VILLAGE OF ARDEN TOWN ASSEMBLY SEPTEMBER 25, 2017

Town Meeting Minutes

JANUARY 22, 2018

Next Town Assembly for the Village of Arden 7:30 p.m. Gild Hall

2119 The Highway, Arden, Delaware

MOTIONS/RESOLUTIONS PRESENTED

10.0 Alternative Assessment

Motion: Voting on whether to have the Alternative Assessment go out for referendum along with the BOA's Assessment presented at June Town Assembly.

(If we choose as an assembly to have the Alternative Assessment go out with the BOA's Assessment, then the vote on that can happen in one of two ways: One of the two assessments gets the majority of the residents is the assessment that the trustees use to collect land rent. If neither gets the majority of residents (means all people who are eligible voters not just those who voted), we revert back to last year's Assessment and the Trustees use last year's assessment to collect land rent.)

Paper Ballot Motion to have a paper ballot to decide on alternative assessment. Hand count: Yes 44, No 31. Vote passed for paper ballots.

(Vote requirements - Live in Aden six months and be 18 yrs. of age)

Vote Alternative Assessment failed - The **Alternative Assessment** (Traditional method) will <u>not</u> go out with referendum to be voted on by all voting residents. The June Assessment will be used by the Trustees to collect land rent.

Total 89 votes cast. Needed 54 to pass. Ballot Vote: yes=52, abstain=2, no =35.

10.0 Alternative Assessment

Motion - Move that a line item be added to the budget in the discretionary section for a donation of $2,600 for the Arden Craftshop museum. Voice Vote: Ayes have it.

Motion to approve budget as amended to referendum. Voice vote Unanimously approved **Budget Ballot.**

11.3 Budget

Motion - To change wording on the back of budget ballot from policy statement to information statement. Voice Vote - **Motion Defeated** - Nays have it and the policy statement stays as is.

Motion - Move that a line item be added to the budget in the discretionary section for a donation of $2,600 for the Arden Craftshop museum. **Motion Approved**. Voice Vote: Ayes have it.

Motion - to approve budget ballot as amended to go out to referendum. Voice vote Unanimously **Motion Approved.**

11.6 Community Planning

Motion #1 ADU

The Village of Arden approves one (1) additional ADU per leasehold that are built as an attached ADU on their leasehold, as long as the leasehold is in compliance with New Castle County Code. **Motion Approved** (voice vote with 1 abstaining).

Motion #2 Community Planning Vacancy Position

Community Planning submits Rick Ferrell name. Floor was open for anyone to vote for themselves or to recommend someone else with their approval. Brooke Bovard's name submitted from floor and she approved recommendation. Secret Ballot required if more than one nominee.

Ballot Vote: Rick Ferrell 29, Brooke Bovard 10. Rick Ferrell will fill position.

ATTENDANCE

Print your name clearly, otherwise it will be listed as an unidentifiable signature.

Line 53 Illegible signature (copy of sign in sheet Attachment section)

First	Last	Line	First	Last	Line	First	Last	Line
Jan	Westerhouse	1	Ron	Meick	31	Sue	Rothrock	61
Jonathan	Jacobs,PRP, CPP **NV**	2	Cookie	Ohlson	32	Rick	Rothrock	62
Steve	Tanzer	3	Michael	Opelka	33	Jill	Althouse-Wood	63
Laura	Wallace	4	Denis	O'Regan	34	Mark	Wood	64
Jacqi	Tanzer	5	Elaine	Hickey	35	Roger	Garrison	65
Stephen	Harcourt	6	Barbara	Macklem	36	Lisa	Mullinax	66
Mary	Murphy	7	Paul	Bean **NV**	37	Michael	Oravec	67
Brooke	Bovard	8	Mary	Vernon	38	Joseph	Dugan	68
Liz	Porter	9	Carol	Larson	39	Walter	Borders	69
B. R.	Phillips	10	William	Theis	40	Peter	Compo	70
Mike	Curtis	11	Rick	Ferrell	41	Jennifer	Borders	71
Brian M	Holajter	12	Maria	Burslem	42	Barbara	Shippy	72
Ray	Seigfried	13	Alan	Burslem	43	Toby	Ridings	73
Simon	Hamrmesh	14	Roderick	MacDonald	44	Clay	Ridings	74
Carol	DiGiovanni	15	Cathy	Bautista	45	Sam	Panella	75
Barbara	Henry	16	Beverly	Barnett	46	Jean	Mullin	76
Tom	Wheeler	17	Anna Mae	Clarke	47	Mike	Moran	77
Maryanne	van Neerden	18	Peter	Steele	48	Danny	Schweers	78
Ed	Rohrbach	19	Elizabeth	Varley	49	Betty	O'Regan	79
Julia	McNeil	20	Mary	Stevenson	50	Mary	Young	80
Ruth	Panella	21	Sally	Sharp	51	Lizzie	Broadbent	81
David	Michelson	22	Linda	Eaton	52	Randy	Hoopes	82
Deborah M	Ricard	23	**?**	**Illegible**	**53**	Patrick	Barry	83
Gary E	Quinton	24	Ken	Morrison **NV**	54	Katherine	Threefoot	84
Warren	Rosenkranz	25	Larry	Walker	55	John	Cartier (N.C.C.C) **NV**	85
Joan M.	Morgan	26	Harold	Kalmus	56	Grace E	Ressler	86
Rodney	Jester	27	Marcia	Scheflen	57	Lynda	Kolski	87
Linda	Scott	28	John	Scheflen	58	Matthew	Meyers **NV**	88
Vicki	Scott **NV**	29	Dela	Mullenberg Bryan	59	Heidi	Hoegger	89
Sadie	Somerville	30	David D	Claney	60			

1.0 Call to Order –The meeting was called to order at 7:38 p.m. by the Town Assembly Chairman, Jeffrey Politis. All were welcomed and their participation encouraged.

2.0 Approval of Minutes: Previous Town Assembly Minutes approved as presented. No corrections, minutes approved.

3.0 New Residents – Simon Hamermesh introduced himself and was warmly welcomed. David Domanski, Amanda Laird and Jaydon Domanski (moved to pink house 2105 Orleans). Joe Lileikis & Jillian Zappa of 2305 Hillside. Welcome all.

Personal News.

New Voting residents - Milestone birthdays: Riley Shippy, Madeline Hornung & Deirdre Buckmaster turned 18. Happy Birthday and all were invited to participate in town meetings.

4.0 Recognition of Departed - The Chairperson called for a moment of silence and sympathy for the families and friends of Phyllis Conner (Ardencroft), Barbara Glenn (Ardentown), Karen Brainard-Yeatman (Newark, but raised in Ardentown. Beverley Goodwin Fleming daughter). John L. Stewart, who operated the Arden barber shop for 54 years and Deloris Pye Josey (Ardentown).

5.0 Visitors –

Parliamentarian Jonathon B. Jacobs

JONATHAN M. JACOBS, PRP, CPP
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In September of 2016, Jeffrey Politus, the Chair of the Arden Town Meeting, contacted the parliamentarian to look at a review the procedures of the Arden Town Meetings and make recommendations regarding the procedures. This opinion is the result.

The minutes of the meetings of January, March and May meetings were reviewed as part of this opinion, and the audio of March meeting was also reviewed. Other that the charter, which is online, however, no rules or bylaws were submitted. The ordinances that are online do not suggest any procedural application by title.

Part of the nature of a review of this type is to look for things that are somehow improper, and to generally, ignore the proper. In general, these meetings are functional. They have a fairly large number of members in attendance, conduct a fairly large amount of business, and last for 2-3 hours; while the parliamentarian may recommend some methods of shortening the meeting, he does not expect that they will *greatly* shorten the meeting.

There are two recommendations that the parliamentarian will make that deal with the basic conduct of the meeting *as an assembly* and not the specific transaction of business within the meeting.

<u>Recommendation 1</u>: **The meeting should adopt a specific parliamentary authority to govern its proceedings**.

The Arden Town Meeting had the established custom of using a parliamentary authority.2 In the case of Arden, the custom is to use the current edition of *Robert's Rules of Order Newly Revised* (RONR)3.

While a parliamentary authority may be established by custom, it is considered "unwise (RONR, p. 17, ll. 7-10)." Further, there is the possibility that other customs, conflicting with the parliamentary authority may develop.4 The recommendation is to codify all of these customs into written rules, in order to minimize any dispute as to what the rules are.

Arden may adopt a parliamentary authority by resolution, as opposed to an ordinance. Such an ordinance could incorporate any special rules that would permit variation from the parliamentary authority.
For example, a specific order of business can be established. Setting of different limitations on debate can also be established.

Adopting it by a resolution eliminates any need for advertising that might be associated with an ordinance. Further it would permit the rules to be amended in the future without going through the process needed to amend an ordinance.

The parliamentarian will be happy to discuss the pros and cons of adopting any specific parliamentary authority or edition thereof.

Recommendation 2: **The minutes need not be full transcripts. A shorter, and more easily read, version should be used.**

RONR notes that the minutes should show what is *done* at a meeting, not what is said. The minutes should show the motion, as it was put to a vote by the chair; the minutes should also show the

disposition of the motion, including the temporary disposition. For example, there was a motion relating
to the slide in the playground area in the March 28, 2016 minutes. The minutes included discussion and an amendment, as well as a motion to take a ballot vote. This discourse ran for three pages.

The proper manner for recording this motion is as followes:

Mr. Rosenkranz moved the motion, which after amendment was stated as, "That all continuing work on the Arden Green be suspended until a) No part of the mound slide project is more than 6' 8" above grade and the plastic slide is no more than 30 degrees from horizontal and all other listed specifications from the Village meeting minutes and diagrams from when the motion was passed are brought into compliance. b) The Village insurance underwriter has deemed the slide and plans safe for use for children less than eight years of age." The motion was defeated by a vote of 27 yes, to 32 no.
(see RONR, pp. 469-79; p. 472, ll. 21-27).

Committee reports are normally not included in the minutes. For example, the minutes should show "Ms. Bovard gave the report of the Safety Committee." Motions growing out of reports should be included in the minutes. The minutes should indicate if the regular secretary was present and, if not, how
served as secretary.

Shorter minutes should be easier on the secretary and should make finding previously transacted business much easier as well. There should be this type minutes even if transcripts are kept.

The remaining recommendations deal with the actual transaction of business within the meeting. These are things that are not quite done within the rules of RONR but are not of the overarching type of
things that the first two recommendations cover.

Recommendation #3: Unanimous consent should be used properly. There were several various instances:

First, the minutes are properly adopted by a form of unanimous consent. A motion is not necessary. The chair asks, "Are there any corrects to the minutes." After any are made, the chair declares the minutes adopted.

Second, at one point in the June meeting, a member asks for the "sense of the meeting5," that the motion should be postponed. The term is improper. The member should say, after the motion, "I ask for unanimous consent." Likewise, the chair could ask, "Is the any objection?" If there is no objection, the chair would state that the motion was approved.

Third, at the March meeting the chair appeared to impose debate limits; there was no objection. This was improper though the chair could have phrased it as asking for unanimous consent. The chair, however, cannot properly impose debate limits, without the consent of the meeting6.

Recommendation #4: The motion "the Previous Question" was improperly used. At the March meeting, aa member apparently misused the motion by calling it out. That was highly improper. It is a motion like all others. It cannot interrupt a member speaking. The member making the motion must be recognized; the motion is put to a vote6.

Both the members and the chair should be made aware of exactly how the Previous Question is made and functions.

Recommendation #5: Committee reports should not be "accepted." There are made and nothing more needs be done with them. Any recommendations from the committee should be moved as motions.

Under *no* circumstances should an unaudited treasurer's report be accepted or approved. Approving it basically takes the burden of accuracy off the secretary and places it on the assembly.

Jonathan M. Jacobs, PRP, CPP
Parliamentary Opinion

Recommendation #6: Questions should be made through the chair. It is proper for a member to ask a question of an officer or of a committee chair making a report; technically, it is a "Request for Information."
The questions should be directed to the chair and the answers should be directed to the chair. Many of these Questions appeared to devolve into a conversation between two members.

Directing questions and answers to the chair can help to depersonalize debate.

Special Note: There was an incident at the March regarding an attempt to withdraw a motion. The parliamentarian wishes to address it in writing. A member which to have a motion that he made withdrawn or modified after the Previous Quested was "adopted." There was some claim that the motion went beyond what the main motion proposed.

While the "Previous Question" was improperly made, there was no objection to ending debate.

The member who originally made the motion, asked permission to withdraw. The chair ruled that it could not be withdrawn after the question was called. That decision was in error.

Once a motion is stated by the chair, it becomes the property of the assembly. The maker of that motion request that the motion be withdrawn *any time* prior to a vote being taken on that motion (RONR, p. 297, ll. 9-17). This is usually is done by unanimous consent, asking if anyone objects. If there are objections, any other member can move "that the request to withdraw the motion be granted." The motion is not debatable and is decided immediately by a majority vote.

The request to withdraw the motion was in order; they chair erred in ruling it out of order. It is very clear, however that had the request been granted, it was clear that at least one member objected, and that a motion would be needed to consider that request. No member raised a point of order or appealed the decision of the chair. No member attempted to make a motion to grant that request. It is *very unlikely* that the request to withdraw would have been granted.

This note is for future reference, as this error does not rise to the level that would cause the action to be invalid. A point of order would have had been raised at the time the breach occurred (RONR,p. 251, ll. 3-23).

It is also of note that a request to withdraw is usually made well before the Previous Question is adopted. The parliamentarian submitted a fictionalized version to Parliamentary Research Committee of National Association of Parliamentarians7, because it was *so* arcane.

In conclusion, there are some areas that can, and should, be improved, but there are no serious problems with the conduct of the meeting. The meeting, however is *strongly* urged to adopt rules governing its meetings.

Signed:
Jonathan M. Jacobs, PRP, CPP
Date:
Parliamentary Opinion

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End Notes

1 In the parliamentarian's native Pennsylvania, municipalities are governed by some type of board or council. Most school districts have nine-member boards; the largest city council, in Philadelphia has 17 members. They also meet more frequently than Arden, usually monthly. In general, their meetings are much longer than those of Arden.

2 Surprisingly the rules relating to custom has been a recent development in parliamentary procedure. RONR has been clear that that a parliamentary authority could be established by custom since the 7th edition (1970). It was not until the 10th edition (2000), however, that an actual description of how custom functions. The basic rules have become increasingly standardized across parliamentary authorities. See "Changing Custom," *Parliamentary Journal*, April, 2013.

3 The current edition is Robert, Henry M., *Robert's Rules of Order Newly Revised*, 11th Edition. Eds. Henry M. Robert,III, Daniel H. Honemann, Thomas J. Balch, Daniel E Seabold, Shmuel Gerber, Philadelphia: Da Capo, 2011.

4 The parliamentarian has long been of the opinion that if the parliamentary authority is established by custom, any customs varying from the parliamentary will supersede the rules within the parliamentary authority, See "Custom, Usage, and RONR," *National Parliamentarian*, Second Quarter 1996.

5 The "Sense of the House" is occasionally used in the US House to express the collective opinion of the House. It is a main motion in the form of a resolution and treated as such. It expresses an opinion and does nothing more.

6 RONR requires that motions that extend or limit debate be adopted by a two thirds vote. Section 5 (d) of the Arden Charter, states that a majority vote is required. RONR notes that any rule within a charter "supersedes all other rules."

7 The parliamentarian is the Parliamentary Research Editor of the *National Parliamentarian*, which is the publication of the National Association of Parliamentarians. He does serve with a three-member committee of other established parliamentarians; it had been his practice to allow the committee to select which questions would be reviewed and for each the member to select the question he would answer. That answer would then be reviewed by the committee (with both dissenting and concurring opinions permitted). The question regarding the withdrawal of the motion was selected by the committee and an answer was written by another member. The answer was approved without dissent.

This is based on general principles of parliamentary procedure and the cited parliamentary authorities; nothing in this opinion should be construed as an interpretation of statutory law.

Mr. Jacobs's overview of the above letter which has been posted to Village website and copies were made available for town meeting is as follows:

"Our meetings are working relatively well and we do not have any major problems." He was impressed with the volume of the work we have been doing.

Letter Overview

- In 1916 By-Laws Arden adopted Roberts Rules of Order. (It is the Parliamentary authority that supersedes all).
- Minutes – You do not have to report everything that is said at the meeting and put it in the minutes. "You record what is done, not what is said".
- Unanimous consent – need to use it properly. Example: Do not need a vote to approve minutes. All that is needed is to say "Are there any corrections to the minutes?". "No corrections, then minutes are approved."
- It is fine to limit time of a debate by saying "With your consent". Basically, the Chair is saying he is doing this with your consent and you can object to that. Chair can say "Are there any objections"? This is to limit debate to so many minutes per person.
- A sense of the meeting – A sense of the meeting would require a motion.
- Call question because you want to end debate – Recognized by Chair by saying "I call the question" and that must be seconded. You cannot interrupt, nor yell out "I call the question."

You have to wait until they stop speaking.

- Committee reports do not need to be approved nor accepted. Just say "Thank you." If you "accept report" you are basically saying we agree with everything in that report. Never accept an auditor's unaudited treasurer's report. NEVER, because you are saying any errors made by the auditor is OK with us and it is now our responsibility.
- Requests should go through the Chair.
- Withdraw a motion – ultimately the Chair was correct, but should not have stated it was "out of order."

Questions/Comments

"Sense of meeting" which would require a motion. Meaning it is the opinion of this meeting collectively. Move that it is the sense of this meeting that…..

Reports not be included in the minutes – Mr. Jacobs believes the minutes have nothing to do with the committee reports. He believes they should be separated from minutes. He recommends to slim the minutes down to a few paragraphs. However, it is this body's choice in terms of how we want to carry on. For example, we still allow questions directly to the speaker rather than the Chair except under certain circumstances. It is up to us to make those decisions. In the Chair's opinion, we should always have the reports as part of the minutes.

County Executive Matt Meyer and Councilman John Cartier

County Budget - After review of expenses, their new forecast has significantly reduced spending. They are still working to narrow further.

They are also working on economic development - (particularly small businesses) to see what they can do to assist them to grow. They likewise are working to bring companies into Delaware. For example, Del Monte fresh produce, one of the largest fruit and vegetable producers and distributors in the world, is opening the largest US distribution facility in Bear, DE. Many jobs in the next few years will be created. Currently, they are in collaboration with Amazon to build headquarters in Claymont.

In addition, they are working on vacant housing. They passed legislation to make it easier to address

vacancy. They were inspired by Arden's Vacancy Property Ordnance and copied a lot of what Arden was doing with their vacant property. This inspired a big change in county government.
Mike Meyers explained that they try to recognize communities and organizations that are putting forth their own resources by matching them with county resources to support efforts that are good for communities. Not to mentions efforts that are good for equality, justice and for the environment. In response to Jeff Politis, Town Chairman, reaching out to the county about acquisition of 5 Mill Race Rd, Mike expressed how appreciative they are to preserve the land. Based on this, Mike Meyer handed over a check in the amount of $10,000. Applause, and Hearty thanks was expressed for supporting the Arden Community. Applause.

Other Visitors were welcomed

Paul Bean – (Arden's new Waste Management representative) and Ken Morrison from Ardencroft.

6.0 Towns Chair's Communication Report - Chair Jeffrey Politis

Communications from the Chair.

Since the last town meeting….

1. On Wednesday, June 28, the Village of Arden closed on the property at 5 Mill Race Road. The total amount taken from the Pendulum Fund was $102,795.33. After the contribution from New Castle County, Arden's final portion from the Pendulum Fund was $92,795.33. The Village of Arden is now the owner of this land. Congratulations!

2. We continue to be in contact with our attorney regarding the open law suit concerning Arden's purchase of 5 Mill Race Rd. We have not yet begun official settlement talks with the plaintiff while we wait for other procedural matters to be resolved. He will provide updates as they move forward.

3. We received a FOIA complaint claiming that the Village did not respond to a request within the allotted 15 business days. We were able to show that we did respond to the request within 24

hours, albeit to a non-preferred email address. The information was provided to the requester. The matter is closed.

4. Many have noticed a significant amount of overgrowth around the rights-of-way. In some cases, that growth has encroached into the roadways or prevents pedestrians from stepping off roadways. Please take a moment and review your leasehold rights-of-way and cut back any areas of overgrowth. This is especially important around turns, as overgrowth can cause blind spots. It is the leaseholders' responsibility to maintain their rights-of-way.

5. I want to take a moment to recognize the work of the Town Secretary. If you have looked at the website recently, hopefully you noted the addition of a significant number of files, including motions made at town assembly since 1999, and minutes dating back to the 1940s. This work was completed by scanning each of these documents and posting them on the website. This is laborious work, and in my mind, above and beyond her duties. Please join me in saying thank you for getting that information digitized and posted.

6. There have been a number of articles in the page, postings and conversations about whether Arden is "running right," what is the authority of the various committees and officers, how we get people more involved, etc. These types of discussions could cause dissention or could bring us together as a community. I for one, encourage us individually and collectively to have these discussions. It is good that we strive for better. As these discussions continue, let's remember that we are all trying to improve our community and each of us may have different thoughts about hows and whys. Let's be open and respectful.

7. In 2016, the Delaware General Assembly passed HB 395, changing the residency requirements in municipalities – requiring people to be registered within 30 days of moving into the Village –

apparently overruling the Town Charter which requires a person to be living in the Village for 6 months prior to being able to vote. After discussion with Ardentown and others, including our town attorney, it is clear that this law did not apply to Arden. I have provided this information to the Registration Committee as they prepare for the upcoming referendum.

8. We renewed our Village insurance policy.

9. Our trash contract, which is on a 3-year extension, is set to expire in August of 2018. I have met with the chairs of Ardentown and Ardencroft and we agreed to begin the process of updating our trash contract now. As such, we have begun by requesting that Waste Management provide a quote for a new contract. I will work with the other Villages and the appropriate committees to move this process along.

10. There have been two articles published about Arden in the last couple of months. One is titled "Delaware's Odd, Beautiful, Contentious Private Utopia" and the other titled "How to Satisfy the Wealth of Inequality". Looks like after 100 years we are still interesting.

11. Thank you to Advisory for providing refreshments.

12. Lastly, a reminder that this meeting is being recorded and we ask that all comments be made at the microphone.

Let's have a respectful and deliberative meeting. Thanks!

So submitted,

Jeffrey Politis

Town Chair, Village of Arden.

Communications Report – Thank you!

7.0 Trustee Report - Mike Curtis

Trustees Report September 25, 2017

The Trustees have several items to report this evening:

Finances: We have copies of the quarterly financial report available tonight. The Trustees have paid the New Castle County and School taxes which are due September 30.

County taxes	84,759.39
School taxes	352,665.55
Total County and School taxes paid	**437,424.94**
Rebates to individual leaseholders from	**41,134.27**
New Castle County	
Total paid	**$478,559.21**

Please note: To those leaseholders who have received the Senior School Tax Rebate in previous years, New Castle County has reduced the rebate from $500 to $400.

Regarding rebates, the rebates to individual leaseholders are calculated from programs administered by New Castle County (not the Trustees). One program gives a tax exemption, and the other a tax credit. The County program called **Senior School Tax Rebate** is a tax credit for those 65 and over (that is the only criterion) and the other program is called **Senior or Disability Income Exemption** that is based on your adjusted gross income for the previous calendar year. You must apply one time to receive the Property Tax Relief credit and for the Senior or Disability Income Exemption. We encourage you to apply. There is a filing deadline to qualify for the upcoming tax year. Please contact the New Castle

County Property Assessment (302) 395-5520 for an application and for any questions that you have. The County is most helpful with the forms. The eligible leaseholders for the County programs this year should receive their rebate checks by mid-October. If you do not receive your rebate by then, please contact the Arden Trustees Office (475-7980).

An audit of the Trustees 2016-2017 fiscal year has been finalized. Copies were sent to the Auditing and Budget Committees, Town Treasurer, Town Assembly Chair and Board of Assessors.

Lease Transfers - There have been two transfers since the June Meeting: 2109 Harvey Road to Sarra-Valentina Klimberg; 1906 Sherwood Road to W. David Reese, Jr.

Respectfully submitted,

Mike Curtis

Mike Curtis, Arden Trustee

(Trustees Financial Report following minutes in Attachment section).

Trustees Report - Thank you!

8.0 Treasurer Report - David Michelson

David reviewed Statement of Financial Position, Statement of Financial Activity and Statement of Fund Balance as of September 24, 2017 (copy of Statements following minutes in Attachment section)

Questions/Comments -

Jeff will follow up with BWVC on Carbon credits.

Treasurer's Report - Thank you!

9.0 Advisory Committee Report – Danny Schweers

Advisory Committee Report to Town Assembly 25 September 2017

The Advisory Committee met for nearly three hours on Tuesday, September 5, 2017 for its regularly-scheduled meeting to set the agenda for this meeting. Minutes of that and other meetings can be found on the Village website, www.arden.delaware.gov.

Several committee members criticized me for letting that meeting go so long, so next meeting I will concentrate on discerning which items on the town meeting agenda might require a lot of time. Only at the end of the Advisory Committee meeting will we have the usual round-table discussion of community issues, which is always informative but which can take lots of time, as nearly everyone wants to voice an opinion.

Besides setting the agenda, the Advisory Committee is responsible for gathering the names of 14 nominees each year to put on the ballot for the Assessors election. At my request, Jeffrey Politis sent out two email blasts to town residents. Those produced one nominee. I then telephoned everyone who has been a nominee from 2013 on, or sent them a personal email. That effort produced 13 more nominees, all we need, plus four people said they would serve in a pinch. Since we are not pinched, here are the 14 nominees for 2018, six of whom were Assessors in 2017:

Brooke Bovard • Alton Dahl • Carol DiGiovanni • Elaine Hickey • John Martin • Mike Opelka • Denis O'Regan • Pam Politis • Warren Rosenkranz • Sue Rothrock • Kate Threefoot • Joe del Tufo • Larry Walker • Tom Wheeler

We can have more than 14 nominees! Does anyone here want to serve as an assessor or want to nominate someone else for assessor? We will accept additional nominees at this time. If you nominate someone who is not at this meeting, that person will have to confirm their willingness to have their name on the ballot and serve as an assessor in 2018.

[pause for nominations from the floor] Elizabeth Varley submitted her name.

One of my goals for this year is to get better Village government compliance with FOIA. This means that notice of every upcoming meeting should be posted at least seven days in advance on the bulletin board in front of the Buzz Ware Village Center. The notice should include the date, time, and place of the meeting plus an agenda of the topics to be discussed. I have not been diligent in checking, but many if not most committees are posting meeting notices there.

I am working with the Civic Committee and the Buzz Ware Village Committee to purchase and install a locking bulletin board to be hung on the side of the Buzz Ware Village Center Committee. This bulletin board would be exclusively for meeting notices for the Village of Arden and for the Village of Ardencroft. Some copies of a mockup of how this might look are on the table. If you want to comment on this, please come to the next Civic Committee meeting.

FOIA also requires that minutes be taken at every meeting. FOIA does not require minutes be posted on the village website but many committees do that, including the Advisory Committee.

All committees and officers have official email addresses. In general, the address is the name of the committee or the title of the officer followed by @arden.delaware.gov. For example, my email address for town business is advisory@arden.delaware.gov.

Sincerely submitted,
Danny Schweers, Chair of the Advisory Committee
Advisory Report - Thank you!

10.0 Alternative Assessment - Alton Dahl & Tom Wheeler

Alternative Assessment Procedure

The BOA presented their Assessment at the June Town Assembly. If anyone wants to present an Alternative Assessment, they can present it at the next Town Assembly in September (which is tonight).

In order for the Alternative Assessment to be part of the referendum and as part of the June Assessors Assessment that will be mailed out to all residents, it must be voted on at the September Town Assembly body by a 2/3rds residents majority vote. When the election is completed and if either of those assessments has received a majority of the residents' vote, then that assessment will be used to collect land rent. However, if neither of those assessments gets majority residents' vote, then we will revert back to the previous year's assessment.

2017 Alternative Assessment Report

This Alternative Assessment Report adopts 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).

This Alternative Assessment Report 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", and charged to each leasehold that is recognized under County zoning regulations and allowance by the Trustees of establishing and maintaining more than one dwelling unit on the leasehold. In any

case in which a leasehold has an additional domicile unit, without obtaining zoning from New Castle County, that leasehold shall be assessed the "B Rate" for each additional domicile unit. 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. (Formula used since 1974) 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, applied to only one leasehold. It continues at a surcharge of 75%, with no deduction for frontage on Marsh Road. These ratios have not changed from many previous years.

The specific location factors are as follows.

1. Leaseholds adjacent to Arden Forest, Ardencroft Forest, or Sherwood Forests +10%
2. Leaseholds fronting Arden Forest, Sherwood Forest, or Ardencroft Forest by being
3. across the street +5%
4. Leaseholds adjacent to or fronting on a communal green +5%
5. Leaseholds adjacent to Harvey Road and/or Marsh Road -5%
6. 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. Location factors are additive, if both are applicable.
3. If multiple forest factors apply, the higher of the two factors shall be applied.
4. No fractional or partial factors apply for leaseholds fronting or adjacent to forests or communal greens.

Presentation to the Arden Town Meeting September 25, 2017 Page 2

5. Based on information obtained from the Budget Committee, the Village Treasurer

and the Trustees, the multiple domicile rate (the "B rate") is set this year at 80% of the "A rate", and charged to each leasehold that has recognition under zoning regulations and allowance by the Trustees to establish and maintain more than one dwelling unit on the leasehold. In any case in which a leasehold has an additional domicile unit, without obtaining zoning from New Castle County, that leasehold shall be assessed the "B Rate" for each additional domicile unit. 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. These Alternative Assessment rates were not changed from prior years.

To meet the 2018-2019 forecast expenditures of $817,259 and to produce a prudent reserve of $195,563, the "A rate" for March 2017 is set at $258.54 per one thousand square feet.

1) Forecast Expenditures (These are the same as reported by the Board of Assessors)

School & County Taxes	$498,030
Trust Administration	$ 26,786
Sherwood Forest Loan	$ 16,176
Arden Town Budget	$110,240
Other non-budget items	$182,203
Total forecast expenditures	**$817,259**

2) Forecast Revenue ($7 greater than the Assessors report)

Forecast Revenue from sources other than land rent*	$ 73,281
Total Revenue from land rent	$648,691
Total expected revenue	**$721,972**

* (SUEZ Water tower, Comcast/Verizon, BWVC Rentals, interest, Municipal Street Aid, 0ther)

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3) **Prudent Reserve Calculation (Includes the $7 additional land rent)**

Expected difference between expenditures and revenue	$ (95,287)
Prudent Reserve as of March 30, 2017*	$ 217,704
Forecast Prudent Reserve for March 30, 2018**	**$ 182,455**
Forecast Prudent Reserve projected for March 30th, 2019	**$ 195,563**

Assessors explanation of the projected cash flow loss

**(2015 Assessor's Report Forecast $170,426; Difference +$47,271*

The 2016-2017 year experienced a $41,000 tax increase)

***(2016 Assessor's Report Forecast was $ 150,663; Difference -$31,785)*

This trend is consistent with previous years. The Village typically under spends its budget.

Alternative Assessment Presentation

Tom & Alton presented an Alternative Assessment for this September Town Assembly and discussed what the two Assessments are and how they differ.

Alternative Assessment System

The Alternative Assessment being proposed is the traditional land rent Assessment System that was developed in 1974, and has been used since with minor modifications. It is a tier system that is detailed in their report. Based on % calculations per tier once you use up all the land, there is no more rent.

That's because this is a land based system, not a fee for ADUs. The Village lease states that our rent is paid on the land, not on improvements. (Per 1980 Ardencroft court case ADUs are defined as improvements and are not taxable). For the record, total difference between the two assessments is $7.

Assessors Assessment System.

Assessors Assessment System presented in June uses the tier system as well. The A- rate is the base rate and is the same. However, the rest of the system is at the C rate. Meaning, if you have an ADU, it is a flat rate which is added to the base for land rent. The issue with this method is we already paid rent on the land and now pay a fee on rental units. They do not believe this is legal, nor is it fair. For example, this method increased the Craftshop's land rent by 60% or $2,600. They believe that this method is unfair because county and school government exempt the Craftshop building from their taxes. Therefore, Arden pays no tax. The Craftshop museum is owned and supported by all three Ardens. Rent income collected is used to maintain the building, support the museum and archives, pay land rent and pay down debt. They do not think this method is legal, because a similar fee was disallowed in a 1980 Ardencroft court case. Court ruled that additional AUDs were improvements created through the labor of leaseholders. Therefore, improvements are not subject to tax following Henry George's principles. The case is very specific about Henry George principles and how it violated that principle. The BOA strongly disagrees that this case is the same because the Judge in a summary judgement determined that they would charge a fee for the structure that was an apartment and he found against it. They decided not to appeal it. The BOA says they have different controlling documents in Arden that do not open that door to Progress and Poverty or Henry George principles, except for interpretation of full rental value and what would be giving an advantage to one over another. They feel strongly that 1980 Ardencroft court case is very different from what they are proposing in the June assessment. They claim they are not charging a fee, but they are charging a rate for a "privilege" to have one more ADU that adds value to a leasehold. The lease, the Deed of Trust nor Progress and Poverty focuses on square footage of a lot as much as we have through the years. This year's BOA says in addition to lot size, location, they looked at how it is used as a "privilege". The BOA does not feel it is directly related to the size of the lot but it is related to that "privilege" and what it is worth every year. They are charging

for an increase value of a lot, not the structure that is on it. Whether you use that ADU "privilege" or not, it is treating everything the same. Some believe that this assessment (BOA June) was not what the Georgist intended. In effect, they are levying an income tax against those leaseholds that have ADUs. Motion was presented to close debate - Voice Vote approved with 1 abstain.

Motion: Voting on whether to have the Alternative Assessment go out for referendum along with the BOA's Assessment presented at June Town Assembly. (If we choose as an assembly to have the Alternative Assessment go out with the BOA's Assessment, then the vote on that can happen in one of two ways: One of the two assessments gets the majority of the residents is the assessment that the trustees use to collect land rent. If neither gets the majority of residents (means all people who are eligible to vote, not just those who voted), will revert back to last year's Assessment and the Trustees will use last year's assessment to collect land rent.

Paper Ballot Motion to have a paper ballot to decide on alternative assessment. Hand count: Yes 44, No 31. Vote passed for paper ballots.
(Vote requirements - Live in Aden six months and be 18 yrs. of age)

Alternative Assessment Vote failed - The Alternative Assessment (Traditional Method) will not go out with referendum to be voted on by all voting residents. The June Assessment will be used by the Trustees to collect land rent.
Total 89 votes cast. Needed 54 to pass. Ballot Vote: yes=52, abstain=2, no =35.

11.00 Committee Reports (Ascending Order)

11.1 Archives – Lisa Mullinax
I'm happy to report that thanks to the efforts of our summer intern, Sharon Hess, we now have added more than 1000 scanned photos to the online collection, which now totals nearly 4000. All these photos have been documented and rehoused in archival storage. Our curator, Liz Jones-Minsinger, has been

posting many of these to Facebook. If you have information about the people, places of dates of our photos, please let us know.
Our website, ardencraftshopmuseum.com also contains several finding aids (indexes) to our collections. Great for researchers.

This is your last chance to see "There's a Gild for That" before our next exhibition, "Finding a Home in the Ardens," opens on October 22. We'll be exploring all the uniques places—camps, cottages and castles—we Ardenites call home.

Please note that the museum will be closed on October 11, 15 and 18 as we prepare for the exhibition.

Regular hours are Wednesday evenings, 7:30 to 9 p.m. and Sundays, 1 to 3 p.m.

And finally, we would like to remember our good friend, founding mother and generous patron of the museum, Phyllis Conner. We miss her dearly.

Respectfully submitted,

Lisa Themal Mullinax
Archives Report - Thank you!

11.2 Audit - Chair Cookie Ohlson

Audit Committee Report for Arden Town Meeting September 25, 2017

On September 13, the Audit Committee met with Pamela Baker of Barbacane Thornton and Company. We reviewed and discussed the annual independent audits of the Village of Arden and the Trustees of Arden. We approved the audits as a true representation of the financial position of the village and the trustees.

Helen "Cookie" Ohlson, Chair

Audit Report - Thank you!

11.3 Budget – Denise Nordheimer

2018 – 2019 ARDEN BUDGET BALLOT

for the expenditure of Town funds for the fiscal year beginning March 25, 2018, and ending March 24, 2019

See accompanying notes to Fiscal Year 2019-2019 Arden Budget Ballot on back of this form.

PROJECTED INCOME				**PROJECTED EXPENSES**			
	Notes			**Non-Budget Expenses**	**Notes**		
Land Rent	1	$	627,680	County Taxes	5a	$	90,041
Delaware Municipal Street Aid	2	$	16,731	School Taxes	5b	$	407,989
Interest and other Income	3	$	23,050	Trash Service	6	$	61,108
Buzz Ware Village Center	4	$	33,500	Trust Administration	7	$	26,786
				Village Non-budget	8	$	51,488
				Buzz Ware Operations	9	$	33,500
				Buzz Ware Renovation Fund	9	$	2,000
				Long-term Debt Service	10	$	4,100
				Delaware Municipal Street Aid	11	$	16,731
Total Projected Income		**$**	**700,961**	**Total Non-Budget Expenses**		**$**	**693,743**
Reserve Funds	3	**$**	**282,600**	**Proposed Budget Expenses**		**$**	**106,700**
TOTAL Funds Available		**$**	**983,561**	**TOTAL Expenses**		**$**	**800,443**

DIRECTIONS FOR VOTING: Please choose one of the following - either #1 OR #2:

#1. Approve or disapprove the entire budget by marking an X in the box next to your choice.

I approve of the entire budget..... ❑

I disapprove of the entire budget..... ❑

OR

#2. Disapprove individual items by marking an X in the accompanying box (☒).

Any items not marked will be counted as approved.

If you choose to disapprove individual items below, DO NOT mark either of the items in #1 above.

		NOTES*	disapprove disapprove			NOTES*	
Advisory Committee	**12**	$ 200	❑	Safety Committee: General	**22**	$ 3,400	❑
Archives Committee	**13**	$ 1,800	❑	Safety: Speed Enforcement	**23**	$ 1,000	❑
Board of Assessors	**14**	$ 100	❑	Buzz Ware Support	**24**	$ 5,000	❑
Budget Committee	**15**	$ 100	❑	Donations – ACRA	**25a**	$ 2,000	❑
Capital Fund	**16**	$ 8,000	❑	Donations – Arden Page	**25 b**	$ 500	❑
Civic Committee	**17**	$ 58,000	❑	Donations – Arden Library	**25c**	$ 1,200	❑
Community Planning Committee	**18**	$ 1,000	❑	Donations – Fire Companies	**25 d**	$ 1,600	❑
Forest Committee	**19**	$ 8,000	❑	Donations – Arden Club	**25e**	$ 500	❑
Playground Committee	**20**	$ 4,000	❑	Contingencies	**26**	$ 10,000	❑
Registration Committee	**21**	$ 300	❑				

TOTAL PROPOSED BUDGET EXPENSES: $ 106,700

POLICY STATEMENTS:

1. The total approved expenditure limits the fiscal year (FY) expenditure to that amount unless additional funds are approved by referendum. Funds may be shifted between line items with approval of the committees involved and the Town Treasurer.
2. There are funds that are available to the Village and its committees that are outside of the scope of this budget and are governed by policies set up by the Village.
3. Income received by a committee outside of this budget will be earmarked for that committee to spend above the budgeted money approved by referendum. In addition, those monies can be carried over year over year for that committee with approval of the Town Treasurer.

**Notes to* 2018-2019 ARDEN BUDGET BALLOT • *Prepar*

INCOME:

1. **Land Rent** – Based on Assessors' report from June 2017 Town Meeting. Note that Trustees will transfer money to the town to cover Town's budget.
2. **Delaware Municipal Street Aid** – Annual street aid. The State of Delaware is providing funds for the FY 2018.
3. **Interest and other Income** – Income from the following sources:
   a. Rights-of-way
      i. Cable – $8,600
      ii. Antenna – $6,500
   b. Investment income – $7,950

   Reserve – Combination of Trustees' Prudent Reserve ($157,600) and Town's Prudent Reserve ($103,000) and accrued capital fund of $22,000.
4. **Buzz Ware Village Center** – Estimated income for 2018/19 based on projected revenues from rentals, programs, grants, and donations.

NON-DISCRETIONARY EXPENSES:

5. **Property Taxes** – Increase of $14,506 from 2017-2018 budget.
   a. County Taxes – New Castle County taxes are estimated to increase by $2,623 compared to current levels.
   b. School Taxes – School Taxes are estimated to increase $11,883 vs the current budget.

   NOTE: The New Castle County property and school taxes are grossed up to include rebates paid to qualifying leaseholders.
6. **Trash/Recycle Service –** Increase of $1,780. The existing contract is up for negotiation in August of 2018 and it will likely be higher in the 2019-2020 budget.

7. **Trust Administration**
   a. Audit – $5,168
   b. Professional/Legal – $6,166
   c. Administrative/Operations – $12,981
   d. Office Rent – $2,472
8. **Village Non-budget**
   a. Operation and Fees – $21,020
   b. Insurance – $12,020 (Trust and Village)
   c. Salaries - $11,450/Bookkeeper $5,150
   d. Payroll taxes – $1,848–

Ballots must be received by 7:30pm Tues, Oct. 31, 2017

9. **BWVC Operations** – Estimated expenses for operating the facility and running programs. This entry includes all utilities, payroll, licenses and fees to operate the building. This entry does not include insurance expenses for operating and maintaining the facilities (note 8). BWVC Renovation Fund from Arden of $2,000 matches other villages' recent annual contributions.
10. **Long-term Debt Service** – Final payments on Sherwood Forest property purchase.
11. **Delaware Municipal Street Aid** – Annual Street Aid – pass-through expense.

DISCRETIONARY BUDGET EXPENSES:

12. **Advisory Committee** – No change
13. **Archives Committee** – No change
14. **Board of Assessors** – No change
15. **Budget Committee** – No change
16. **Capital Fund –** Currently balance is $22,000. The Capital fund is fully funded at $30,000, hence the request for only $8,000. Notwithstanding any unforeseen expenditures, the 2019-2020 contribution to the Capital Fund will likely be zero next year as it will be fully funded.
17. **Civic Committee–** No Change
18. **Community Planning** – No change
19. **Forest Committee** – No change
20. **Playground Committee** – No change
21. **Registration Committee** – $50 increase
22. **Safety Committee** – $2,400 – No change from last year, the 2017-2018 increase remains in effect to cover upgrades to signs/posts to conform to MUTCD standards which cost more than anticipated.
23. **Speed Enforcement** – Harvey Rd. fees. - No change
24. **Buzz Ware Support** – Village support for BWVC based on prior years' experience in Maintenance & Operations. These funds would only be used in case of budget income shortfall from rentals.
25. **Town Expenses**
    a. ACRA Donations – No change
    b. Arden Page Donations – No change
    c. Arden Library Donation – No change
    d. Fire Companies Donation – No change
    e. Arden Club Donation – No change

26. Contingencies – No change.

2018 – 2019 Budget Ballot Approval

Questions/Comments

Motion - To change wording on the back of budget ballot from policy statement to information statement. Voice Vote - Nays have it and the policy statement stays as is. **Motion Defeated**.

Motion - Move that a line item be added to the budget in the discretionary section for a donation of $2,600 for the Arden Craftshop museum. Voice Vote Ayes have it. **Motion Approved**.

Motion to approve budget as amended to go out to referendum. Voice vote unanimously approved.

Budget ballot approved.

Budget Report- Thank you!

11.4 Buzz Ware Village Center – Co - Chair Walter Borders, Denis O'Regan

BWVC Committee Report to the September 2017 Village of Arden Town Meeting

The Buzz Ware Committee has a number of items to cover this evening. We will cover

- Community programs
- Repairs and maintenance
- Peddlers, Potions and Practitioners Holistic Market Place

Community Programs: As you all know, the Village has been sponsoring a number of programs. We have been keeping track of the number of attendees and donations for individual program events. The Buzz will undertake a detailed study of program attendance and content with the view to increase community center attendance.

Some of these programs have been running for many years. Recently, I heard that the Coffee House has been running for 22 years. I think the volunteers that staff the Coffee House are to be congratulated for such an outstanding run. I also want to congratulate the Town Assembly. Without your approval and money, none of these programs would exist. Thank you!

Repairs and Maintenance: In the past quarter we did not undertake any major renovation projects. A new concern is that volunteers have been storing Buzz inventory in their homes due to a shortage of Buzz storage. The village has paid for a great many things and it can be difficult to tell what the Buzz owns, where those items are and what condition those items are in. A hidden cost is that we are already taking our volunteers' time and energy. The Buzz should not have to burden its volunteers with storing its equipment. To that end, the committee will rectify the storage problem.

Peddlers, Potions and Practitioners Holistic Market Place: Those that were at this year's Arden Fair know that the weather was a factor and contributed to lower attendance. However, the PPP, the Buzz's only fund raiser, nearly equaled last year's record amount by raising $6,870.00. One of the challenges that Toby faced was the need to find 14 replacement booth vendors. She filled those spots and still had a waiting list. Congratulations, Toby!

Special thanks go out to Debbi Sheiker, Beverley Fleming, Patrick Barry, David Claney, Jan Lewis, Clay Ridings and a large number of others who did a wide range of jobs.

As a gentle reminder, all the net income collected goes directly into our Buzz Ware Village Center Renovation Fund.

Concluding Remarks:

The Buzz has its own email address: BWVC@arden.delaware.gov.

The Buzz continues to look for new ways to support the Ardens. We do ask, if you observe something in or around the facility you find of a concern, or if you simply have a suggestion for facility improvements at the Buzz Ware, please contact a committee member, go to the Buzz Ware website under "Contact," or email us. You can make comments, submit an idea for a community event or volunteer.

Again, we want to thank all those that volunteer their time and resources to support the Buzz and the ongoing activities.
Respectively submitted,
Walter Borders
Co-Chair Buzz Ware Village Committee
Buzz Ware Village Center Report - Thank you!

11.5 Civic – Co- Chairs, Ed Rohrbach, Al Marks

Civic Committee Report June 26, 2017

We have worked to restore the area around the style at the corner of Lower Lane and Harvey Road.

We planted two new trees on Sherwood Green to replace trees that were recently removed. They were located far from the area of the building so they don't shade out the photovoltaic panels. We are working on a plan to install a small pavilion over one of the picnic tables in order to provide shade in summer and a sheltered place for people who are attending events and who are waiting for the building to open. The design and cost of the project are not final at this time.

We have a design for a new bulletin board on the outside wall of the Buzz Ware building near the main entrance, in order to comply with the state's new FOIA requirements. This would be exclusively for the use of town officers and committees to post their meeting notices and agendas and would be lockable. Only town officers, the town secretary, and committee chairmen would have keys.

We also repaved The Sweep from end to end, and fixed up the split rail fence along Millers Road between Mill Road and Marsh Road.

We are also planning to begin a program to trim all the trees overhanging our roads to the legal clearance height of 13' 6" to make sure emergency vehicles will be able to access everyone's home. This will begin with the most heavily traveled roads, namely around the Village Green, Millers Rd, and Orleans Rd. If you don't trust us to trim trees on your lot and want to do it yourself, you should do it before we get to your street.

Our next committee meeting is scheduled for October 3rd at 7:30 p.m.

Respectfully submitted,
Edward Rohrbach,
Co-Chair

Comments

Pavilion is maintenance free but Civic will assume responsibility of maintenance
Lovers Path needs trimming.
Patches of road near Carol's leasehold needs repairing.
Civic Report - Thank you!

11.6 Community Planning – Ray Seigfried

Town Meeting Report September 2017

Membership of committee

Cynthia Dewick, a member of CPC, does not have the time to remain on the committee and has requested that the committee seek a replacement member. The committee has not completed its work to replace her at this time.

Transformational Sub-Committee Up-Date

The committee has had two meetings: one in August, and the other in September. The sub-committee did have Jeff Politis facilitate a "brainstorming" session to obtain some transformations ideas and has created a list including the following,

- Pedestrian bridge over Harvey Road safe and quick pedestrian and bike movement through Arden in-ground lighted crosswalk to indicate pedestrian.
- Get off the electrical grid with underground wires.
- Well organized, consistent, reliable, interactive, easy to use Village of Arden website-designer and upkeep Webcams - Owls, Indian Circle.
- Major invasive species removal and tree canopy support, replace what comes down.
- Harvey Road traffic calming reconnect the Ardens through a tunnel below the road Harvey Road local traffic only and multiple lighted walkways.
- Stormwater plan and management, water percolation and stormwater management—porous roads.
- Comprehensive Care for people with limitations—having a social worker, nurse, other helpers, transportation.
- Full ADA compliance/overall accessibility—NCC alliance.
- Architectural review board-historical standards-maintain/establish village view-what do we want the village to look like in the future.
- Expand Arden—1) acquire new property/create a buffer attached to Arden. 2) Expand non-attached properties.
- Protect what we have from climate change and climate change management plan—water, power, tree management.
- Combine the 3 Ardens into one village.

- Create Retail center—expand Arden or use another section of the weave shop, helps to age in place.
- Arden WIFI.
- Combine common services/utilities through the village rather than individually.
- Arden Airport redirect airplanes.
- Converting to Buzz as a non-profit.
- Community Pool.
- Sidewalks throughout the Ardens.

The committee will try to schedule the next meetings on Saturday, October 21 after the dinner at Gild Hall, and on Thursday, November 16 at 7:30 Buzz Ware. A concluding final report with recommendations will be given to the village at the September 2018 town meeting.

Modification of Arden Land Deed Restriction Clause

The Trustees of Arden deeded ownership of all the Greens to the Village of Arden in 1973. In this Deed, the last paragraph defines the restriction governing the greens. The Deed requires that any modification to the Greens must obtain the majority approval of the Village through a referendum. This creates an expensive and onerous task to the Village on minor changes like easements, rights-of-way or other similar property changes. After consulting with an attorney, Trustees, and Village Officers, an amendment to the Deed is being designed that will amend the Deed creating a fair balance incorporating both the original intent of the Trustees and a process to provide small land changes by the Village without the need for a total referendum. The process for approving this change will require the following: first, the amendment, once designed, will be presented before Town Assembly for approval. Once approved, it will then go to full referendum for final approval.

Arden Stewardship of the Greens

It was decided to begin working on a stewardship policy of the greens and come up with a process for any future changes once the Deed restriction clause is modified.

Policy on Decommissioning of an Arden Certified ADU

Community planning has reviewed the request from the Trustees to have certified ADUs decommissioned. Certified ADUs have a "special privilege" in that they are exempt from current county code and can remain even though they may not be in compliance to county code. After much discussion, the CPC made a motion and voted to recommend that all current certified ADUs are irrevocable rights of the leasehold. That leaseholds with ADUs knowingly purchased with the knowledge of the ADU and many signed the original certification for their ADU. Therefore, CPC does not support any decommissioning of certified ADUs.

Request for Additional ADUs

Community Planning discussed the interest of leaseholders who want to build an ADU to their household. Referring back to Ordinance #14 Certification Process for Leaseholds with ADUs adopted March 2008 section 1 last sentence it states,

Motion following report.

At the time that the Ordinance was designed, there was no clear consistence for approval nor not of any future ADUs and, based on lack of consistence this clause was entered. Given that there is interest now to build additional ADUs, CPC voted to move forward with a motion before Town Meeting to support additional attached ADUs. This motion will allow Arden to build attached ADUs. If this motion is approved, CPC will work on a modifying amendment to Ordinance 14, including the authority of this motion.

Community Gardens update

Toby Ridings reported that everything is going well and a harvest brunch is being planned.

Memorial Gardens update – Grave marker for Steven Threefoot has been placed. Phyllis Conner was interred on September 3. The new *Magnolia virginiana* tree (AKA sweet bay magnolia) is growing just fine.

Motion #1 ADU

The Village of Arden approves one (1) additional ADU per leasehold that are built as an attached ADU on their leasehold, as long as the leasehold is in compliance with New Castle County Code. **Motion Approved** (voice vote with 1 abstaining).

Point of clarity: The County code allows for additional domiciles (single, attached additional domiciles) in municipalities provided they follow the county code. When the Village approved the ordinance, we put in that the Village would have to approve it as well.

To stress the importance is to point out that this is already allowable in county. Arden is an incorporated community; what we are doing here tonight is bring us back into code. Some degree of urgency because there is an application before the Trustees that needs to be acted upon.

Motion #2 CP vacancy position

Community Planning recommends Rick Ferrell. Floor was open for anyone to vote for themselves or to recommend someone else with their approval. Brooke Bovard's name was submitted from floor, and she approved. Secret Ballot is required if there is more than one nominee.

Ballot Vote: 39 ballots were handed out: Rick Ferrell 29, Brooke Bovard 10. Rick Ferrell will fill the vacant position.

Questions/ Comments

Policy on Decommissioning of an Arden Certified ADU. Some suggested that Community Planning take a second look if they want to.
Community Planning Report – Thank you!

11.7 Forest – Carol Larson
ACRA project this summer: A new bridge over a gully in the woods along Millers Road, connects the paths with the Marsh and Millers Roads corner. That area has some nice vistas over the creek, especially exciting during high water.

DeLDOT regularly sprays brush along Marsh Road with glyphosate. We contacted DelDOT to request a "no spray" zone along our stretch of Marsh Road, and plan to put in low growing plants to maintain the sight lines around the corner. Contact me if you see plants are getting too high for visibility, our vigilance is the price of not having glyphosate here.

We had a booth at the Arden Fair this year, to distribute information about trees and beneficial plants. We shared with Citizens Climate Lobby, a bipartisan group advocating for "carbon free and dividend solution to reducing fossil fuel use", and the DE Invasive Species Council to further public education about invasive plants. Greg Gagliano from Red Tail Restoration manned the booth for DISC. He's our contractor for invasive species removal in the woods.

Red Tail Restoration continues invasive species removal at the Sherwood Forest Restoration site, Marsh and Millers Road.

Sherwood Forest Restoration: Ongoing discussion of access to the project through Buckingham Greene. Project is slated to start this fall.

Fall planting for the Katrina garden at the end of Meadow Lane will be coming up.

We have an ivy pulling party planned in November at the southern Hillside Road woods access near the water tower. Watch the Page and Facebook sites for more info or contact a committee member.

General maintenance: Fixed fences, maintained paths, removed invasive plants.
Forest Report – Thank you!

11.8 Playground – Chair Ruth Panella

Playground Committee Report, September 26, 2017

Our committee has done as required regarding monthly meetings and inspections. All equipment has been deemed safe, and specific equipment is to be attended to for maintenance. For example, the play horses on the lower end of the Arden Green will be removed temporarily in the winter for such maintenance.

Six benches have been painted and mulch, our most substantial expense, has been purchased and spread several times as needed. Our committee appreciates the work done by a non-member of the committee, my husband Sam Panella, for replacing the seating on the bench on the lower Arden Green.

The possibility of lead in the soil has been addressed by way of information and recommendations from two university extension services—Penn State and UD—as well as other sites and verification that previous committees over a period of more than three decades have placed layer upon layer of mulch annually and most likely painted with lead-free paint since that requirement went into effect in 1978. We intend to do the necessary job of covering rusted areas of the equipment, with their bases at ground level being the priority.
Respectfully submitted, Ruth Panella

Playground Report -Thank you!

11.9 Registration – Cecilia Vore

Barbara Henry presented the following report.

The Registration Committee will conduct the annual Budget Referendum, and the election of the Arden Board of Assessors in October and November. The Committee will meet to update the list of eligible voters on Saturday, October 7 at 2:00 p.m. at the Buzz Ware Village Center, Room 4. To make sure our list is complete, please notify a member of the Registration Committee tonight if there are any changes to the eligible voters in your household, or if you are new to the village, so we can add you to the list of residents.

Board of Assessors nominees are invited to post a position statement on the town website. Information on how voters can read those statements will be included on the ballot instructions.
The Committee will have a work session – stuffing envelopes, adhering stamps, etc. – on Friday, October 13, 7:00 p.m. at the home of Barbara Henry. Volunteers are needed to assist with this multi-step process.

Ballots will be mailed around October 15.

The deadline for returning ballots is 7:30 p.m., Tuesday, November 7, which will be printed on the ballot instructions that are mailed to each resident. Ballots will be counted on that date at the Buzz Ware Village Center, Rooms 1 & 2. The Registration Committee will meet briefly at 7:00 p.m. prior to the beginning of the count. The public is invited to attend, and volunteers are needed to assist the committee with the count. Results will be posted on the bulletin boards and the Village website the day following the vote count.

The Board of Assessors is elected using the Hare System of Proportional Representation by Single Transferable Vote. While interesting to observe, we need an adequate number of volunteers to assist so

the process can be completed in a timely fashion. Please consider volunteering. If you decide to do so, please plan on being at the Buzz prior to 7:30.

The primary responsibility of the Registration Committee is to keep a current list of Arden residents. To that end, the Committee asks routinely at each town meeting for your help. If you know of a new resident, or if someone has moved out of a house on your street, please tell us tonight.

Respectfully submitted,

Registration Report -Thank you!

11.10 Safety – Brooke Bovard

Greetings, the Safety Committee congratulates all of you who have achieved fall.

This, we remind you, is the best time to find out how much your plantings, sculpture, or rock collections are infringing on the rights- of- way, preventing the passage of emergency vehicles, and covering the fire hydrants. Then do something about it.

In similar vein, don't park regularly on the rights- of- way adjacent to your leasehold. Your safety chair really hates coming out to tell you not to, and even more, going through the process of fining you. Let's skip that.
The committee continues to place signs in order to bring our road signage into legal compliance. We are in the process of hiring a contractor to assist us. If you have a favorite person to dig post holes and pour cement, please give a member of the Safety Committee your recommendation. The Safety Committee thanks our members and an assortment of Harcourt-Brooke's for their ongoing work on this.

An update on current laws and procedures regarding pet licensing and complaints will soon be posted on the website. Ardenites love our pets and pet owners, and hope this information is useful to all.

Here is my budget plea. The Safety Committee finally, legally, discovered this year that we DO have responsibility for traffic signage on Harvey Road and Marsh Road. The good news about this is that we live here, and DelDOT does not, so signage upgrades that were recommended by the state traffic engineer several years ago no longer need to go through them. Yay! The bad news, of course, is that the work has been postponed while we got it sorted out. I believe the outcome will be better for everyone, but it's a transition. DelDOT still has responsibility for paving, striping, and maintaining the road curb to curb, and that does not change. Anyone with questions should ask any member of the Safety Committee.

Finally. People, try to think about your neighbors. The vast majority of the calls I get are the result of simple misunderstandings of the impact of our behavior on someone else. When you buy your kid the drum set? Think about the location and hours of the rehearsal space. When you plant a lovely garden of English Ivy and Bittersweet? Think about the strain on our forest advocates. Your joy in the self-sufficiency of your cat may be carnage at the neighbor's bird feeder. Your lawn care choices might threaten someone's beehive. We have just seen the impact of stormy weather on islands. So, bear in mind that none of us is an island, and make sure we live in a way that supports each other. If we can't actually build bridges, at least let us maintain our harbors.

For the Safety Committee,
Brooke Bovard, chair

Brooke believes it is Safety's responsibility not DelDots to take care of the cut- outs along Harvey Road even though DelDot paved it.

Safety Report -Thank you!

12.0 Old Business – Tabled motion to reconstitute the Legislature Reference Committee remained tabled because there was no quorum.

13.0 New Business –

14.0 Good & Welfare – Drumlin weathered the hurricane and is fine.

15.0 Motion to Adjourn seconded and adjourned.

Seconded Adjournment 11:47p.m.

Respectfully Submitted-

Elizabeth Resko, Town of Arden Secretary

Postcard reminders and agenda will be mailed prior to next Town Assembly meeting

All are welcome hither

Please note: Those attending Town Meetings are eligible to vote are 18 years of age, or older

Attachments Follow

Financial Report
Town Meeting September 25, 2017

Current Assets		**31-Aug-17**
Arden B&L Bequest Funds	$	28,398.91
Vanguard Bequest Funds	$	208,428.42
Arden B&L (Reserve)	$	138,270.78
M & T Checking Account	$	91,941.26
Vanguard Money Market		430.39
Total Cash & Equity	**$**	**467,469.76**
Land Rent Receivable	$	18,131.43
Total Current Assets	**$**	**485,601.19**

Income & Expenses

2017 Income Mar 25-Aug 24, 2017		
Land Rent & Related Income	$	632,383.41
Other Income-All Sources	$	1,425.65
2017 Additional Income (Expected)		
Additional Land Rent	$	6,500.00
Interest Income	$	5,500.00
Total 2017-18 Operating Income	**$**	**645,809.06**
2017 Expenses Mar 25-Aug 24, 2017		
Village of Arden	$	100,000.00
General Trust Administration	$	13,044.09
New Castle County Taxes	$	437,424.94
2017 Additional Expenses (Expected)		
Tax Rebates	$	41,134.27
General Trust Administration	$	6,000.00
Village of Arden	$	50,000.00
Total 2017-18 Expenses	**$**	**647,603.30**

UNAUDITED
FOR DISTRIBUTION
AND DISCUSSION
PURPOSES ONLY
FOR ARDEN
TOWN ASSEMBLY

Village of Arden
Statement of Financial Position
As of September 24, 2017

		Notes
Checking/Savings		
1000 - TD Bank	78,167	
1005 - Capital One 360	113,265	
1010 - TD Bank MSA Checking Account	7,376	Municipal Street Aid
1032 - Arden Building & Loan	42,341	BuzzWare $528, Lecture Series $2,148, Schroeder Bequest $39,665
1050 - Raymond James - net value @ 9/22/17	298,419	Schroeder Bequest - initial investment $301,002
Total Cash	539,568	
LIABILITIES		
2000 - Accounts Payable, Current Liabilities, PR Tax Payable	4,821	
2300 - Mortgage - AB&L Avery Property - Balance as of 3-25-17	20,892	15 yr note at 7% for $150,000 began 4/26/04 - balance at 3/24/17 = $20,892
FUND BALANCES		
Buzz Ware Renovation Fund	26,985	
Lecture Series	721	
J Schroeder Bequest	333,138	
Memorial Garden	12,415	
Municipal Street Aid	7,076	
Capital Maintenance Fund	22,180	
Village - Prudent Reserve as of the date of this statement	51,553	Prudent Reserve Balance @ 3/24/15 = $90,249 Prudent Reserve Balance @ 3/24/16 = $106,644 Prudent Reserve Balance @ 3/24/17 = $71,283
Vacant Dwelling Fund	24,539	
Buckingham Green Settlement Fund	50,043	
Trustees of Arden Donation	6,096	

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Village of Arden
Statement of Financial Activity
As of September 24, 2017

	3/25/17-9/24/17	Budget	% to Budget	
Revenue				
^ 4000 · General Funds - Village	90,000	-		
4100 - Donations, grants, rentals	2,600	-		
+ 4510 · Franchise Fee Receipts	4,853	15,100		
4900 · Interest Income	228	-		
Total Revenue	97,681	15,100		
Expenses				balance left in budget
6000 · Payroll & Payroll Taxes	5,723	13,298	43.03%	7,576
* 6300 · Administrative Expenses	14,505	40,670	35.66%	26,165
8000 · Committee Expenses - see detail below	32,590	82,775	39.37%	50,185
8010 · Contributions & Donations	5,650	6,450	87.60%	800
Contigency Fund	-	10,000	0.00%	10,000
8030 · Trash Service	29,723	57,600	51.60%	27,877
9000 · Debt Service	10,590	16,176	65.47%	5,586
Total Expense	98,780	226,969	43.52%	128,189
Surplus (deficit)	(1,100)	(211,869)		
Committee	Actuals YTD	Budget		balance left in budget
Advisory	-	200	0.00%	200
Archives	744	1,800	41.34%	1,056
Assessors	-	50	0.00%	50
Budget	-	75	0.00%	75
Buzz Ware - general operating support	-	5,000	0.00%	5,000
Civic	27,675	58,000	47.72%	30,325
Community Planning	14	1,000	1.40%	986
Forest	2,550	8,000	31.87%	5,450
Playground	1,403	4,000	35.08%	2,597
Registration	203	250	81.40%	47
Safety	-	4,400	0.00%	4,400
	32,590	82,775	39.37%	50,185

+ Comcast = $2,370, Verizon = $2,483
^ Trustee's transferred $100,000 land rent to Village - $10,000 was allocated to Capital Maint Fund
*** Includes insurance premiums of $12,218**

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Special Village Funds

	BuzzWare	Buzz renovation	Hamburger Lecture Series	J. Schroeder Bequest	Memorial Garden	MSA	Capital/Maint/RepairFund	Vacant Dwelling Fund	Buckingham Green Fund
	3/25/17-9/24/17	3/25/17-9/24/17	3/25/17-9/24/17	3/25/17-9/24/17	3/25/17-9/24/17	3/25/17-9/24/17	3/25/17-9/24/17	3/25/17-9/24/17	3/25/17-9/24/17
Revenue									
4000 - General Funds - Village	2,400	-					10,000	-	-
4010 - Donations	200	2,000	-	-	2,228	-	-	-	-
4100 - Program Revenue	2,714	-	-	-	-	-		-	-
> 4300 - Grants	-	-	-	-	-	16,276		-	-
4400 - Rentals	11,236	5,694	-	-	-	-	-	-	-
4520 - Vacant Property Registration Fees	-	-	-	-	-	-	-	3,600	-
$ 4900 - Interest & Dividend Income	10	-	-	2,003	-	-	-	-	-
@ 9900 - Unrealized gains on Investments	-	-	-	16,785	-	-	-	-	-
Total Revenue	16,559	7,694	-	18,788	2,228	16,276	10,000	3,600	-
Expenses									
6000 - Payroll & Payroll Taxes	10,074	-	-	-	-	-	-	-	-
6300 - Administrative Expenses	163	-	-	-	-	-	-	-	-
6310 - Janitorial Supplies	338	-	-	-	-	-	-	-	-
7020 - Utilities (gas, electric, water, telephone)	1,525	-	-	-	-	-	-	-	-
7060 - Licenses/Permits/Fees/AlarmMonitoring	391	-	-	-	-	-	-	-	-
7600 - Repairs & Maintenance	1,534	-	-	-	-	-	-	-	-
x 8000 - Program Expenses	3,411	979	1,427	102,795	1,664	10,200	-	-	-
Total Expense	17,537	979	1,427	102,795	1,664	10,200	-	-	-
Surplus (Deficit)	(1,078)	6,715	(1,427)	(84,007)	564	6,076	10,000	3,600	-
Carried forward fund balance		20,270	2,148	417,145	11,851	1,000	12,180	20,939	50,043
Fund balance		26,985	721	333,138	12,415	7,076	22,180	24,539	50,043

x The Schroeder Bequest expenses include the purchase of 5 Mill Race Road

$ Includes deduction of investment advisory fees of $1,587

@ Unrealized gains calculated as the difference between Raymond James investment value at 9-22-17 of $315,204 less initial investment value of $301,002

> Municipal Street Aid grant received August 2017