

**INSIDE: MINUTES OF JANUARY 28, 2008**

All Village of  
Arden Residents are  
Encouraged to  
Attend the next

# **Town Meeting**

**Monday, March 24, 2008  
In the Gild Hall, 7:30 p.m.  
2326 The Highway, Arden, Delaware**

## **THE TOWN ASSEMBLY'S AGENDA WILL INCLUDE:**

1. Election of Town Officers and Town Committees, plus the Town Treasurer, a re-established Office.
2. Approval of the Forest Stewardship Policy
3. Third Reading of Ordinance to make ADUs legally conforming

*All are welcome hither*

Please note: Those attending Town Meetings are eligible to vote if they have resided in the Village of Arden the 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, September 28, 2007**

A total of 70 residents attended this Meeting.

Lou Bean	Deborah M. Ricard
Ruth Bean	Clay Ridings
Steve Blades	Charles Robinson
Jennifer Borders	Nanette Robinson
Lizzie Broadbent	Ed Rohrbach
Alan Burslem	Warren Rosenkranz
Maria Burslem	Peter Renzetti
Marianne Cinaglia	Hugh Roberts
Cathy Cloutier NV	Sue Rothrock
Mike Curtis	Danny Schweers
Alton Dahl	Sally Sharp
Steven Donato NV	Bryon Short NV
Dorinda Dove	Ray Seigfried
Carl Falco	Sadie Somerville
Keelin Frye NV	Sam Starr NV
Roger Garrison	Steve Tanzer
Willard Glenn	Steven Threefoot
Heidi Hoegger	Elizabeth Varley
Rod Jester	Mary Vernon
Mike Kelly NV	Cecilia Vore
June Kleban	Larry Walker
Lynda Kolski	Laura Wallace
Connee McKinney	Jan Westerhouse
Ron Meick	Tom Wheeler
Lisa Mullinax	
Mary Murphy	
David Nordheimer	
Cookie Ohlson	
Betty O'Regan	
Denis O'Regan	
Jeff Politis	
Amy Pollock NV	
Peter Renzetti	
Edward Rohrbach	

## Election to Town Committees and Town Officers

The following individuals have agreed to stand for election to Town Committees and as Town Officers, and they are:

The Committee Nominees are as follows:

ARCHIVES	Barbara Macklem* Deborah Ricard Barney King Ann Schmittinger Sadie Sommerville*
AUDIT	Cookie Ohlson* David Nordheimer
BUDGET	Jack Dolmetsch* Milton Isaacs Matthew Lo* Lynne Svenning
BWVC	Nancy Ellis Randy Hoopes* Warren Rosenkranz Bill Theis
CIVIC	Carol Larson Greg Morrison Ann Schmittinger* Carol Ann Wilcock
COMMUNITY PLANNING	Brooke Bovard Michael Falstad* Danny Schweers Sally Sharp
FOREST	Alan Burslem Dawn Chang Felise Cressman Warren Rosenkranz Elizabeth Varley*

PLAYGROUND	Patrick Barry Leah Walker Larry Walker John Stevenson*
REGISTRATION	Lizzie Broadbent Elaine Hickey Natalie Hubbard* June Kleban Mary Murphy Debbie Theis* Cecilia Vore*
SAFETY	Barney King Clay Ridings* Bill Theis* Debbie Theis
ADVISORY CHAIR	Bill Theis*
CHAIR OF TOWN ASSEMBLY	Steven Threefoot*
TOWN SECRETARY	Larry Walker*
TOWN TREASURER	David Michelson

NOTE: \* = incumbent

**Below is a biographical sketch for David Michelson, who is the candidate for Town Treasurer:**

David serves as the Chief Financial Officer for a non-profit social service agency that has over 100 years of service to the Philadelphia community, and in that role is responsible for \$5 million in programs focusing on bettering lives of the underprivileged in Philadelphia. David has held accounting and financial positions for several companies over the past twenty years in the Philadelphia metropolitan area, with budgets ranging from \$100,00 to \$5.0 million. He has volunteered his time over twenty years, serving as treasurer for several Philadelphia area non-profits, such as Congregation Beth Ahavah, Philadelphia Fight, the William Way Community Center, and the Delaware Valley Council of American Youth Hostels. David holds an undergraduate accounting degree from Temple University, and a Masters in Elementary Education from Chestnut Hill College. He is currently pursuing his CPA license. David and his partner Gary Quinton have lived in Arden since December 2005.

Below is the Draft of the Forest Stewardship Policy, which will be presented to the March 24, 2008 Town Meeting for Approval.

**DRAFT**

**Village of Arden**  
**Forest Stewardship Policy**

June 22, 1998

**I. Objectives and Principles**

**A. Arden's Objectives**

The Village of Arden has two objectives in its stewardship of the village forests:

1. Preservation of a natural ecosystem including appropriate wildlife habitat
2. Enhancing resident's interaction with and enjoyment of this natural environment

**B. Principles**

These general principles have guided the development of stewardship policy and should be taken into consideration in interpreting and applying them:

1. Arden desires to allow nature to be the principal creator of change within the forests.
2. The Arden forests are too small in size to resist naturally the invasive action of the surrounding developed environment.
3. Human actions associated with enjoyment of the natural environment can impact negatively on it.
4. Management of the forests to achieve the two objectives will require intervention to balance the priorities of these principles.
5. The Forest Committee of the Village Assembly is the village governmental body with overall responsibility for care and

management of the forests. Moneys required for these activities are included in their line item in the annual village budget and oversight of this budget is their responsibility. The Forest Committee reports regularly to the Village Assembly.

6. The forests in Arden are part of a larger natural system made up of tracts belonging to Ardentown and Ardencroft as well as the Hanby Trust and private landowners in Indian Field, Wilmington Montessori, St. Edmunds and Windy Bush. Arden desires to cooperate with all of these stewards to maximize the effectiveness of the overall stewardship program.

## **II. Management Guidelines**

### **A. Boundaries**

#### 1. Policy

- a. The Village of Arden has set aside large tracts of land designated as the Arden Woods and the Sherwood Forest for public use and enjoyment. Private use of these lands for purposes other than individual enjoyment of nature is not allowed without specific authorization. See the survey of Vandemark and Lynch Inc.
  - b. Boundaries of the forests will be clearly and suitably marked at reasonable intervals with markers which do not detract from the natural setting desired in the forests.
  - c. Residents are not allowed to encroach on the public lands adjacent to their leaseholds in any way that is inconsistent with Arden's forest objectives.
  - d. Residents or Leaseholders desiring to carry out construction or landscaping projects near the forest edge must clear their plans with the Forest Committee as a part of the approval process. Of special concern is the tendency of construction workers to drive heavy equipment into the forest thereby damaging the root structure of the trees
  - d. Neighbors living outside of Arden and adjoining the forests are not allowed to encroach in any way on the Village forest lands adjacent to their properties.

## 2. Responsibilities

- a. The Forest Committee is responsible for monitoring encroachment into the forests from either leaseholders or neighbors.
- b. The Trustees and the Forest Committee have joint responsibility for enforcement of the encroachment policy.
- c. Leaseholders planning construction on a leasehold adjacent to the forest must present plans and obtain approval from both the Trustees and the Forest Committee before applying for a county building permit.

## **B. Erosion Control**

### 1. Policy

- a. Intermittent water flow

The first line of defense against erosion is control of the source of water causing the problem. Intermittent water flow into the forest from roads, leaseholds or sources outside the village property should be recharged into the ground where feasible, stored and released into the forest over time, slowed as much as possible before entering the forest, etc.

The second line of defense, where problems from intermittent flows cannot be stopped at the source, is to diffuse the water entering the forest in such a way that erosion is no longer a problem.

The third line of defense will be to create cofferdams and weirs to reduce water velocity in the erosion channel to minimize further loss of soil through erosion.

- b. Stream Surges

The first line of defense is similar to the case of intermittent flows - control of the source, spreading out the surges over time and recharging aquifers as much as possible. Cooperative efforts within the context of the Naamans Creek Watershed Association or political associations such as CCOBH are expected to be most effective in dealing with this problem.

Failure to deal with the water surges at the source will require a decision to allow a stream bank to widen or to reinforce the bank and channel the water flow. This decision will be made by considering the specific location and the expected impact of stream widening.

## 2. Responsibilities

- a. The Forest Committee is responsible for monitoring the forests for erosion problems.
- b. Residents are expected to control the water coming from their leaseholds. The Forest Committee as a part of their monitoring responsibility will notify any leaseholders of problems associated with their leaseholds. The Trustees are responsible for dealing with any unresolved leaseholder problems.
- c. The Civic Committee is expected to control water coming from roads or commons.
- d. Neighboring residents and their civic organizations are expected to control runoff from their streets and properties. The Forest Committee with the cooperation of the Trustees of Arden will deal with any problems arising from improper actions of neighbors.
- e. The Village of Arden will seek active cooperation of its Trustees and the other Arden villages in dealing with outside agencies, associations and political groups to work on controlling water surges in the Naamans Creek watershed (including Perkins Run). The Community Planning Committee is responsible for organizing this cooperation.

## **C. Alien Invasive Plants (maintaining plant diversity)**

Local cultivation of many species of plants from foreign ecosystems has resulted in inadvertent introduction of plants into our forests for which there is no locally-evolved population control. Some of these propagate rather slowly and do not tend to move far from their original location, but others are quite invasive, move and propagate aggressively, displacing the native plants and creating a monoculture of the alien plants.

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Some of these plants are considered valuable in the controlled garden environment of a leasehold. Examples are English ivy (*Hedera helix*), pachysandra (*Pachysandra terminalis*) and myrtle (*Vinca minor*). A few were thought to be nice in the garden but turned out to be too much even there - lesser celandine (*Ranunculus ficaria*) being one of the worst. Some others in our woods are kudzu, Japanese honeysuckle (*Lonicera japonica*) and multiflora rose. The principal woody alien is the Norway Maple (*Acer platanoides*). This tree is used as a dense shade tree on some leaseholds, but it seeds in quickly and will out-compete native trees in the forest and prevent their propagation. Arden forests are not badly infested with Norway Maples at this time, but the Naamans Creek hillside in Ardentown is completely infested.

## 1. Policy

- a. The policy of the Village of Arden is to prevent the infestation of the forests by invasive alien plants and to reduce and control those which have crept in during the first 98 years.

## 2. Responsibilities

- a. The Forest Committee has primary responsibility for monitoring the forests for invasive aliens. They will maintain a list of plants which should be prevented from escape into the forests. Publicity of this list and action needed by residents should be done by the Forest Committee.
- b. Leaseholders are responsible to prevent the infestation of the forests by the identified plants coming from their leaseholds. Where past action or inaction has resulted in forest infestation adjacent to the leasehold, the leaseholder will cooperate with the Forest Committee in removing the problem.
- c. Neighbors of the forests are expected to prevent escape from their property of the species of concern. It is the responsibility of the Forest Committee to educate the village's neighbors about this problem, to monitor for problems and to cooperate with the Trustees in seeking compliance.

## D. Trails and areas of repose

### 1. Policy

- a. Fulfilling Arden's objective to enhance residents' interaction with and enjoyment of the natural environment requires public access to the forests. Walking trails and appropriate resting places are provided to meet this objective.
- b. Since maintenance of trails can be in conflict with the objective to preserve the natural ecosystem, judgments and priority setting will be routinely required.
- c. The following guidelines will be used in resolving these conflicts:
  - Adequate trails should be maintained to provide access to all large areas of the forests.
  - Trails are not necessarily maintained to all weather standards nor always suitable for walking in normal street shoes.
  - Trails should be clearly defined so that walkers are encouraged to use them, but markings should be such as to minimize distraction from the natural ecosystem.
  - Any improvements to the trails such as bridges or erosion control structures should be made as naturalistic as possible.
  - Poison Ivy or other dangerous plants should be discouraged from growing near the trails.
  - Trails should be cleared of undergrowth or fallen timber so that a person can pass without difficulty.
  - Trails should be routed and constructed to avoid creating erosion problems in the trails or stream bank destruction.

Submitted by Carl Falco, Chair  
(7265-7202-B) July 9, 1962 with revisions through 1974 for  
specific description of these parcels.

### 2. Responsibilities

- a. The Forest Committee has responsibility for planning, building and maintaining the trail system.

## **E. Preserving Trees**

### 1. Policy

- a. Since the objective of the Village is to preserve a natural ecosystem in the forests, trees may not be pruned, removed or harvested from the Arden Forests except as indicated below.
- b. When trees fall naturally in the forest the general policy is to leave all wood where it falls. Trees that fall in a way that obstructs trails or creates potential erosion problems will be cleared to prevent these problems.
- c. Wood harvested in this way should be made available to the Arden Club for public use or to residents for their individual use. Motorized vehicles used in harvesting wood require special permit from the Forest Committee, which will be issued only in circumstances consistent with the objective of preserving the ecosystem.
- d. Trees that pose a danger to people or leasehold property may be removed at the discretion of the Forest Committee. A tree that is a clear and present danger may be removed by the town; in other cases when a leaseholder demonstrates a reasonable expectation of future danger the Committee may give a leaseholder permission to remove a tree adjacent to his or her leasehold.
- e. Residents must avoid any activities that pose a threat to any tree in the forest. For example, driving heavy equipment into the forest thereby damaging the root structure of the trees.

### 2. Responsibilities

- a. The Forest Committee has all responsibilities for decisions, implementation and monitoring of the harvesting of wood from the forests as described in this policy.

- b. Leaseholders must obtain agreement from the Forest Committee before any work that could impact the Forest. See section A.2.c. above.

## **F. Buildings or other construction**

### 1. Policy

- a. Buildings or similar types of construction are not generally consistent with Arden's objectives of forest stewardship and are not allowed except as indicated in paragraph II.F.2. below.

### 2. Responsibilities

- a. Construction which is deemed necessary to the proper stewardship of the forests or other village property may be proposed to the Village Assembly by the Forest or Civic Committees
- b. Any proposal for construction within the forest boundaries would require special approval of the Village Assembly.

## **G. Cleaning up the forests**

### 1. Policy

- a. In keeping with the desire to maintain a natural setting in the forests no littering is allowed. Any trash will be removed.

### 2. Responsibilities

- a. Users of the forests will take with them all trash they generate in the woods. They will also be encouraged to remove any other trash they can conveniently carry at same time.
- b. The Forest Committee and the Community Planning Committee jointly organize a woods clean-up in the spring, when community volunteers participate in a morning of collecting whatever trash has accumulated over the past year.

## **H. Procedures**

The Forest Committee will develop and maintain a procedures

manual, including a calendar spelling out the actions needed to fulfill its responsibilities as defined in this policy.

#### **I. Use of the Forests**

The Forest Committee has been given responsibility by the Village for making rules associated with use of the forest.

*The Following is the Ordinance on ADUs, and it will have its Third Reading at the March 24, 2008 Town Meeting:*

#### **Ordinance 2008-1**

#### **Village of Arden Certification Process for Leaseholds with ADUs**

#### **Section 1 – Introduction and Statement of Purpose.**

The purpose of this ordinance is to specify the notification and procedure to leaseholders of this one time opportunity which will be used by the Village of Arden to certify pre-existing Accessory Dwelling Units (ADUs). In order to be eligible for certification a leaseholder's pre-existing multiple domicile must comply to the following requirements: the domicile complies with the New Castle County ADU definition, the domicile was built on or before May 1, 2007, and the leaseholder agrees to comply with New Castle County zoning law, specifically, Amendment section 13 of Chapter 40 New Castle County Code (also known as the Unified Development Code). Leaseholders who wish to build ADUs after this process is completed will need to obtain approval by the Trustees, the Village, and go through the normal process with the County to obtain legal approval.

#### **Section 2- Notification to Leaseholders and New Castle County Department of Land Use about Certified Pre-existing Multiple Domiciles.**

The Village and the Trustees shall notify leaseholders in writing of the procedure to certify existing ADUs, and provide a declaration of eligibility within 90 days of County Council approval of Amendment Section 13 to Chapter 40 of New Castle County Code and approval by the Village of this ordinance. Leaseholders must sign and submit the declaration of eligibility to the Village Secretary within 30 days of the date of the notification letter in order to be considered for certification. Once certified, a written notification of leaseholds shall be made to New Castle County Department of Land Use via a joint written

communication by the Town Assembly Chair and at least two Village of Arden Trustees.

### **Section 3 – Procedure of Leaseholds with Pre-existing ADUs for Certification.**

The Village Secretary will notify the Village, the Trustees and the Community Planning Committee of those leaseholders who have signed the declaration of eligibility letter. Members of the Community Planning Committee will verify that they have met the requirements as defined in Section 1. Leaseholder's that meet the requirements in Section 1 and fall in one of the four categories listed below will be certified by the Village Chair and the Trustees. A final list of leaseholders with the privilege of having a certified ADU will be sent to the Board of Assessors.

An acceptable situation of current categories for certification of pre-existing ADUs is as follows:

1. Current leaseholders who have an ADU and paid the B rate assessment 2006-2007 and have an active ADU [whether or not they have obtained county approval].
2. Current leaseholders who have an ADU and have not paid the B rate assessment for 2006-2007, but have paid for another year and have an inactive ADU.
3. Current leaseholders who have an ADU and have not paid the B rate assessment 2006-2007 or any year and have an inactive ADU.
4. Current leaseholders who have an ADU and have not paid the B rate assessment for 2006-2007 and have an active ADU.

Leaseholds with existing ADUs who choose not to obtain certification and are not approved by the county will not be recognized as a legal Accessory Dwelling Unit by New Castle County and the Village.

## **TOWN MEETING MINUTES**

VILLAGE OF ARDEN

JANUARY 28, 2008

The Meeting was Called to Order at 7:35 pm by Town Chairman Steven Three-foot.

### 1.1 Minutes.

Jeff Politis asked that Sections 12 and 13 of the Amendment to the New Castle County UDC be included in the Minutes, since much of the discussion was about the wording and issues in these. This was approved.

The Minutes, as corrected, were approved.

## 1.2 NEW RESIDENTS IN ATTENDANCE

There were no new residents in attendance .

## 1.3 RECOGNITION OF THE DEPARTED

Steven announced that two individuals were no longer with us, and these were Marianne Nelson and Donna Dreisbach. Both actively involved in the social life of the Village.

There was a minute of silence as these departed Town Residents were remembered.

## 1.4 COMMUNICATIONS

Steve had received the Local Service Request from New Castle County, and this is the agreement for the County to provide certain services, like police protection, zoning, etc. to the incorporated municipality of Arden. Since it was based on the formula of previous years, he signed it and returned the document to the County. Steve said that in June he will have the Advisory Committee discuss the types of services that NCC could to be provided, and help in deciding which services to agree to use.

Verizon and Comcast will be implementing complementary services to the Village. Verizon will offer free Internet and Comcast will provide video service for the three locations in the Town. The plan is to have this completed by the March Town Meeting.

WILMAPCO has sent us their *Transportation Guide*, which also describes their future plans. This will be available in the Library.

DENREC has sent out their annual announcement inviting participation in their annual mosquito spraying program. If anyone is interested in leading this program, please see Steve for the forms and application.

DEMA had sent the Minutes of the Homeland Security Sub-Committee to the Town, but the Minutes are also posted on-line.

## 1.6 INTRODUCTION OF VISITORS

Keelin Frye gave a presentation on the Friends Of The Claymont Library organization, which is leading a campaign to have a "stand alone" library building constructed to service Claymont and the surrounding communities, which would be a population of 34,000.

Keelin said that the present location of the Library in the Claymont Community Center is unsatisfactory because of size, design, and location. Overall, it falls short of current goals as a local technology center and community meeting center. Presently, the proposed Claymont Library is No. 4 on the Priority List for the State Bond Bill.

The hope is that more people will join the Friends of the Claymont Library organization, which will show the State that there is interest, and he suggested a \$5 contribution. He also asked that more people use the library as a way of showing need.

Elizabeth Varley made the following Motion:

MOVED, The Village of Arden supports the efforts of the Friends of the Claymont Library organization in their efforts to build a new free-standing library in Claymont. The Secretary of the Village will write a letter of support to the Governor and the appropriate State Legislative Committees in support of the \$25,000 funding for the feasibility study for this proposed library.

The Motion was Seconded, and Approved Unanimously.

Amy Pollock of Ardencroft reported for the Delaware group that is challenging the FAA plan for flight patterns into Philadelphia over New Castle County. She introduced Mike Kelly, who is the Attorney for the group, and Steven Donato, another leader of the group. She said that this promises to be a long and complex litigation.

Mike Kelly said that the FAA had issued its finding on September 5, 2007 in their Record of Decision, and there was limited time to file an appeal. He said that Cathy Cloutier had worked hard to find support to oppose the FAA, but had no success with the Governor, Attorney General, and other State agencies. Amy and Steve Donato had approached NCC Council four times, and the response was that the NCC Attorney would look into it. At that point, Amy offered to pay the legal costs out of her own funds.

Since this was an appeal of an FAA decision, the appeal had to be filed in the Federal Appeals Court, and the various cases from Delaware County, New Jersey, Connecticut, and Delaware were consolidated in one case to be heard before the Washington, DE Appeals Court. On November 5, 2007 a Suit was filed, and this was within the stipulated 60 day filing period for appeals. It is not possible in this situation to file for an Injunction; only an Appeal can be filed. Cathy Cloutier also hired an attorney to assist the group in opposition to the FAA plan. After the filing, there was a lot of press coverage, and this resulted in calls from Gov. Minner and Attorney General Beau Biden. Mike had to tell these people that they could not join in, because there was a 60 day limit for

filing. Mike then asked these late comers to file an *Amicus* (Friend of the Court) Brief.

The goal of these actions is to get the FAA to revise its flight plans for the Philadelphia Airport, and this time to "get it right." The basis of the Appeal is that no valid noise study was done for this, and they relied on old data. There was no pollution study, and again they relied on old data. They also did not recognize the Historical Status of the three Ardens., and they did no consider alternate routes. Things could have been considered, lie routing over the Delaware River, or short takeoffs and short landing patterns. Other people in northern Delaware must realize that this is not just an "Arden Issue" but it affects all of northern Delaware.

Ray Siegfried asked how the appeal process would work. Mike said that there are 13 entities that have filed appeals, and they are working together to show that the Record of Decision was incorrect. There will be economies as experts are jointly employed in this part of the process. After the ROD is remanded to the FAA, then the differences of opinion between Delaware County and our group will have to be worked out, and that could be a more difficult process. Ray asked about what effect National Security Concerns might play in a court decision, and Mike acknowledged that this would be problematic. Airplanes cannot fly over tankers unless there is radio communication between them, but that is not insurmountable.

Cathy Cloutier was invited to speak. Our State Senator reported that after the newspaper articles, she received \$7,000 in contributions for this effort, and these have been sent on.

Bryon Short said that he discussed this situation with Senator Carper, and this resulted in Rep. Short establishing a permanent noise monitor in Bonsall Park. To this end he had worked with our Congressional Delegation and the Governor's Task Force on this issue.

David Nordheimer asked why a noise monitor was not also installed in Arden, since this area also experiences much noise. Rep. Short said that Bonsall Park was chosen since it is public land suitable for a multi-government sponsored monitor. Also, it is right below the Brandywine Intercept, which is the point all flight paths converge for the southern approach to the Philadelphia Airport. David replied that he thought we still needed another monitor here.

While Both Cathy and Bryon were still at the Meeting, Steven brought up a request from Delawareans for Open Government (FOG), and the letter was from Michael Heymann, Local Government Coordinator of FOG. It said that Senate Bill No. 4, which was to make the State Legislator subject to the Sunshine Law, had bi-partisan support, but it had been "put in the desk drawer" of the Committee Chairman Sen. Thurman Adams.

Bill Theis made the following Motion:

MOVED:

Whereas the current version of the State of Delaware's Freedom of Information Act does not cover the General Assembly of the State of Delaware; and

Whereas, Senate Bill No. 4 of the 144th General Assembly of the State of Delaware amends the Delaware Code relating to the Freedom of Information Act with the intent of extending coverage of the Freedom of Information Act to include the General Assembly as a "public body,"

It is moved that the Town Assembly of the Village of Arden on January 28, 2008 express our support for Senate Bill no. 4 of the 144th General Assembly.

With the passage of this Motion, the Town Secretary shall communicate the vote of this Assembly to the Honorable Karen Peterson, and the State Senate and Representative of this Village.

The Motion was Seconded, and Approved unanimously.

Bryon Short then announced that on February 20, 2008 at 7:00 p.m. he would hold a Green Energy Workshop at the Brandywine Hundred Library, and there will be presentations on different technologies and possible funding from local, State, and Federal sources.

Clay Ridings said that American Society of Home Inspectors have an upcoming green energy presentation at the BWVC, and it has been announced in the Arden Page. All interested residents are invited to attend.

#### 2.1 MOTION TO APPROVE THE SALE OF JOHANNA SCHROEDER'S HOUSE.

Alton Dahl reported as Chairman for the *ad hoc* Committee set up to develop plans for dealing with large grants, very large donations, and bequests to the Town, since this had not happened in the past. There are five members representing the Committees most impacted, and two public meetings were scheduled. The group at the first meeting wanted to find out from individuals what they understood from personal conversations with her, what Johanna hoped to accomplish with her bequest. Only one person came, but that person knew Johanna very well, which resulted in getting a lot of good input. The second meeting will be on February 10 at 2:00 pm, and the purpose is to gather suggestions and ideas on how to invest and manage the considerable funds. Suggestions in writing will be welcomed.

The *ad hoc* Committee will have several more meetings, and they plan to bring a proposal that can be acted upon at the March Town Meeting.

Tom Wheeler, the Executor of the Estate, gave some background on what had happened since the last Meeting. There was an art show at the BWVC, and Lynda Kolski and Mary Marconi were instrumental in making it happen. A lot of money was raised, but there are a few things still left, like the hooked rugs on display in the Bratten Room downstairs at the Gild Hall. The car was sold locally, and the funds deposited. Johanna had several investments in quality conservative funds, so it was decided to keep them there until the Town decides what to finally do with the money.

The leasehold was appraised, and the house was put on the market. It sold the first day, and it is scheduled to close this week. Mortgage financing will be through Arden Building and Loan. In order to sell the house, Bill Ward, the real estate lawyer, needed a resolution passed by the Town, and he prepared a draft. Tom introduced the following Resolution:

RESOLVED by the Town Assembly,

WHEREAS the Village of Arden may acquire, hold, manage, and dispose of property on such terms as it deems proper; and

WHEREAS, the Village of Arden owns certain real property known as 2111 Orleans Road, Arden, DE 19810 (the Property) by virtue of a specific devise in the Last Will and Testament of Johanna Maria Schroeder, deceased; and

WHEREAS the Town Assembly at a Meeting dated January 28, 2008 duly called and conducted under the Town Charter, voted to dispose of the Property and convey it to Mike Opelka and Donna Swajeski for the purchase price of \$420,000.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN ASSEMBLY OF THE VILLAGE OF ARDEN that the Village of Arden hereby authorizes and approves the transfer of the Property to Mike Opelka and Donna Swajeski, and further authorizes the Chairperson and Secretary of the Village of Arden to execute any and all documents required to effectuate such transfer.

The Resolution was Seconded.

Hugh Roberts proposed an Amendment to correct the spelling of the word "OF" in the second paragraph. This Amendment was Accepted.

Steve Tanzer spoke in favor of the Resolution. He asked about the legal status of the Second Domicile on Johanna's leasehold. Connee McKinney said that

this issue has been thoroughly researched by a lawyer hired by Johanna, and the entire matter is on record, making the domicile legal and non-conforming.

The Resolution was Approved unanimously.

### 3.1 TRUSTEES' REPORT

Connee McKinney made the Trustees' Report, and they have several items to report, including presenting a Motion

**FINANCES:** We have copies of the year-to-date report into the Third Quarter of our Fiscal Year available tonight. We continue to work with some of the committees to customize their monthly reports that are provided by Brandywine Accounting. We are eating with the BWVC Committee this week, and await a meeting date from Civic as part of that process. We now have direct deposit for two employees, per their request, and that is working well.

**LEASE TRANSFERS:** There have been two lease transfers since the September Town Meeting. Welcome to Seth and Sharon Van Neerden and Charles Walker as leaseholders.

**LEASEHOLD ADMINISTRATION:** All of the Trustees' leasehold files are not digitized in PDF format with back-up CDs. There are over 9,000 letter-sized pages and about 200 oversize sheets with maps and large surveys, as well as some very old fragile documents. This gives us peace of mind to know that we have facsimiles of our documents. If you would like to have a copy of your file or a recent survey, if we have it in our files, we can now send them to you as an e-mail attachment. Please contact the Trustees'; Administrative Assistant Elizabeth Varley to make that request.

**TRUSTEE SELECTION PROCESS:** Today is the deadline for receiving nominations for a Trustee to replace Aaron Hamburger, who now resides in New York City. We have several nominees, and we will be contacting them this week, requesting some information from them, and setting up interviews. Once we have made our selecting, we will inform the Registration Committee Chairperson, and request that the Committee conduct an election.

**BUCKINGHAM GREEN:** The lawsuit began in 1995 after a resident noticed the water runoff caused erosion to the Sherwood Forest at the Buckingham Green boundary. It was determined then that to live the longevity of Trustees terms in office, that the Trustees should file the lawsuit. The Trustees were Shaul Gladstone, Gail Rinehart, and Marianne Cinaglia. To date, including mediation in 2001, a trial which started in Fall 2003 and was continued in March 2004, we have spent over \$100,000 litigating the case with an even split in expenses: about 50% lawyers' fees and about 50% engineering fees. A small

portion of this has been offset by the settlement by one of the original defendants.

We have won the case: the judge Vice-Chancellor Noble has ruled that the damage to the Sherwood Forest from the Buckingham Green development was unreasonable damage. Also, we do recognize that this is a precedent setting case that has the potential, if we are successful, to be a check on developers.

In the Fall of 2006 the judge requested that Arden and Buckingham Green each present a remedy to stop the water flow, and to repair the subsequent damage to the Sherwood Forest. After one revision, the Arden Trustees presented the final remedy in January 2007: It required that the Buckingham Green Developer increase the height of the catch basin and expand the size and reshape it. In addition, the outflow pipe at the boundary to the Forest would be blocked and the area restored. This remedy would cost approximately \$470,000. The defendant also presented a remedy: Take one acre of the Arden Forest to construct a catch basin.

In October 2007, both parties, Arden and the defendants, sent letters to the judge expressing their concern that the remedies not been addressed. Last week, per our second request, our lawyer sent a letter to the judge.

This is a quote from the letter send by our lawyer Roger Akin, dated January 5, 2007:

"The above-captioned litigation was tried before Your Honor in March, 2004. Thereafter the Court issued an Opinion essentially finding that aspects of the storm water management design and construction of the Buckingham Greene Residential subdivision had caused as unreasonable amount of environmental damage to Sherwood Forest. The Arden Trustees have a fiduciary duty to protect and preserve those virgin forest lands."

Here we are in 2008 and more expenses might be necessary, i.e. the judge might request a hearing that our lawyer would have to prepare for and present. Given the length and cost of this litigation, the Trustees would like to have the Town Meeting support for future expenditures as per the Motion to be introduced.

Respectfully submitted,  
Connee McKinney, Arden Trustee

Connee then made the following Motion:

MOVED: The Town Meeting supports the Arden Trustees regarding expenditures in the Buckingham Greene lawsuit. The Trustees will give an accounting of those expenditures at the March 2008 Town Meeting.

The Motion was Seconded.

Clay Ridings asked if the potential award would defray the Town's legal costs. Connee replied that she cannot with certainty say that this would happen. It is a Chancery Court suit, and anything can happen. She is hopeful that some recompense will be made.

Jennifer Borders spoke against the Motion, because as it read now, it was too open-ended. She would only vote when there was a monetary cap on future expenses. Connee said this was a concern for the Trustees, but they felt a monetary cap would not be a good strategic move. If there were a cap, of say \$5,000 for this year, the developer would attempt to stall until a year had passed, which would in effect mean that Arden was walking away from the case. It is a dilemma.

Jennifer offered the following Amendment:

The Motion will be Amended to put a monetary cap on the legal proceedings, and the amount will be determined by the Town Assembly.

Connee did not Accept the Amendment.

There was a Second to the Amendment.

Tom Wheeler suggested that funds from Johanna's estate might be used to fund continuing legal efforts to protect the Sherwood Forest.

Danny Schweers spoke in favor of the Amendment, and proposed the amount of \$25,000 as the upper limit. He felt that would be sufficient, and it would allow the Trustees to come back to the Town Assembly for additional funds. Connee said that they are at a point in this lawsuit, and she did not see that there would be many more expenses.

Marianne Cinaglia spoke against the Amendment. She said that she was the Trustee who was most involved in this case, and she felt that the legal and engineering firms had given very advantageous pricing for the great work that was done on this case.

Peter Renzetti spoke against the Amendment. He felt there was great value in our woods, and they were worth defending. To put a cap on future expenses was in effect ending the lawsuit, and considering the amount of money already spent, it would be very bad to stop now. It would be a very bad precedent.

As a Point of Order, Steve reminded the Assembly that this Motion was simply a recommendation from the Town. The Trustees had the authority to continue to incur legal expenses at their discretion, but they did seek approval to go forward. As clarification, the Trustees' expenses do not go through the Referendum Process, so the Town has no control over this. The Town was only making a recommendation.

Ray Siegfried asked about the financial information that would be brought to the Town Assembly in March. Connee said that she would bring a summary of all expenses up to today, plus any additional expenses incurred over the next two months.

Steve Tanzer spoke against the Amendment. He did not like the idea of setting a monetary cap, for this would be bad from a strategic standpoint. A cap would tell the opposition that the financial limits of the Town would be, and that was a bad idea.

Lynda Kolski understood the thought behind Jennifer's Amendment, but if the expenses stretched over 14 years, the amount already spent was not too much. By comparison, the Town recently spent \$175,000 to buy the Avery Property, so the Town has been willing to spend money to preserve our woods. The leaseholders are facing land rent increases, and any additional Town expense is a concern. But to go this far and stop now would be like shooting ourselves in the foot, something really stupid. To set a cap would send the wrong message to the developer, and it would be very foolish. She hoped the Town would put their faith in the Trustees, and hope they would not spend the money foolishly. She felt they could bring this suit to a reasonable end. She was against the Amendment.

Ed Rohrbach asked what the next expenditures might be. Connee said that their lawyer Roger Aiken anticipated that there might be a hearing with both parties, and other than a few letters and some court time, no much legal work was likely. However, she said she could not predict this with certainty.

Jennifer withdrew her Motion.

Charles Robinson asked if the Schroeder Bequest money could be used as the source to fund future legal costs in this case. Tom said that there is no process in place, but this possibly could be done.

Jeff Politis spoke in favor of the Motion. He asked the Trustees to put together a budget for a reasonable estimation of future legal actions in this suit.

The Motion was Approved.

**Village of Arden  
Quarterly Report  
As of January , 25, 2007**

Apr 1 - Jan 25, 08 Annual Budget

**INCOME**

COMMONS	100.00	0.00
DONATIONS	13,115.00	0.00
GRANTS	0.00	950.00
Interest - Trustees Cking Acct	256.08	0.00
INVESTMENT INCOME	13,387.97	10,000.00
LAND RENT	483,924.41	488,000.00
LAND RENT FINANCE CHARGE	753.52	0.00
MEADOW LANE ACCESS	719.98	700.00
MEMORIAL GARDEN DONATIONS	3,505.00	2,000.00
RIGHTS-OF-WAY	16,746.45	15,000.00
Uncategorized Income	<u>1,027.20</u>	<u>500.00</u>
Total Income	533,533.61	517,150.00

**EXPENSE**

ADVISORY COMMITTEE	0.00	300.00
ARCHIVES	0.00	1,440.00
AVERY TASK FORCE	0.00	0.00
BOARD OF ASSESSORS	0.00	50.00
Budget Committee	22.59	0.00
BuzzWareVC COMMITTEE	24,304.19	26,400.00
CIVIC	67,232.55	83,500.00
COMMUNITY PLANNING	0.00	1,600.00
CONTINGENCIES	0.00	3,000.00
CONTRIBUTIONS	5,050.00	5,050.00
FORESTS	500.00	5,000.00
GILD HALL RENTAL	1,300.00	1,300.00
GRANT EXPENSE	13,271.00	950.00
LEGISLATIVE REFERENCE	0.00	0.00
Loan Payable	7,225.80	16,180.00
MISCELLANEOUS EXP.	0.00	0.00
PLAYGROUND	1,200.00	2,000.00
REGISTRATION	482.09	1,000.00
SAFETY	2,044.99	5,400.00
TAXES	335,642.51	310,491.00
TOWN ADMINISTRATIVE EXP.	5,273.73	3,250.00
TOWN BOOKEEPING	512.00	3,072.00
TOWN SECRETARY	4,600.00	7,560.00
TRUSTEE ADMINISTRATIVE	33,003.98	54,094.00
Memorial Garden	2,33.48	5,000.00
Total Expense	<u>503,996.91</u>	<u>536,637.00</u>
Net Income	96,118.33	-19,487.00

**Village of Arden  
Balance Sheet  
As of September 25, 2007**

<b>ASSETS</b>	<b><u>Jan 25, 2007</u></b>
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Arden Building & Loan—Trustee	\$159,720.64
Trustees—Wilmington Trust	\$ 22,653.46
Vanguard	\$ 32,704.92
<b>TOTAL Checking/Savings</b>	<b>\$215,079.02</b>
<b>Accounts Receivable</b>	
Land Rent Receivable	\$ 9,360.30
<b>TOTAL Accounts Receivable</b>	<b>\$ 9,360.30</b>
<b>TOTAL Current Assets</b>	<b>\$224,439.32</b>
<b>TOTAL ASSETS</b>	<b>\$224,439.32</b>

The Trustees' Report was Accepted.

#### 4.1 ADVISORY

At the November 2007 Advisory Retreat, there was much discussion on financial issues, especially the changes that will occur after the Bequest from Johanna Schroeder 's Estate is received. Also, the use of Brandywine Accounting to pay the Town's bills was a major change. Discussion included re-establishing the position of Town Treasurer. The position had been abolished ten years ago at the recommendation of an *ad hoc* Committee. Since there was never a job description for the Treasurer, a list of duties and responsibilities was compiled using job descriptions for treasurers of several municipalities.

There was discussion on the process for amending an Ordinance after the First Reading, and there was no procedure written in any Town document. It was agreed that it would be correct to follow the process used by NCC Council. They allow amendments up to the Second Reading, and there will be no amendments made before the Third Reading.

The Advisory Chair reminded all Committees that nominations for the March Town Election are due at the March Advisory Committee Meeting.

Bill Theis made the following Motion:

MOVED, that the Village of Arden establish the position of Town Treasurer, beginning with the March 2008 elections. The term of office shall be two (2) years. The Treasurer must be a resident of the Village.

In case of a vacancy, the position shall be filled by appointment of a majority of the Budget Committee. The appointee shall serve with full responsibilities of the Treasurer until the next regularly scheduled Town Meeting. At such meeting, a resident shall be elected in accordance with Village election process to fill the remaining term.

The Treasurer position shall serve as an officer of the Town Assembly along with the Town Chairperson, the Advisory Chairperson, and the Town Secretary.

The Treasurer position provides a town officer as the financial contact for assets of the Village. The Treasurer should work with the Budget Committee, and seek counsel from the Trustees of the Village of Arden, the Town Chairperson and others, in order to represent the best interests of the Village. The Treasurer may secure assistance fulfilling his or her duties.

In addition to being a contact for the financial assets of the Village, the Treasurer position shall have the duties enumerated below:

1. Account for all collections of and payments by the Village of Arden.
2. Make financial reports of Village accounts to the Town Assembly and its committees, including oversight of compilation of materials for the annual audit.
3. Be the financial liaison between the Trustees and the Village.
4. Serve as ex-officio member of the budget committee.
5. Make the accounts of the Village available to the Audit Committee for review.
6. Advise the Board of Assessors on financial matters concerning assessments.

The Motion was Seconded.

Rodney Jester asked why the Treasurer would advise the Assessors on financial matters, as stated in No. 6 of the Duties. The Assessors only assess. Steve said that this was included so that issues like the Prudent Reserve can be considered. Elizabeth Varley said that she included this duty because of her experience as an Assessor and as the Trustees' Bookkeeper. The aim was to provide a line of communication between the Town, the Trustees, and the Assessors. She hoped that people would not take offense as the word "advise."

Marianne Cinaglia asked why there were no requirements for training, experience, knowledge of bookkeeping, or other qualifications. Steve said that bookkeeping knowledge is not essential, considering the present manner in which our books are kept by Brandywine Accounting. The Treasurer would be aware of the Village's financial status at all times.

Alton Dahl proposed the following Amendment:

AMENDMENT, to change in No. 6 the word "advise" to "Supply information."

The Amendment was Seconded and Approved.

Alton said that he had made the Motion ten years ago to abolish the Treasurer's position, but the main reason for abolishing the job was that there was no job description. He like the idea of having a key person for the Village on all financial matters. He was in favor of the Motion.

Danny Schweers was not sure about the meaning of No. 1. Elizabeth said that the intent was to oversee the process. If the person wanted to do the work if he wanted, but it was intended as oversight.

Lynda Kolski said that she was part of the *ad hoc* Committee that recommended abolishing the position, and she was in favor of the Motion. She remembered that the committee felt there were enough checks and balances in the system that the Treasurer was not needed. That was then, but things have changed over the past ten years. She wanted the person qualified by experience to fill the position.

Charles Robinson spoke in favor of the Motion. He hoped that at the time of the Election, there would be an opportunity of learn the qualifications of the candidate. He asked if there would be a salary for the job. Elizabeth replied that there is no plan at the present time.

Connee spoke in favor of the Motion., and she felt it would be a great help to the Trustees. She suggested that the position have a salary, since a lot was being asked of the person, but that everyone should keep an open mind on considering making it a salaried position in the future.

Elizabeth said that the issue of a salary had been considered, but all of this would be quite new. She felt it was best to get through the first year, and then reconsider whether the Treasurer should be a salaried position.

The Motion, as Amended, was Approved unanimously.

Marianne Cinaglia asked for a description of the process for amending an Ordinance as it goes through the three Readings. Steve said that they have not found a written description, but the policy has been that through the first two readings, amendments can be offered. The First and Second Readings must be at separate Town Meetings. There can be changes to the title and the text, but when the Ordinance is published in the announcement for the Town Meeting when the Third Reading will take place, no further amendments are permitted. The exception would be clerical points and informational points, which could

require a change. There can be no change which will impact the aim of the Ordinance.

#### 5.1 SECOND READING OF ORDINANCE 2008-1 ON ADUs

Ray first wanted to report on the progress of the Amendment to the UDC which was moving through NCC Council. First right after New Years Day, Land Use held its Hearings, and only four people attended, two of which were Ray and Steve. There was one change made to Section 13, and that was to change the date to May 13, 2007, because County Council had passed a new Ordinance in April 2007. In the draft legislation, requirements had been build upon a date, and the legislation was passed at a different date, and this necessitated subsequent date changes. The Land Use Department approved the Arden process, which was described in our Ordinance.

There have been three steps Arden has to through.

1. Getting Approval from Land Use for the Arden Approval Process, which has been done.
2. The Amendment to UDC sponsored by Councilman John Cartier will go before the County Council Land Use Committee for review and approval.
3. If approved, the Amendment will go to the full County Council for approval, probably in February 2008.

After NCC Council approval of the Amendment, the process shifts back to Arden and the process described in this Ordinance, which has three sections: purpose, notification and declaration of eligibility, and procedure for certification.

While copies of the Arden Ordinance were passed out, Steve asked residents not to leave, since the Meeting was getting close to not having enough people in attendance to maintain a quorum.

Ray announced that the Revised Ordinance was quite different from the draft discussed at the First Reading. The Committee took into consideration the many points raised, and incorporated many of these. He wanted to put a Motion on the floor to obtain a sense of the Meeting if they agreed with the new structure of the Ordinance, which had changed from two Sections to Three sections.

This was So Moved, and Seconded.

Ray explained that Section 1 described this process as a one time opportunity, and it defined the eligibility for an ADU. Section 2 gives a timetable for the process within Arden, and the starting date would be 90 days after Arden approves this Ordinance, or 90 days after NCC Council approves the Amendment, which ever comes later. Section 3 describes the Community Planning

Committee's involvement in the certification process, and if Arden does not certify an ADU, the County will not certify it as a part of this one time process.

Alton asked what were the qualifiers in Section 1, which was included because of the limitations stated in Section 13 of the UDC Amendment. Ray said that a badly damaged/destroyed house could be rebuilt on the current footprint, and if it were to be rented, it had to be built to current Building Code. Alton said that past interpretations were that incorporated municipalities were outside of the County rental requirements, unless the municipality chose to be included. Arden had not, and he did not want it to agree to be included.

Jeff Politis had the same concern as Alton, and he was the owner of a Second Domicile. He wanted a written legal opinion that registration of rental units was not required, since Connee and Alton have very differing opinions on this requirement. Ray felt that from the start of this process, Arden would comply with the rental registration requirement, but Jeff did not want to do this if it was not necessary.

Lynda Kolski spoke on the same concern., which was spoken to by many at the last Town Meeting. Many different people have asked NCC officials about this, and they received different answers from different officials. She felt that definitive written clarification was essential before things went forward.

Steve wanted to clarify and be clear on the position of Lynda and Jeff, which was that if rental inspections were required, so be it. However, if they were not required, they should clearly be excluded. Both agreed with that.

Mike Curtis said that obviously the County said that incorporated areas are not bound by this Ordinance. But we in Arden have asked NCC to enforce parts of their Code. I suspect that if we did not want to be part of that provision, we could get out of it. I do not think anyone should vote for his Ordinance, if they do not want the County to inspect their rentals. They would have the option not to have them. We can ask the County to enforce their Code, as is, and we will pay a higher tax rate because of that. I suspect that we are.

Connee McKinney had a question about Section 1, which said that a Second Domicile could be added through the usual zoning process, if the approval of the Village and the Trustees had been obtained. Ray said the Land Use had told him that the intention was that things would be the same as before. Connee again spoke against Items 3 and 4 in Section 3, which would allow those Second Domiciles which had not been paying the B Rate in Land Rent would be allowed to become legal without any penalty. This was not fair to those leaseholders who had hired and lawyer and gone through the entire process to make their Second Domicile legal and non-conforming. They played by the rules. She would prefer that the leaseholders who had not paid the B Rate should go through the present ADU process set up for the rest of the County.

Charles Robinson offered a friendly amendment to eliminate approval by the Town in Section 1. Also, he asked how the process works at this time. Ray said that the County will only allow a detached structure on a lot with a minimum of two acres, so in effect, all Arden detached structures are illegal. This was why certain wording for Arden was included.

Ray reiterated that the aim of this process was to take all of the Second Domicile zoning issues in Arden, and at one time put them all together so that they can be made legal. Then after most issues were cleared up, everyone could move on.

Jeff Politis questioned if a one time opportunity was really a good thing, and he shared Connee's concerns about fairness. However, the proposal was clean, and he felt it was best to go forward. If more people paid that B Rate, this would be more income in Land Rent for the Town.

David Nordheimer spoke in favor of making those domiciles legal, and doing everything possible to make the hidden domiciles open and legal. He said having the inspections of rental units by NCC was good for safety and health reasons. Legalizing Second Domiciles would result in more payments through the B Rate.

Rod Jester asked if an inactive ADU is certified, would it have to immediately have to start paying the B Rate, even if it remained unrented. Having an ADU certified could have a financial impact. He wanted to know if there was a way to protect the existence of an ADU without having to rent it out immediately. Marianne Cinaglia said that there was wording in the Town Charter that said the Town had to follow generally the laws of NCC in many ways. She was unhappy that those Second Domiciles that had not paid the B Rate would be included in this. She felt strongly that Sections 3 and 4 were unfair, and the Leaseholders who had not paid the B rate should not be included. Marianne had a question about the choice of dates, and Steve said that this was to make sure that both the County Amendment and the Arden Ordinance had the same dates on their documents.

Alton Dahl commented that he felt Marianne was most against Section 4, but he was in favor of this. He felt it was a good way to get out from under this mess that our policies caused and the lack of records by the County. It will clear things up, and then everyone can move forward. We are just trying to clean things up. You should not leave in place a policy that was bad, even through the changes will help some while hurting others. You should try to fix it.

Laura Wallace wanted to be sure that those with Second Domiciles that had not paid the B Rate would be considered as new rental units.

Sam Starr wanted to confirm the difference between active and inactive ADU was that the active ADU was rented and the inactive ADU was vacant. Ray confirmed that. He added said that the County had a six month limit for allowing an ADU to be vacant, and then the owners would have to start the process all over if they wanted to re-activate their rental unit.

Overall, there seemed to be a Sense of the Assembly that there was agreement on the new wording of the Ordinance.

Steve said that this discussion should be considered as the Second Reading of the Ordinance. The Ordinance 2008-1 that Ray had presented and the Assembly discussed e 2008-1 read as follows:

**Ordinance 2008-1**

**Village of Arden Certification Process for Leaseholds with ADUs**

**Section 1 – Introduction and Statement of Purpose.**

The purpose of this ordinance is to specify the notification and procedure to leaseholders of this one time opportunity which will be used by the Village of Arden to certify pre-existing Accessory Dwelling Units (ADUs). In order to be eligible for certification a leaseholder's pre-existing multiple domicile must comply to the following requirements: the domicile complies with the New Castle County ADU definition, the domicile was built on or before May 1, 2007, and the leaseholder agrees to comply with New Castle County zoning law, specifically, Amendment section 13 of Chapter 40 New Castle County Code (also known as the Unified Development Code). Leaseholders who wish to build ADUs after this process is completed will need to obtain approval by the Trustees, the Village, and go through the normal process with the County to obtain legal approval.

**Section 2- Notification to Leaseholders and New Castle County Department of Land Use about Certified Pre-existing Multiple Domiciles.**

The Village and the Trustees shall notify leaseholders in writing of the procedure to certify existing ADUs, and provide a declaration of eligibility within 90 days of County Council approval of Amendment Section 13 to Chapter 40 of New Castle County Code and approval by the Village of this ordinance. Leaseholders must sign and submit the declaration of eligibility to the Village Secretary within 30 days of the date of the notification letter in order to be considered for certification. Once certified, a written notification of leaseholds shall be made to New Castle County Department of Land Use via a joint written

communication by the Town Assembly Chair and at least two Village of Arden Trustees.

### **Section 3 – Procedure of Leaseholds with Pre-existing ADUs for Certification.**

The Village Secretary will notify the Village, the Trustees and the Community Planning Committee of those leaseholders who have signed the declaration of eligibility letter. Members of the Community Planning Committee will verify that they have met the requirements as defined in Section 1. Leaseholder's that meet the requirements in Section 1 and fall in one of the four categories listed below will be certified by the Village Chair and the Trustees. A final list of leaseholders with the privilege of having a certified ADU will be sent to the Board of Assessors.

An acceptable situation of current categories for certification of pre-existing ADUs is as follows:

1. Current leaseholders who have an ADU and paid the B rate assessment 2006-2007 and have an active ADU [whether or not they have obtained county approval].
2. Current leaseholders who have an ADU and have not paid the B rate assessment for 2006-2007, but have paid for another year and have an inactive ADU.
3. Current leaseholders who have an ADU and have not paid the B rate assessment 2006-2007 or any year and have an inactive ADU.
4. Current leaseholders who have an ADU and have not paid the B rate assessment for 2006-2007 and have an active ADU.

Leaseholds with existing ADUs who choose not to obtain certification and are not approved by the county will not be recognized as a legal Accessory Dwelling Unit by New Castle County and the Village.

Marianne Cinaglia made the following Motion:

MOVED, The Town Assembly should reject in Section 3 of this Ordinance the Categories 3 and 4.

The Motion was Seconded, and Defeated.

Steve announced that the Third Reading will be at the March Town Meeting, and at that time a vote will be taken on this Ordinance.

Steve then asked for a suspension of the rules to allow the BWVC Committee to report out of turn so that their speaker could address the Assembly.

## 6.1 BUZZ WARE VILLAGE CENTER

Willard Glenn said he wanted to report on a few exciting things that will be happening to the Community Center. The Buzz has been offered by the Arden G3 Committee a no charge energy audit of the building. This is being headed up by Warren Rosenkranz, and we thank him for his time and effort. This will lay the groundwork for the Committee to investigate the appropriate energy efficient windows that the building needs. This audit will also see how feasible it will be to go solar in the future. Warren can tell you more about this, so please ask him.

The Buzz is setting up a renovation panel to explore our window project and the building's much needed paint job. The panel also plans to inspect the building, and take care of everything from questionable wiring to plumbing issues. I think some of you have noticed that the Buzz can get quite busy. We are enjoying a lot of outside rentals, as well as committee meetings. Please contact Beverly Flemming well in advance to book your function.

The Buzz Ware Village Center Committee is very excited about the possibility of a full time tenant in the building, while still being flexible for ongoing use as a community center. Clay Ridings is spearheading this exciting endeavor. Our tenant would be the Waldorf School Method of Teaching, and would host grades one through eight. For those of you who are not familiar with this method, I would like Clay to comment. We also welcome Robert Horner, who currently teaches this method at the Waldorf School in Philadelphia. If you have questions, please be brief, as all of them can be answered at a special meeting with Robert to be held at the Buzz Sunday February 10, 2008 from 4:00 to 6:00 pm.

Willard then asked Clay Ridings to introduce a speaker. Clay said that he was unhappy with the public school system, and he had looked at other types of schools to try to find a method that he felt good about. He looked at the Waldorf School, and after learning more about the system, felt it would be the best fit for Arden. He introduced Robert Horner, who is a potential teacher and a person very knowledgeable about the Waldorf Method of Education.

Robert Horner is a teacher at the Philadelphia Waldorf School, and he distributed a one page description of the Waldorf philosophy. He said that the International Waldorf School Movement is the now the largest private school movement with 1,000 schools worldwide. The emphasis on the arts is the main approach in a rigorous academic curriculum. The aim is to cultivate clear and objective thinking in a holistic environment. It cultivates the individuality of each student in a none-sectarian environment.

The school would occupy two rooms of the BWVC, and it would be organized so that the rooms could be used by the Village at other times. The plan would be for a small school of 30 students, and Robert Horner would be the Lead Teacher. At this time, the group led by Clay Ridings is exploring the possibility, and other meetings are planned toward that goal. There will be a two hour meeting at the BWVC to make a more in-depth presentation, and to answer more questions.

Mike Curtis asked Robert if he would be willing to work for the Village of Arden, should the Residents decide to start a Waldorf School there under the Town Government. Robert said he would be happy to work that way.

Ed Rohrbach asked for the locations of the nearest Waldorf Schools, and Robert said that there is one in Philadelphia at Chestnut Hill and another at Kimberton in Chester County. He was not aware of any Waldorf School in Delaware.

The Report was Accepted.

At that time Steven announced that the Meeting had lost a Quorum, so all that could be done was to accept Committee Reports. There could be no actions that would require Motions.

#### 7.1 SAFETY COMMITTEE

Denis O'Regan reported that the Safety Committee had received many complaints about the parking situation at Walnut Street and Inn Lane, and had followed the procedure set up in the Ordinance about "On Street Parking." He had spoken to the Fire Marshall about how this parking could impact fire trucks, but he was not willing to cooperate at that level. The State Fire Marshall said that the fire trucks will simply push cars and trailers aside in those situations. A Certified Letter has been sent to the resident, and this is in accordance with the procedure set forth in the Ordinance.

The activities of the Town Watch have been slow, and that can be attributed to both Winter and seasonal apathy.

The Committee wanted to put forth an Amendment to an Ordinance, but that cannot be done with the lack of a Quorum.

Denis reminded all residents that it helps safety and fire vehicles if there is a clear number on each house in the Village. He produced a collection of self-stick numbers, and asked people to take what was needed for their house.

Roger Garrison asked if the Committee was responsible for setting up the speed limit trailer on Harvey Road, and Denis said that this was a joint effort

between DELDOT, NCC, and the Village. Roger said that he watched the traffic for a while, and the flashing speed indicating sign was effective in slowing down traffic.

Denis said that his committee had completed a visibility survey of all street intersections in the Village, and the information will be turned over to the Safety Committee.

## 8.1 REGISTRATION

Ruth Bean presented the Committee Report.

The Registration Committee conducted the annual Budget Referendum and election of the Board of Assessors on Thursday, Nov. 6, 2007. To our best calculation, there were 341 residents eligible to vote in these elections. We received 255 valid envelopes containing ballots; There was 75% participation.

Under the rules for approval, the budget needed 172 yes votes to pass. Every item on the budget was approved. The votes in detail are as follows: 195 votes for "Approve Entire Budget," 3 "Disapprove Entire Budget" and 40 ballots with itemized disapprovals. There were 3 invalid ballots. These individual disapprovals are included in this report, and are available from the Town secretary. If anyone would like to ask about a specific item tonight, you may do so from the floor at the end of the report.

### **Disapprovals:**

Advisory Committee .....	3
Archives .....	15
Board of Assessors .....	2
Buzz Ware Village Center:	
Program/Administration .....	3
Maintenance .....	1
Renovations .....	7
Civic - Roads & Commons .....	5
Civic - Trash & Special Pickup .....	8
Community Planning .....	1
Forests .....	23
Playground Committee .....	8
Registration Committee .....	1
Safety Committee: General .....	1
Safety- Town Watch Coord .....	16
Safety- Harvey Rd Speed Enf .....	21
Salary- Secretary .....	11
Salary-Bookkeeping: Town .....	11
Town Admin Expenses .....	4

Donations - ACRA .....	3
Donations - Arden Page.....	1
Donations - Arden Library .....	4
Donations - Fire Companies .....	1
Gild Hall Rental.....	26
Contingencies .....	0

The following residents were elected to the Board of Assessors in order: Alton Dahl (convener), Carl Falco, Walter Borders, Denis O'Regan, Mary Marconi, Brooke Bovard and Alan Threefoot.

The Registration Committee will conduct the election of Committee members at the beginning of the March town meeting. Nominations may be made from the floor tonight or by contacting the Registration Committee by the March Advisory Meeting, Monday, March 3.

The Registration Committee is continuing a monthly "Newcomers Tea" on the third Sunday of each month. This is a joint effort by the Registration committees of all three Ardens to inform newcomers about town government and social activities.

Respectfully,  
Cecilia Vore, Chair

The Report was Accepted

#### 9.1 PLAYGROUND

Mary Vernon presented the Report. Since the September Town Meeting, the required playground equipment inspections have been made. Replacement parts have been ordered for swings on the Village Green. All equipment has been adult tested, and it is in safe condition.

The two horses at the top of the Village Green will be removed this week, and Sue Rothrock has agreed to repaint these as a donation to the Town. The Committee appreciates her efforts.

Submitted by  
Mary Vernon, Chair

#### 10.1 FOREST COMMITTEE

The Forest Committee met three times since the last town meeting on October 22, November 17 and January 17.

At the last Town Meeting we reported that The Village of Arden Forest Stew-

ardship Policy was updated and copies were available at the Town Meeting. We also posted a copy on the Ardens web site: <http://www.theardens.com/arden> We stated that we would ask for the Town Meeting to adopt this revised Forest Stewardship Policy at the January 2008 Town Meeting. No objections were raised since the last Town Meeting so I will introduce the document for approval under Old Business tonight. Additional copies were distributed at the sign-in desk tonight.

We sent out a letter to all leaseholders adjacent to the woodlands introducing the Forest Committee and asking for their help in preserving the woodlands by not encroaching on the forest and helping to remove invasive plants. We regret that we made a few mistakes with names of leaseholders and will correct that for future communications.

A tree that fell in Sherwood Forest blocking a path next to Buckingham Green was cleared from the path by the committee.

We are investigating control of Kudzu and multiflora rose that is invading the Arden Woods along St. Martins Lane.

We have agreed to have some tree work done in the Sherwood Forest behind the Ridings leasehold in the early fall at the Ridings' request; expenses will be shared. This was planned to be done after all leaves were down; the work was contracted to Dave Rickerman; the work has not yet been carried out.

Our plan to block off woodland area-turned parking space at the end of Cherry Lane has been put on hold pending consultation with the Safety Committee.

The committee decided on the following steps to respond to requests made to the Forest Committee by leaseholders:

1. For any issue brought to a member's attention, that member will notify the Chair who will notify the secretary so that the issue will be put on the agenda for the next meeting.
2. Inspection is to be performed by at least one committee member so there can be information shared at the next meeting.
3. All requests should generate a written response from the Forest Committee.

We made contact with Miriam Sigler (of Buckingham Green) who is very receptive to helping protect Sherwood Forest; she intends to put a boundary/rules sign for her development's awareness.

We discussed the large tree-trunk sections "strewn" at entrance to the Arden woods from St. Martin's Lane on the Aumack side of woodland across from Broadbent's leasehold. The committee considers these an eyesore and is looking into options to improve this site.

Alton Dahl agreed to be the Forest Committees' representative on the *ad hoc* committee to form suggestions for administering Johanna Schroeder's bequest to Arden.

Two Forest Committee positions will be up for election at the March Town Meeting. The two members presently serving, Elizabeth Varley and Carl Falco, have agreed to run again. Two additional residents who are willing to run are Dawn Chang and Felice Cressman.

Next meeting of the Forest Committee is at the BWVC, Monday February 25, 2008 @ 7:30 PM.

The Forest Stewardship Policy will be presented to the next Town Meeting for Approval.

Respectfully submitted by Carl Falco  
The Report was Accepted.

#### 11.1 COMMUNITY PLANNING

Ray Seigfried reported that Beverly Barnett has been very active in getting Arden's status changed from Historic Place to Historic Landmark. The next step would be a visit from officials from Philadelphia to review our application and see the area. So far the response from them has been very positive.

#### 11.2 MEMORIAL GARDEN

Ruth Bean announced that the annual Memorial Garden Cleanup is scheduled for May 3, 2008, and the rain date is the following day, May 4, 2008. Work will start at 9:00 am, and go until Noon. There will be refreshments. She welcomed everyone to come, and the Committee will provide some equipment for the projects.

The Reports were Accepted.

#### 12.1 CIVIC

Steven Blades read the Report

The Yard Waste Ban has gone into effect, as of January 24, 2008. Yard waste must not be placed in the regular trash, or your trash may not be picked up. Under our current contract, the Ardens have an agreement with DSWA to pick up four yard waste bags free of charge every Tuesday with the recycling. Yard waste must be placed in the proper bags. To receive more yard waste bags, or for more information, call 800-404-7080, or go online at [dswa.com](http://dswa.com). As a reminder, paper, cardboard, cans, glass, and plastic may be mixed in the blue 65

gallon recycling totes.

If you are interested in public works of the community, such as roads and greens maintenance, and policies concerning communal land, please contact someone on the Civic Committee to submit your name for nomination for the election in March.

The next Civic Meeting will be held Wednesday February 6, 2008 at the Buzz Ware Village Center.

Submitted by, Sue Rothrock.

Charles Robinson said he found out that now the yogurt cups, plastic bags, and all cardboard can be recycled in the blue totes. Steven suggested that the Civic Committee should put an article in the Arden Page to remind residents of these changes to allow more materials for recycling.

The Report was Accepted

#### 13.1 BUDGET

Jeff Politis said that they will ask all committees to submit their Three Year Budget Projections, and the Committee will assemble the information so it can be presented at the March Town Meeting.

The Report was Accepted.

#### 14.1 AUDIT

There was no Report

#### 15.1 ASSESSORS

Alton Dahl reported that the first meeting of the newly elected Assessors Committee will be held January 29, 2008 at the BWVC. All meetings are open to the public.

#### 16.1 ARCHIVES

There was no Report

#### 16.2 CRAFT SHOP AND MUSEUM

Alton Dahl reported that all things are going smoothly with the apartments. Television Station WHYY will include a three minute presentation on the Archives in Arden to be shown in February, and it will be filmed this Thursday.

**VILLAGE OF ARDEN**  
2119 The Highway  
Arden, DE 19810

“You are welcome hither.”

**Notice of Next Town Meeting**

Minutes of Previous  
Town Meeting

John Russell  
1906 Harvey Road  
Arden, DE 19810