

A special meeting was called by the Trustees of Arden on Monday, August 8, 1966 at the Gild Hall to hear a progress report from the Grubb-Harvey Road Interchange Committee. Trustee Ware called the meeting to order, but he then turned over the meeting to Frank Starr, Chairman of the Grubb-Harvey Road Interchange Committee.

Mr. Starr stated that the committee had been formed to attack the State Highway Commission's plan to widen Harvey Road and to build an interchange at Harvey Road and I95 for southbound traffic. The construction of the interchange will change the character of Grubb-Harvey Road which is now just a road carrying community traffic to a medial artery and it will induce traffic.

Frank Aukotowicz read a letter from Donald Booker, the lawyer retained by the Grubb-Harvey Road Interchange Committee, in which he outlined the legal position. The following points would be stressed if the case came before the Court of Chancery. 1. Decision to place interchange at Harvey Road not based on use. 2. Failure to estimate decrease of value and danger to the communities if the interchange is constructed, 3 Denial of due process of law as it was planned without any prior hearing by the Highway Commission.

It was pointed out by Phillip Cohen that in general the commissions are favored by the courts in disputes and that esthetic values are not considered, but if violations of constitutional rights can be proved, the chance of success is greater.

The committee recommended that action be taken as soon as possible. Mr. Aukotowicz stated that they have compiled 10 different characteristic complaints that they felt would stand up in court. If the judge will accept jurisdiction, they feel the hard evidence will give them a good chance of success.

The Regional Planning Commission has made Grubb-Harvey Road an arterial road that will carry traffic to I95. By putting in the interchange the Highway Commission has changed the character of the traffic that uses the road.

The cost of fighting this court case is heavy and it will have to be supported by all the communities affected and not by the three Ardens alone. The money to date has been collected by donations and benefits.

Laurence Shein, the treasurer of the committee, reported income of \$2,120.76 and expenses of 1,452.52. Income came from benefits-\$1,202.26, donations, \$818.50 and Holiday Hill Civic Association, \$100. Before suit can be started it will necessary to raise \$600. The suit would probably cost another \$5000, and if the Highway Commission should appeal to suit to higher courts in the event they lost the first decision, the final cost could go as high as \$250,000. The committee feels that since we are testing basic highway laws, the publicity would be great enough to tap national sources for money to pay for the case.

The need for the first \$600 is immediate because the appeal must be made very soon. The final contract for the interchange will be made in October or November. The committee marked a 60-foot strip down Harvey Road so that the communities could be aware of the extent of the destruction of property. It was felt that immediate action must be taken and Donald Stephens urged that we get people to volunteer to make a house to house canvas of the areas affected. He volunteered to serve and Mrs. Joseph Patterson also volunteered. It was also suggested that the committee make plans to see other communities that have shown interest in the fight to stop the interchange and ask for financial help.

Mr. Cohen was asked to comment on the proposed court case. He asked just what was unique about our situation that could carry the case to the upper courts. It was explained that the communities along the Grubb-Harvey Road had been denied the right of protest because the decision to put in an interchange had been made without informing the public or calling an open meeting. The Highway Commission is inducing traffic by installing an interchange. They have failed to consider affect of the widening of the road on the structure of the communities. This is particularly true in Arden and Ardentown with the social life of the community and the school on one side of the road and most of the residents living on the other side. The Highway Commission tried to arouse antogonistic feelings in the residents of Claymont and Radnor Green against the Arden communities. The Highway Commission does not have a planning group and depend upon the word of the Highway engineers. The only figure used for deciding the necessity for an interchange was theirs and they would not listen to the results of any other studies. The Highway Commission insists that the interchange is separate from the need to widen Harvey Road. Mr. Cohen said that he recognized the feeling about the interchange and the widening of Harvey Road, but he cautioned against optimism about winning the case because he did not think we could prove fraud on the part of the Highway Commission and that is usually the reason for injunctions of the type the Grubb-Harvey Road Committee is seeking.

The situation was summed up as three possible alternatives: 1-Pursue case, 2, Go to civil protest, 3- Do nothing. The Trustees were asked if they had taken any action on preventing widening of Harvey Road. They had seen Governor Carvel and Governor Terry, met with the Highway Commission and Mr. Davidson, Highway engineer. The Trustees do not have any power to spend money for law suits unless instructed by the residents of the communities and the money must be set up through the budgets. They would have to petition the courts to allow them to spend the money without permission of the residents as set up in the deed of trust. It would have to be determined if the widening of the road could be interpreted as threatening the existence of the Trust. Donald Stephens as a co-Trustee of Ardentown and Arden spoke strongly against the pessimism shown in the meeting and felt the widening of the road would be the end of Arden as it now exists. He asked for volunteers to help him go out and raise the \$600. needed.

It was asked if the incorporation of Arden could stop the building of the interchange. The only action that the Commissioners can take would be against that section of Harvey Road that runs through Arden and it is not certain just how their powers would hold up in court.

Representative Clarice Heckert spoke in favor of trying to preserve Harvey Road. She is working with a committee that is attempting to get Highway Commissions interested in the preservation of the beauty of the highways and not ruthless destruction of communities. She did point out that suits in chancery always seem to cost more than had been anticipated.

There was no definite action taken at the meeting, but the Grubb-Harvey Road Committee is going ahead with plans to raise the needed \$600 so that the suit can be started if a judge will accept it.

A vote was taken thanking the Grubb-Harvey Road Committe for all the work it has done for the communities involved.

Respectfully submitted,

Mary Morley
Secretary of the Town Assembly of Arden
Clerk of the Commissioners of Arden