the following report:

Please send your good wishes to committee member June Kleban. We hope to have her back with us soon.

We are pleased to announce the publication of the Arcadia Press Images of America book, Arden, edited by ACSM board president Mark Taylor and featuring many wonderful images of Arden from 1900 to 1940. A book signing event held earlier this month at the Museum was a great success. All proceeds from the book benefit the Museum and copies are available for purchase there and at local stores.

The Museum was open before the Shakespeare Guild's production of "As You Like It" and we saw many first time visitors.

Yesterday, we hosted a group from our sister community of Rose Valley which included descendants of Will Price. Activities included a steamy picnic lunch and a walking tour. Thanks to all who helped make this a wonderful event.

The Museum will again be open during the Arden Fair this year.
Respectfully submitted, Lisa Mullinax

Questions:

Mike Curtis – If someone donated an artifact to the Archives, who would own it, the Village or the Museum? Lisa – It would belong to the Archives with a community designation, e.g. Arden, Ardencroft, or Ardentown. Mike – There is also the Museum. The collection belongs to the Archives which is a Village Committee.

Archives Committee Report Accepted.

12.0 Board of Assessors Report – Alton Dahl

Alton went over the report that was distributed at the door. (See Attached) He explained that the Board of Assessors is elected by Referendum and is not a Committee of the Town but a separate body as are the Trustees. The Assessment is for the year that will begin in March 2011. If the Assembly chooses to adopt an Alternative Assessment presented at the September Town Meeting, then those options will go on the Referendum in the fall. The Assessors adopted the community standard of living method for the total assessment and portioned the assessment by formula. They used the same formula that has been used for many years. The only thing different this year from last year is that last year there was a single rate adjustment for those lots on Harvey or Marsh Roads. This year they went back to the traditional method with a dual standard. If you are on Harvey or Marsh you get an automatic deduction, and if the road is your only access you get an additional deduction.

We will not receive as much money as usual from the State – down to about \$35,000 from \$41,000. The State grant has been discontinued and also the Right-of-Way payment.

The formula is based on the A Rate and that is \$236/1000 sq. ft.

Questions:

Danny Schweers – How does the \$236 this year compare with the previous year? Alton – It is an increase of 8%.

Mike Curtis – How was the D Rate figured for the property at Marsh and Sherwood which was grandfathered to operate as a commercial property? Alton - By comparing the value of a similar size lot that was residential with one that was commercial. Mike – That is a 15,000 sq. ft. lot and only 4,000 sq. ft. is allowed to

be used in any commercial way. Alton – We stayed with the rate that has been used in the past.

Board of Assessors Report Accepted.

13.0 Old Business – Chair Steven Threefoot
Energy, Efficiency, and Conservation Block Grant Program

We have submitted applications for the Formula Grant - \$20,000 for each of the three villages. Ardencroft will use their \$20,000 to support projects at the Buzz Ware Village Center. The Village of Arden will use theirs for work on the Guild Hall and the Craft Shop. We haven't heard yet if these grants have been approved.

The three villages will be meeting to discuss the Competitive Grant submissions. Applications are due on July 9. There will be two applications. One for the BWVC that will include alternative energy source and energy efficient improvements for the building, and a second grant application from the three villages together for residents to do energy saving improvements to their own houses – about \$1000/ leasehold.

Harvey Rd. & Marsh Rd. Intersection

In May there was a public meeting in the Lower Gill Hall with State Rep. Bryon Short and invited DelDOT representatives. Basically DelDOT said they cannot do anything further to improve that intersection. What is being done now is the best that their traffic models say can be done.

Questions:

Marianne Cinaglia – Will a committee be formed to act on Absentee Voting? Steven Threefoot replied that he would be contacting her about it.

14.0 New Business - None

15.0 Good & Welfare – Chair Steven Threefoot - We send best wishes to June Kleban who recently had back surgery.

Meeting Adjourned at 10:35 PM

Respectfully submitted,

Elaine Hickey
Secretary
Village of Arden

Attachments Follow

**Trustees of Arden
Financial Report
June 28, 2010**

| | <u>May 24, 10</u> |
|--|--------------------------|
| ASSETS | |
| Current Assets | |
| Checking/Savings | |
| ARDEN BUILDING & LOAN - TRUSTEE | 173,978.88 |
| TRUSTEES - WILMINGTON TRUST | 424,999.25 |
| VANGUARD | |
| Fund 11 | 1.29 |
| Fund 32 | 70,028.64 |
| FUND 33 | 4,423.51 |
| Fund 49 | 70,183.78 |
| Vanguard 30 Trust Bequest | 81,253.76 |
| Total VANGUARD | <u>225,890.98</u> |
| Total Checking/Savings | 824,869.11 |
| Accounts Receivable | |
| LAND RENT RECEIVABLE | 31,741.91 |
| Total Accounts Receivable | <u>31,741.91</u> |
| Total Current Assets | 856,611.02 |
| Other Assets | |
| Due From Village of Arden | 1,449.13 |
| Total Other Assets | <u>1,449.13</u> |
| TOTAL ASSETS | <u><u>858,060.15</u></u> |
| LIABILITIES & EQUITY | |
| Liabilities | |
| Current Liabilities | |
| Other Current Liabilities | |
| Deferred Revenue - Grants | 2,594.31 |
| Due to Village of Arden | 95,000.00 |
| Total Other Current Liabilities | <u>97,594.31</u> |
| Total Current Liabilities | <u>97,594.31</u> |
| Ordinary Income/Expense | |
| Income | |
| Interest - Trustees Cking Acct | 49.04 |
| LAND RENT | 14,481.78 |
| LAND RENT FINANCE CHARGE | 160.27 |
| Total Income | <u>14,691.69</u> |
| Expense | |
| TRUSTEE ADMINISTRATIVE | 2770.9 |
| | <u>11,920.79</u> |

Mike Curtis

Trustee: _____

Admin. Asst: *Julian McNeil*

Village of Arden
Statement of Financial Activity
4/1-6/28/10

| | 4/1-6/28/10 | Budget | % to Budget |
|----------------------------------|--------------------|----------------|--------------------|
| Revenue | | | |
| 4000 · General Funds - Village | 91,500 | 183,000 | 50.00% |
| 4510 · Franchise Fee Receipts | 1,844 | 12,100 | 15.24% |
| 4900 · Interest Income | 123 | 700 | 17.62% |
| Total Revenue | 93,467 | 195,800 | 47.74% |
| Expenses | | | |
| 6000 · Payroll & Payroll Taxes | 2,625 | 12,184 | 21.54% |
| 6300 · Administrative Expenses | 1,431 | 4,250 | 33.67% |
| 6900 · Audit,Bkping,PR Expenses | 179 | 9,400 | 1.90% |
| 7010 · Gild Hall Rental | - | 1,300 | 0.00% |
| 8000 · Committee Expenses | 18,318 | 66,790 | 27.43% |
| 8010 · Contributions & Donations | 5,300 | 5,300 | 100.00% |
| Contingency Fund | - | 9,500 | 0.00% |
| 8030 · Trash Service | 14,523 | 58,100 | 25.00% |
| 9000 · Debt Service | 4,018 | 16,176 | 24.84% |
| Total Expense | 46,392 | 183,000 | 25.35% |
| Surplus (deficit) | 47,075 | 12,800 | |
| Committee | | | |
| | Actuals YTD | Budget | |
| Advisory | | 300 | 0.00% |
| Archives | | 1,440 | 0.00% |
| Assessors | | 50 | 0.00% |
| Civic | 16,968 | 50,000 | 33.94% |
| Community Planning | | 1,000 | 0.00% |
| Forest | | 8,000 | 0.00% |
| Playground | 1,350 | 3,000 | 45.00% |
| Registration | | 1,000 | 0.00% |
| Safety | | 2,000 | 0.00% |
| | 18,318 | 66,790 | 78.93% |

Village of Arden
Statement of Financial Activity
 June 28 2010

| | Special Village Funds | | | | |
|-----------------------------------|-----------------------|--------------------------|------------------------------|-----------------------|-----------------------|
| | Buzz renovation | Hamburger Lecture Series | J. Schroeder Bequest | Memorial Garden | MSA |
| | Apr '10 - June 28 '10 | Apr '10 - June 28 '10 | Apr '10 - June 28 '10 Budget | Apr '10 - June 28 '10 | Apr '10 - June 28 '10 |
| Revenue | | | | | |
| 4010 · Donations | - | - | - | 1,886 | - |
| 4900 · Interest Income | - | - | 290 | - | - |
| Total Revenue | - | - | 290 | 1,886 | - |
| Expenses | | | | | |
| 8000 · Program Expenses | - | - | - | 1,287 | - |
| Total Expense | - | - | - | 1,287 | - |
| 4999 Carried forward fund balance | 300 | 11,671 | 393,827 | 5,848 | 39 |
| Fund balance | 300 | 11,671 | 394,117 | 6,447 | 39 |

Village of Arden
Statement of Financial Position
 As of June 28 2010

ASSETS

Current Assets

Checking/Savings

| | | |
|---|---------------|-------------------|
| 1000 · TD Bank Operating Account | 4,461 | General operating |
| 1005 - ING Direct | 95,278 | General operating |
| Total Checking/Savings - Village Funds | 99,738 | |

| | | |
|-------------------------------------|----|----------------------|
| 1010 · TD Bank MSA Checking Account | 78 | Municipal Street Aid |
|-------------------------------------|----|----------------------|

| | | |
|-----------------------------------|----------------|-------------------|
| 1004 · 2 CD's - Firsttrust Bank | 219,488 | Schroeder Bequest |
| 1020 · Wilmington Trust 2943-0071 | 174,837 | Schroeder Bequest |
| Total Schroeder Bequest | 394,325 | |

| | | |
|------------------------------|--------|--------------------------|
| 1030 · Arden Building & Loan | 11,671 | Hamburger Lecture Series |
|------------------------------|--------|--------------------------|

Other Current Assets

| | | |
|-----------------------------------|---------------|-------------------------------|
| 1100 · Due From Trustees of Arden | 95,000 | Second payment of FY11 budget |
| Total Other Current Assets | 95,000 | |

| | | |
|-----------------------------|----------------|--|
| Total Current Assets | 600,812 | |
|-----------------------------|----------------|--|

| | | |
|---------------------|----------------|--|
| TOTAL ASSETS | 600,812 | |
|---------------------|----------------|--|

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

| | | |
|-------------------------------|---------------|--|
| 2000 · Accounts Payable | 11,781 | |
| Total Accounts Payable | 11,781 | |

Other Current Liabilities

| | | |
|--|------------|--|
| 2010 · Payroll Liabilities | 488 | |
| Total Other Current Liabilities | 488 | |

| | | |
|----------------------------------|---------------|--|
| Total Current Liabilities | 12,269 | |
|----------------------------------|---------------|--|

| | | |
|--------------------------|---------------|--|
| Total Liabilities | 12,269 | |
|--------------------------|---------------|--|

| | | |
|---------------------|----------------|---------------------------------|
| Total Equity | 588,544 | (Schroeder Bequest = \$394,325) |
|---------------------|----------------|---------------------------------|

| | | |
|---------------------------------------|----------------|--|
| TOTAL LIABILITIES & EQUITY | 600,812 | |
|---------------------------------------|----------------|--|

Buzz Ware Village Center
Statement of Financial Activity
 June 28 2010

| | BuzzWare | | |
|--|-----------------------|---------------|---------------|
| | Apr '10 - June 28 '10 | Budget | % to Budget |
| Revenue | | | |
| 4000 - General Funds - Village | 3,500 | 7,000 | 50.00% |
| 4010 - Donations | - | - | #DIV/0! |
| 4100 - Event Revenue | - | 3,000 | 0.00% |
| 4400 · Rentals | 3,115 | 23,802 | 13.09% |
| Total Revenue | 6,615 | 33,802 | 19.57% |
| Expenses | | | |
| 6000 · Payroll & PR Taxes | 2,100 | 14,133 | 14.86% |
| 6300 · Administrative Expenses | - | 155 | 0.00% |
| 6310 · Janitorial Supplies | 287 | 917 | 31.30% |
| 6500 · Equipment Purchases | - | 250 | 0.00% |
| 6900 · Audit,Bkping,PR Expenses | 87 | 225 | 38.75% |
| 7020 · Utilities | 819 | 9,537 | 8.59% |
| 7060 - Licenses/Permits/Fees/AlarmMonitoring | 152 | 785 | 19.36% |
| 7500 · Renovations | - | 1,000 | 0.00% |
| 7600 · Repairs & Maintenance | - | 4,000 | 0.00% |
| 8000 · Program Expenses | - | 2,800 | 0.00% |
| Total Expense | 3,445 | 33,802 | 10.19% |
| Surplus (deficit) | 3,170 | - | 9.38% |

June 2010 Financial Policies – Village of Arden

The following financial policies have been agreed to by the current officers (Secretary, Treasurer, Advisory Chair, and Village Chair). The date represents when the policy was first put into place. Policies are intended to provide guidelines for the operation of the Village. These policies may be modified at any point by the officers.

Policy - Use of Contingency Funds Policy (May 2010)

Contingency funds are specified as part of a budget referendum. The purpose of the contingency funds is to cover unplanned village or committee expenses. Expenditure of contingency funds requires the pre-approval of three officers and should only be utilized when other mechanisms to cover the costs has been unsuccessful.

Policy - Expenditures of Greater than two-thousand dollars (April 2010)

All committee expenditures of \$2,000 or more require preauthorization of two officers of the Village prior to the commitment of Village funds. In case of an emergency – significant threat to persons or property – appropriate action should be taken as soon as possible with the committee informing at least one officer of the Village within 24 hours.

Policy - Transferring of Funds between Budget Line-items (October 2009)

Funds may be shifted between budget items on the budget referendum by approval of the committee if all budget items are within the committee's responsibility or with the approval of the representative of all committees involved and a least one village officer. Transfer of funds is only allowed if the source account has sufficient funds available and that no standing vouchers are in place covering the funds.

Policy – Authorizing Payment of Funds (March 2009)

The authorization of payment of funds by electronic funds transfer, or check or by any other means, requires the approval of two Village Officers. Officers are not allowed to authorize payments to them self.

Policy – Obligations over \$10,000 (March 2007)

Obligations of Village funds of \$10,000 or greater, requires the signature of the Village Chair, or in the case the Chair is not available, the Secretary.

Policy – Contracts or Agreements with Commitments of One Year or Longer (September 2004)

All contacts and all agreements with duration of one year or longer require the signature of the Chair and the Secretary. (Note – the Charter of the Village of Arden specifies the signature requirements for executing contracts).

Suggested procedure for Absentee Voting in Village of Arden elections:

Based on State of Delaware Title 15: Special, Municipal and Other Elections
CHAPTER 75. MUNICIPAL ELECTIONS

Subchapter V. Absentee Voting in Municipal Elections Except for the City of Wil-
mington <http://delcode.delaware.gov/title15/c075/sc05/index.shtml>
and procedures for Village of Arden Budget Referenda

Reminder of election at March Town Meeting and how to petition for absentee ballot will be placed in February Arden Page.

1. Resident requests affidavit (prepared by Registration Committee) by mail or electronic request or by visiting the Town Office during regular business hours.
 - a. Registration Committee or Town official on duty during business hours mails/emails/gives resident affidavit asking for the following information:
 - a. The elector's name;
 - b. The address within the municipality at which the elector establishes eligibility to vote;
 - c. The address to which the elector requests that the absentee ballot be mailed;
 - d. The reason that the elector cannot appear at the regular polling place on the day of the election which reason shall be any of the reasons listed in § 7571 of this title.
 - e. The elector's signature;
2. Resident completes affidavit and returns it by mail or electronic means or by personal delivery no later than 12 noon the day before the election.
 - a. Registration Committee forwards ballot/presents ballot to resident as soon as it is prepared along with a mailing envelope/signature envelope to requesting resident. The same procedures used in the annual budget referendum will be used for return of absentee ballots. Postage for ballot envelopes shall be the responsibility of the municipality.
3. Resident returns ballot by mail, by delivering it, or causing it to be delivered to the Registration Committee before the polls close on the day of the election.
 - a. Absentee ballots will be counted at the same time as the ballots completed at the March Town Meeting

Other concurrent procedures

 1. Clarify if Title 15 Chapter 75 Subchapter V Absentee Voting in Municipal Elections Except in the City of Wilmington applies to The Village of Arden.
 2. Obtain legal opinion on parts of An Act to reincorporate the Village of Arden need to be addressed to accomplish participation by absentee vote/ballot.
 3. Rewrite sections of An Act and Committee descriptions as necessary.
 4. Submit to State legislators for official change if necessary.

Select sections of:

State of Delaware

Title 15: Special, Municipal and Other Elections

CHAPTER 75. MUNICIPAL ELECTIONS

Subchapter V. Absentee Voting in Municipal Elections Except for the City of Wilmington

<http://delcode.delaware.gov/title15/c075/sc05/index.shtml>

**Modified for Village of Arden

§ 7570. Purpose of subchapter; scope.

It is the purpose and intent of the General Assembly in enacting this subchapter to provide those qualified electors of municipalities governed under subchapter IV of this chapter who are unable to appear at a municipal election to cast their ballots with the ability to cast a ballot to be counted in the total for the municipal election.

§ 7571. Persons eligible to vote by absentee ballot.

**Arden polls are open for a very limited time (7 PM to close of Town Meeting) extending the time by using absentee voting will promote the ability of increased opportunity to vote for the reasons stated in Chapter 75 and changing:

5 below by adding "...or attending college/training school."

3 below by eliminating "due to illness or injury."

Any person qualified under the provisions of a municipal charter to vote by absentee ballot in any municipal election held in that municipality ("elector") may vote by absentee ballot for any reason authorized by that municipality's charter or ordinances and for any of the following reasons:

- (1) Because such person is in the public service of the United States or of this State, or is a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia, or such person's spouse or dependents when residing with or accompanying the person, or is absent from this State because of illness or injury received while serving in the armed forces of the United States; or
- (2) Because such person is in the armed forces of the United States or the Merchant Marines of the United States, or attached to and serving with the armed forces of the United States in the American Red Cross or United Service Organizations; or
- (3) Because of the nature of such person's business or occupation, including the business or occupation of providing care to a parent, spouse or that person's child who is living at home and requires constant care (eliminate phrase: due to illness or injury); or
- (4) Because such person is sick or physically disabled; or
- (5) Because such person is absent from the municipality while on vacation; "...or attending college/training school." or
- (6) Because such person is unable to vote at a certain time or on a certain day due to the tenets or teachings of that person's religion.

§ 7572. Request for ballot; affidavits for absentee ballots; delivery of absentee ballots.

(a) An elector desiring to vote by absentee ballot in an election for which the elector is a qualified elector may request an absentee ballot from the municipality where the elector is qualified to vote by filing a written affidavit with the municipality no later than 12:00 noon the day before the election. An elector may submit a written or electronic request to the municipality for the municipality prepared affidavit form, which

the municipality shall forward to the elector upon receipt of a request therefore.

(b) An affidavit may be filed pursuant to this section by mailing it, delivering it, or causing it to be delivered to the municipality where the elector is qualified to vote.

(c) Affidavits filed pursuant to this section shall ******be prepared by the registration committee and contain the following information:

(1) Indicate the election or elections for which the elector is requesting an absentee ballot;

(2) Include at least the following information: ******abbreviated to conform to Arden practices.

a. The elector's name;

b. The address within the municipality at which the elector establishes eligibility to vote;

c. The address to which the elector requests that the absentee ballot be mailed;

f. The reason that the elector cannot appear at the regular polling place on the day of the election which reason shall be any of the reasons listed in § 7571 of this title.

i. The elector's signature;

§ 7573. Distribution of ballots, envelopes, and instructions; envelope specifications; prepaid postage.

******(a) A notice announcing the opportunity for absentee voting will appear in the February issue of the Arden Page.

(b) Not less than 4 days prior to an election, and within 3 days after the absentee ballots, envelopes, and instructions therefore become available, the municipality shall mail, to each elector who requests and qualifies for an absentee ballot the following:

(1) An absentee ballot for the municipal election in which the elector is qualified to vote;

(2) Instructions for completing the absentee ballot and returning it to the municipality, marked "INSTRUCTIONS FOR COMPLETING AND RETURNING AN ABSENTEE BALLOT"; and

(3) An envelope marked "BALLOT ENVELOPE", which shall be:

b. Large enough to carry the ballot; and

c. Addressed for return to the municipality.

(c) Postage for all mailings made pursuant to this subsection shall be prepaid by the municipality.

(d) Nothing contained in this section shall prevent the issuance of an absentee ballot to those lawfully entitled thereto when the request is made less than 4 days prior to the election.

§ 7574. Requirements for ballot envelope; numbering and coding; voter identification label; affidavit of eligibility.

******The same procedures used in the annual budget referendum will be used for return of absentee ballots.

§ 7578. Counting procedure for absentee ballots.

******Absentee ballots will be counted at the same time as the ballots completed at the March Town Meeting

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 without a permit (written or electronic) from the Civic Committee. No person or group shall sleep or camp overnight in the forest without written or electronic 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 or forests 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 and times designated by the Civic or Forest Committee by permit written or electronic. 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 or forests 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 Forest Committee shall establish rules for Sherwood and Arden forests. 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 than \$50 nor exceeding \$150. Each instance of violation shall be considered a separate offense.

Section 10. Any party who violates this ordinance and/or refuses to remove litter or repair damage including graffiti in a timely manner shall be subject to a fine of \$100 and costs of the clean-up.

RESOLUTION OF THE VILLAGE OF ARDEN TO ADOPT THE NEW CASTLE COUNTY MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN

WHEREAS, the Federal Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive pre- and post disaster assistance, and it is permissible by 44 CFR Part 201 that local municipalities may adopt the County mitigation plan as their jurisdiction's mitigation plan, and;

WHEREAS, it is the intent of the Town Assembly to fulfill its obligation and become eligible to receive Federal and State assistance in the event of a declared disaster affecting the Village of Arden, and

WHEREAS, New Castle County has developed and adopted a Multi-Jurisdictional All Hazard Mitigation Plan with input from the municipalities located within New Castle County through the County Hazard Mitigation Advisory Committee, public meetings and a contractor hired to perform updates to the plan. The Plan describes many of the natural hazards that may be encountered within the County, and

WHEREAS, the Village of Arden has developed an additional set of Hazard Mitigation Strategies that are appropriate for our municipality.

NOW THEREFORE, BE IT RESOLVED that the Village of Arden does hereby adopt the New Castle County Multi-Jurisdictional All Hazard Mitigation Plan, adopted by the County Council on January 18, 2010, as the official All Hazard Mitigation Plan for the Village of Arden.

BE IT FURTHER RESOLVED that the Town Assembly shall update and revise the Village's portion as needed.

ADOPTED this the 28th day of June 2010.

Proposal for a Capital, Maintenance and Repair Fund for the Village of Arden, Budget Committee, June 28, 2010

Purpose: As a municipality with public areas and community structures to maintain, the budget committee is recommending the creation of a "Capital, Maintenance and Repair Fund". The purpose of this fund is two fold: 1) provide a funding source for non-budgeted emergency repairs that could, if not responded to quickly, result in an injury or significantly more damage, and 2) provide a funding source for future capital and large maintenance projects that could be approved through a town approval process. Large maintenance projects are defined as one-time operating maintenance that exceeds \$10,000. This fund would differ from the towns prudent reserve in that the prudent reserve's sole function is to

cover cash flow issues during a fiscal year close and is not to be spent on budget overruns, emergency repairs, or capital projects. It differs from the contingency fund in that the contingency is there to cover budget overruns and at present is renewed every year without carry over. A more complete description of each fund is described below.

Capital, Maintenance, and Repair fund is used to acquire or upgrade physical assets such as buildings and machinery. An example is installation of a new bathroom or fixtures in an existing bathroom, (but not their repair).

Contingency fund is monies that can be used when certain conditions are met, emergency conditions exist, or to cover incidental expenses that were not foreseen in the budget process. An example would be extreme snowfall requiring more than budgeted labor for its removal.

Prudent reserve fund is established for a financial reserve—a proverbial “rainy day fund”—to see the short-term cash flows through any difficult times. An example of this would be use of prudent reserve funds to pay taxes to the municipality that raises taxes after a collection has occurred. The money is available for such unforecasted events and are considered more extraordinary than contingency. Prudent reserve funds are saved over years, whereas contingency funds, when unused, are typically not "rolled over to future years."

Appropriation of Funds

1. Emergency Repairs: Emergency repairs are defined as items that need to be addressed in a timeframe of less than 3 months. A repair would be deemed an emergency if it was considered a safety issue that could result in bodily harm or increased physical or structural damage. In such an event, appropriation of funds would require approval of 2 of 3 of the following: town chair, treasurer, or advisory chair (Note: what about secretary or chair of safety?) In the case of such an event, the town would be informed during the ensuing town meeting.

2. Capital and Maintenance Fund: Appropriation of funds for capital projects would be completed through a proposal/approval process at two town assemblies: In the first, a written proposal for capital funds – not exceeding the amount available – would be presented by the committee wishing to spend capital funds. This would be the first hearing of the proposal and would be published in the minutes. The proposal would be presented in the following town meeting and voted upon. After the second town meeting, the committee that has provided the proposal will be authorized to spend capital up to and not exceeding the amount approved by the second town meeting. All other Arden expenditure processes will need to be followed (voucher process, competitive bidding, etc.).

Recommendation:

Budget Committee recommends that the fund be started in fiscal 2011-2012 with \$10,000. The town would continue to collect \$10,000 increments in the years to follow until the targeted amount of the fund is reached. If the fund gets used, then the town will continue to budget money for this fund to maintain the targeted amount. The amount that can be collected in any one year should not either exceed \$10,000/year nor should it be in an amount to exceed the targeted amount. Budget Committee is recommending a \$50,000 target.

Assessor's Report 2010

This year's Board of Assessors adopted the principle of the Community Standard of Living Method of Arden Assessment in use since 1980 as the basis for determining total land rent.

The "Community Standard of Living Method of Arden Assessment" defines total "Full Rental Value" of the leaseholds as the sum of town expenses (both "non-budget" in the form of county and school taxes, and "budget" as embodied in the town's budget), and the cost of administering the trust, while maintaining a "prudent reserve". This method divides full rental value by acreage of land held privately in leaseholds, such divisions determined by assessors' formulas. The formulas, which are intended to reflect the relative value of leaseholds, are based on lot size, zoning privileges and location factors (see rates and factors below).

A majority of the Board of Assessors continues to endorse the principles of real estate practice in the wider community, which we embody as a multi-tier evaluation of leasehold area. The "**A rate**" is the base rate, common to all leaseholds - the first 7,116 square feet, using as our unit the area of the smallest leasehold in Arden. The multiple domicile rate (the "**B rate**") is set this year at 80% of the "A rate". For each dwelling unit beyond the first, the leasehold is charged the B Rate for an additional 7,116 square feet but is not charged for more than the actual area of the leasehold. The "**C rate**" is applied to the amount of land on a leasehold not covered by the A or B rates. It is assessed at 40% of the "A rate." The "**D rate**" is the commercial rate, only applied to one leasehold. It continues at a surcharge of 75%, with no deduction for frontage on Marsh Road.

The specific location factors are as follows.

- | | |
|---|------|
| 1. Leaseholds adjacent to Arden or Sherwood Forests | +10% |
| 2. Leaseholds fronting on Arden or Sherwood Forest by being across the street | +5% |
| 3. Leaseholds adjacent to or fronting on a communal green | +5% |
| 4. Leaseholds adjacent to Harvey Road and/or Marsh Road | -5% |
| 5. Leaseholds having driveway access only to Harvey Road and/or Marsh Road | -5% |

Notes

1. The specific location factor charges (in dollars) to be added to or subtracted from the sum of the Base Land Rent are obtained by multiplying the Base Land Rent for the leasehold by the appropriate specific location factors as given above.
2. Leaseholds having less than a 25 foot opening to the forest will not be charged a woods factor. More than that frontage to the forest will be considered a full access and charged a full factor.
3. Location factors 4 and 5 are additive if both are applicable.

Based on information obtained from the Budget Committee, the Village Treasurer and the Trustees, the Board of Assessors presents the following report. In order to meet the 2011-12 forecast expenditures of \$661,511 and to produce a prudent reserve of \$135,000, the Board of Assessors has set the "A rate" for March 2011 at \$236 per thousand square feet.

1) Forecast Expenditures

| | |
|------------------------------------|------------------|
| School & County Taxes | \$426,776 |
| Trust Administration | 36,300 |
| Sherwood Forest Loan | 16,000 |
| Arden Town Budget | 198,435 |
| Total Forecast Expenditures | \$661,511 |

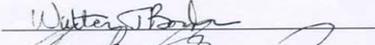
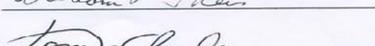
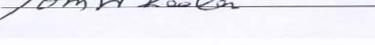
2) Forecast Revenue

| | |
|--|------------------|
| Forecast Revenue from sources other than land rent | \$35,000 |
| Total Revenue from land rent | \$591,000 |
| Total expected revenue | \$626,000 |

3) Prudent Reserve

| | |
|--|------------------|
| Expected difference between expenditures and revenue | \$(35,000) |
| Projected March 2011 prudent reserve | \$177,000 |
| Target prudent reserve projected for March 30, 2012 | \$141,000 |

THE 2010 BOARD OF ASSESSORS
Vote on Final Report

| | | |
|----------------|--|---------|
| Walter Borders |  | yes |
| Brooke Bovard |  | yes |
| Alton Dahl |  | yes |
| Denis O'Regan |  | yes - |
| Jeff Politis |  | yes |
| Bill Theis |  | yes |
| Tom Wheeler |  | ABSTAIN |

Examples:

Examples of base rentals:

| <u>Lot Size (sq ft)</u> | <u>Base Land Rent</u> |
|-------------------------|-----------------------|
| 10,000 | \$1,952 |
| 20,000 | \$2,896 |
| 30,000 | \$3,840 |
| 40,000 | \$4,784 |

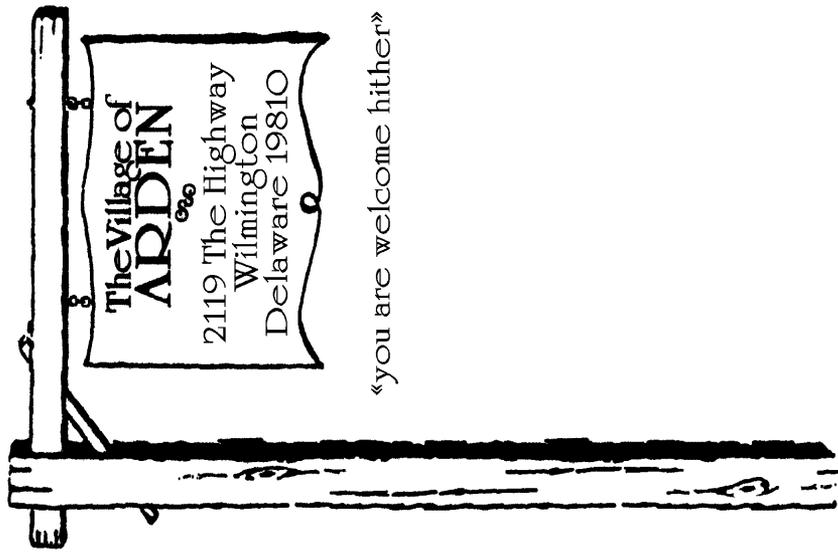
Examples of rate calculations:

1. A 20,000 sq. ft. lot containing one dwelling unit, on a village green and adjacent to a forest:

| | |
|--|----------------|
| 7,116 sq. ft. X \$236 / M sq. ft. | \$1,679 |
| 12,884 sq. ft. X \$236 / M sq. ft. X 40% | \$1,216 |
| Base Land Rent | \$2,896 |
| Forest Factor - \$2,834 / X 10% | \$290 |
| Greens Factor - \$2,834 / X 5% | \$145 |
| Total Land Rent | \$3,330 |

2. A 30,000 sq. ft. lot containing three dwelling units and adjacent to Arden Forest:

| | |
|---|----------------|
| 7,116 sq. ft. X \$236 / M sq. ft. | \$1,679 |
| 7,116 sq. ft. X 2 X \$236 / M sq. ft. X 80% | \$2,687 |
| 8,652 sq. ft. X \$236 / M sq. ft. X 40% | \$817 |
| Base Land Rent | \$5,183 |
| Forest Factor - \$5073 X 10% | \$507 |
| Total Land Rent | \$5,701 |



The Village of
ARDEN
est. 1981
2119 The Highway
Wilmington
Delaware 19810

«you are welcome hither»