Minutes of the Town Assembly of the Village of Arden

meeting on June 28, 2004

(partially corrected as of 9/26/2004)

as prepared by Danny Schweers Secretary

Minutes of the Town Assembly for the Village of Arden (uncorrected) $Monday,\ June\ 28,\ 2004$

Gild Hall - Arden, Delaware

One hundred (100) residents were in attendance, as shown below. 46 of these attended the last meeting. Only 16 people who attended the last meeting did not attend this meeting. In recent years, attendance at June meetings was 61 in 2003, 57 in 2002, 49 in 2001, 53 in 2000, 70 in 1999, 57 in 1998, 57 in 1997, 50 in 1996, and 55 in 1995. Prior to this meeting, the average attendance was 57.

Margot Al-Taweel Lew Aumack Ruth Bean Samuel "Lou" Bean Steve Blades **Jennifer Borders** Walter Borders Brooke Boyard Alan Burslem Lauren Burslem Marianne Cinaglia Naomi Clark Richard J. Cohen Terry Ann Colgan Brie Cordivano Carolyn Cordivano **Jeanne Corman** Mike Curtis John Demsey Cynthia Dewick Dorinda Dove David Ewing Carl Falco Alida Fish Iane Frantz David Gerbec Steve George Aaron Hamburger Sally Hamburger Julie Hurlong Hannum Heidi Hoegger Don Holcomb Randall Hoopes Sue Hornung Milton Isaacs

Rodney Jester

Harold Kalmus Yvonne King Allan Kleban Iune Kleban Sharon Kleban Lynda Kolski Don Lipstein Mary Lo Matthew Lo Ken Mabrey MF Mabrey Barbara Macklem Mary L. Marconi Albert Marks Connee Wright McKinney Russ McKinney Helga Melton William Myers Lisa Mullinax Irene O'Connor Betty O'Regan Denis O'Regan Helen "Cookie" Ohlson Ron Ozer Ruth Panella Sam Panella Pamela Pearson Roberta Perkins Jeffrey Politis Dink Pompper William Press Pete A. Renzetti **Hugh Roberts** Charles E. Robinson Nanette B. Robinson Shelley Robyn

Ed Rohrbach Warren Rosenkranz Richard Rothrock Susan Rothrock Dale Samson-Levin Alex Scala Johanne Schroeder Danny Schweers Ray Seigfried Iim Semenick Sadie Somerville Ian Stearns Beth Stevenson Larry Strange Neal Ann Stephens Ken Sutton Lynne Svenning Steve Tanis Steve Tanzer William Theis Steven Threefoot Elizabeth Varley Cecilia Vore Larry C. Walker David Warner Susan Warner Ian Westerhouse Tom Wheeler

Also in attendance were Enno Krebbers, Ardentown, Ken Morrison, Ardencroft, and Jackson Politis, budding genius.

CALL TO ORDER

Steven Threefoot called the meeting to order at 7:43 p.m. and, after noting there were many more people present than usual, asked people to use the microphones when speaking, to introduce themselves before speaking, and, especially regarding the Assessors Report, to restrict their remarks to the question at hand.

2. MINUTES OF LAST MEETING

Lynda Kolski noted that the Budget Committee's Balance Sheet appeared in the middle of her report. The Village Secretary, Danny Schweers, shrugged and said he had to put it where it would fit. Lynda also noted that, in the last paragraph on page 5, at the end of the Avery Task Force report, it should read, "Lynda says report will be completed by the environmental services company we have hired."

Ruth Bean asked that Jean Brachman's name be spelled correctly in item 5, New and Departed Residents, found on page 4.

With these corrections, the minutes of the last meeting were accepted unanimously.

3. NEW RESIDENTS, VISITORS

Because there were so many in attendance, Steven asked those who had not attended in awhile to stand and be recognized. Then Enno Krebbers, from Ardentown, who has served many years as chair of the Harvey Road Traffic Calming Committee, was recognized.

4. COMMUNICATIONS TO THE CHAIR

Comcast Cable has notified the Ardens that we can offer 5-minute-long items to their local headline news section. The chairs of the three Ardens have discussed how they might use this opportunity.

Also, the chairs of the three Ardens hope to sponsor a debate to which candidates for the newly created County Council position would be invited.

The Delaware Department of Natural Resources and Environment Control (DNREC) has given us an outdoor recreation plan that will be available in the Library on CD-ROM.

5. CLAYMONT RENAISSANCE

Steven read the following report from Eva Abbott, the representative of the three Ardens to the Claymont Renaissance Meeting.

Many homeowners attended the June 17 meeting concerned about how the Hometown Overlay District would affect them. The New Castle County planner, Josh Mastrangelo, was reassuring in saying that the goal was to keep the neighborhood as it is. Current NCCo code mandates renovations and new building conform to a more suburban look. The Hometown Overlay proposal for Claymont will be introduced in July; there will be a public hearing in August and in October the County Council will act based upon the recommendation of the public hearing.

By the end of the summer, there should be a written Claymont Community Plan for all to review.

Bob Weiner said DelDOT is scheduled to begin work in three years on Philadelphia Pike. The roadway will look somewhat like the center of Greenville.

The group filled in an inventory about preferred uses of the core area, the "Claymont Center." There seemed to be a lot of agreement that Trader Joe's would be a good anchor and that the rest of the stores should be small mom and pops.

The Seminole Building at Seminole and Philadelphia Pike will house offices, an antique and clothing store and a gourmet take out.

6. RECOGNITION OF THE DEPARTED

Warren Hoffman died on June 22nd, after a long battle with cancer. He lived in Arden for many years being active in the community. Even after moving away he was involved in Club affairs, attending dinners frequently and hoping some day to return to Arden. Frank Akutowicz also died this month, a 50-year-long resident who eloquently voiced his opinions at town meetings, sometimes in poetry. A moment of silence was then observed.

7. HARVEY ROAD TRAFFIC CALMING

John Demsey gave the following updates from the Harvey Road Traffic Calming Committee (HRTCC).

While it may appear that there has been little activity so far this summer, in fact things are moving in the background and physical construction activity will soon be apparent. Harmony Construction has been awarded the planned existing roadway improvements for Harvey Road for this summer.

Some changes in the details of the plan previously shown have been made.

- I) The crosswalk at Orleans will move slightly to the west, ending at the pole with the pushbutton. Some paving to the pole is anticipated.
- 2) There will be approximately ten feet of normal macadam paving at each driveway that previously showed the checker block (cement grids that allow grass to grow through). This will be only for the wider sections from Veale to Sconset.
- 3) The original construction schedule DelDOT had planned was to be done on weekdays between 9:00 a.m. and 3:00 p.m. As the contractor reviewed the schedule for the repaving portion of the work, he realized that the milling (grinding off the old surface) and repaving would take about eight working days or, given a day or two of rain, essentially two weeks of work days. The contractor suggested it might be less disruptive for the villages, that it would provide for a better paving job and probably that it would be easier for the contractor due to less traffic and fewer take-downs and set-ups if they preformed the entire milling and paving job in one weekend, starting early and working until dark. There would still be NO road closure. (One lane will be open with flag persons to control traffic.) Most all the major disruption would be over in two days with perhaps a bit left over for Monday after 9:00 a.m. and before 3:00 p.m.

A meeting was held on Sunday, June 19 to discuss the change in scheduling and get an update on the changes listed in #1 and #2 above. Later input was received from the town chairs. In regards to item #3, it was decided unanimously that two bad days was better than 8-10 mediocre to bad ones, and we have asked DelDOT for a schedule based on this plan. DelDOT will inform the HRTCC in advance of the weekend chosen (late July or very early August), and all the other work will still take place on weekdays on the 9-3 schedule.

Once the schedule is known, some notification will be provided to affected services, businesses and residents. We will attempt to prevent or at least slow any traffic that might desire to drive through the local streets of Arden during the lane closure.

John then answered the following questions.

Lynda Kolski: when will they start? John: Exact schedule has not been given out. Manholes will need to worked on earlier; also on Harvey and Veale intersection light foundations may need to be done. Lynda: Schedule was eight weeks. Now three days? John: Overall contract period is still eight weeks but the paving portion was scheduled 9:00 a.m. to 3:00 p.m. over two weeks. Plan now is to do one side on a Saturday and other side on a Sunday, with clean up a third day. Lynda: Will road be open for Arden Fair? John: Yes.

The report of the committee was accepted unanimously.

8. GATEWAY DESIGN RE-INTRODUCED

Ruth Bean then rose to re-introduce a motion tabled at the last meeting.

MOTION In view of the fact that both Ardentown and Ardencroft have agreed to use Rick Rothrock's design for a gateway at their end of Harvey Road, which was Arden's preferred design, and since a review by DelDOT's Ray Petrucci has determined that they would after all approve the structure on the North side of Harvey Road at Marsh road, I move that we reconsider [later changed to "rescind"] our prior negative vote, and vote in favor of an Arden gateway using the Rothrock design contingent on obtaining formal approval through DelDOT.

After numerous seconds, the motion was discussed.

Aaron Hamburger suggested that the word should be "rescind" not "reconsider." Ruth accepted this change. Ruth further noted that it is important that we work with our sister communities, both of which approved Rick Rothrock's design.

John Demsey: It had been thought that the only possible location for a gateway in Arden was at the intersection of Hillside and Harvey. But, because Rick's design has such a small footprint, it will fit at the intersection of Marsh and Harvey Roads. This new location is the right one for a gateway.

Rodney Jester: I'm still against this. It was voted down in January after lengthy discussion and it should not have been brought up again.

Bill Press: Against motion. We are getting too commercialized and this is another step in that way of going. I don't need some piece of architecture to remind me I am in Arden.

Ed Rohrbach: I'm not against idea of gateway or idea of cooperation, but this is not a good design. This design is a tacky gimmick with a Disney-World aesthetic.

Ruth Bean: We voted for a design and this one was preferred. We had no idea at that time what other villages would do or that it could be located at Marsh Road. Those assumptions have changed, so it is proper to reconsider the issue.

Sadie Somerville: I'm against any kind of gateway. We have our own gateway of the trees hanging over the road and don't need anything that will destroy what went before. Also, if we were going to vote on something new, it should have been better publicized.

Lynda Kolski: I need to correct Ruth. There has been no new information since the last meeting.

Steven Threefoot (interrupting): Actually, what Ruth said was correct.

Lynda Kolski: Actually, it isn't. Ardencroft had voted before our last meeting. At that time I said that this was our decision, what we want on our road. This isn't about what Ardentown and Ardencroft want. I have to wholeheartedly agree with what Rodney said: we had a fair, democratic vote and decided we did not want a gateway. Like Sadie, I don't think we need a glitzy gateway. The charm of Arden is the trees; this is not a positive addition. This will in no way slow traffic.

Stephen Threefoot: This motion has been made in accordance with Roberts rules of order. Deliberative bodies are allowed to reconsider previous decisions.

Cecilia Vore [Registration Chair]: Sometimes it is good to revisit issues. This vote is completely in order.

Betty O'Regan: A gateway would help educate people of our existence as a separate community. Also, we should attend to other Ardens and, if possible, work together with them.

Pete Renzetti: The only thing I have to say, even though I competed in the design process, is that I will vote against a gateway. I love Arden the way it is, the trees over the road. Let's not create a distraction up high that takes people's eyes off the road.

Hugh Roberts: Gateways are not new. Probably before Ardentown was founded,

our forefathers erected an edifice along Harvey Road that said "Welcome Hither." This is not a new idea. I will vote for it.

Rick Rothrock: There are lots of little monuments popping up along Harvey Road without any critique, many of which are loved, some of which offend. This project went through many stages. What you are looking at is a concept view. The design begins here; this isn't the final design. I was hoping there might be a forum to discuss what the final product would look like. The gateway will be well made, it won't be tacky, it will be made of durable materials. If I have anything to do with it, what's built will be something people in Arden will come to love.

Aaron Hamburger: I've very much in favor of a gateway for all the reasons given plus it will be our first public art. Additionally, it will be paid for by the state and federal governments, designed by our foremost stone sculptor, for a community founded by a sculptor, Frank Stevens.

Mary Conrad Lo, 4-year-resident, 11 years in Wilmington. Before moving here, I'd enter Arden at 40 mph. I had no concept of Arden or its boundaries. Had there been entrance signs, I'd have been aware I was entering and leaving a special community. A gateway would make drivers aware. I'm very much in favor of an archway. I'm glad to see the issue come up again.

Russ McKinney: It is no disrespect to our sister communities for us to vote opposite of them. Ardentown didn't vote "No" on the concept just because we did. Also, public art has been presented in Arden, but so far it has been presented privately. If we want public art, let's have a contest, one that's widely publicized. We only had three entries for this design. I will vote "No."

At this point the question was called and a secret vote was requested. On a voice vote, the NOs seemed to be stronger than the YESs but Steven Threefoot wisely asked for a hand count, which showed that 56 wanted a secret ballot and only 27 did not. Steven made it clear that this was a vote to rescind the previous vote on the gateway and to approve its construction at Harvey and Marsh. The secret ballot was taken and the motion passed, 49 to 46.

9. AVERY TASK FORCE

Lynda Kolski made the following report:

Following approval of the referendum in March, the Avery Task Force had a Phase One Environmental Study done of the Avery Property. As expected, the study concluded that "the potential for contamination and adverse environmental impact on human health or the environment is very low." The study said the conclusion was supported by the significant quantity of healthy flora and fauna found. Several recommendations were made to further reduce risk, including removal of construction and demolition debris, removal of litter and a burn barrel, and the proper closure of a cesspool and water well.

During the annual woods clean-up on April 24, the property—with Marsha Avery's permission—was included as part of the clean-up of Sherwood Forest. Having been vacant for a number of years, there was a significant amount of garbage and litter, particularly near Marsh Road, that had accumulated. This was cleaned up.

On April 25, the loan was finalized with the Arden Building and Loan Association. The final closing costs, including the cost of the environmental study, came to \$11,345, which was significantly below our original estimates. Final cost for the property, including settlement costs, was \$861,345. The lower settlement costs meant the amount of the loan taken out by the village was \$150,000, again, much lower than the original estimate of \$160,000–165,000.

On April 30, we went to settlement and the village of Arden became the official owner of the entire 5.02 acres formerly known as the Avery property. True to form,

Marsha Avery threatened up to the last minute not to show up at settlement. In fact, Steven, Danny and I went to settlement not knowing whether she would appear.

Paperwork to complete ownership of the five acres as part of the Village of Arden has been completed and submitted to the county for their approval. This was done as soon as settlement was complete to avoid paying any county taxes on the property.

As part of our final report, the Avery Task Force recommends that the village:

- Remove the construction and demolition debris, litter and burn barrel from the site as indicated in the environmental study;
- Properly fill in and close the cesspool and water well on the property as indicated in the environmental study; and,
- Mark the boundary of the Arden property in a way that is natural, such as boulders
 or birdhouses, that does not create a perception of keep out, like a fence does.

According to Arden's charter, official annexation of the property must be approved by the town assembly, therefore the Avery Task Force

*** MOVES *** that the village annex the 5.02 acres formerly known as the Avery Property to be included as part of Sherwood Forest within the village boundaries.

Cecilia Vore asked if we have another name for these five acres. Lynda: No, it will just be part of Sherwood Forest. Cecilia: Burnam Woods is a name I like. [laughter and scattered applause] Mary Marconi seconded the motion. Steven Threefoot then read charter about annexation. Motion was approved by a voice vote. Steven Threefoot thanked all those who worked on this "temporary" committee, who so diligently pursued their task for so many years.

10. TRUSTEES REPORT ON BUCKINGHAM GREENE SUIT

Marianne Cinaglia reported on the status of the Buckingham Greene suit.

The Honorable John W. Noble, Vice Chancellor of the Court of Chancery; the plaintiff's (Trustees' of Arden) attorney, Roger Akin; the two defense attorneys representing Buckingham Greene, LLC, and Buckingham Greene Maintenance Corporation; and Trustee Marianne Cinaglia circled through the Sherwood Forest and Buckingham Greene to view the damage to the woods by stormwater being released at the end of a conduit along the Buckingham Greene-Sherwood Forest borders. The route of the walk started at the Buzz Ware Village Center, crossed Perkins Run, went along the drainage ditch being cut by the stormwater, continued up the riprap basin, traced the underground conduit through the Buckingham Greene development, then backtracked to Stormwater Basin One, looked at damage being done there, re-crossed Perkins Run, and returned to the Buzz Ware.

The closing arguments were scheduled for May 26 but were postponed to June14 because of the unavailability of one of the defense attorneys. Connee McKinney, Beverly Barnett, Johanne Schroeder and Marianne Cinaglia were present for the closing arguments at the Dover court house.

Mr. Akin could not give a definite date for the Judge's decision.

Connee McKinney wondered what will happen if we win. Marianne said that is something for the judge to decide. We did not ask for cash settlement but that excess water stop flowing into woods. One option is to put water in Stormwater Basin No. One which would have to be rebuilt to hold the extra capacity. Riprap would have to be added. This is a precedent-setting case. This makes it uncertain what judge's decision will be. If we lose the case, we put up with runoff.

Larry Strange: Was it a good day for the judge to visit? Marianne: Yes. And we submitted photos going back nine years.

11. TRUSTEES FINANCIAL REPORT

Aaron Hamburger answered questions about the Trustees' financial report.

Hugh Roberts: What is Meadow-Lane Access income? Aaron: This goes back 20 years. Three residences adjacent to Arden, situated on New Castle County land, are allowed access to our road from their driveways. They pay for trash, road repair, etc. It runs \$300 to \$400 a year for the three properties.

Jeff Politis commented that the \$150,000 loan taken to purchase 5.02 additional acres of Sherwood Forest should be reflected on the balance sheet.

Report accepted unanimously.

Village of Arden Quarterly Report

March 25 through June 28, 2004	Mar 25 - Jun 28, 04	Annual Budget
ORDINARY INCOME/EXPENSE	2)) 20, 04	i minum Buuger
INCOME		
Sherwood Trust	\$742.004.00	
Interest - Trustees Cking Acct		
LAND RENT	361.568.03	381,000.00
LAND RENTLAND RENT FINANCE CHARGE	472.58	J01,000.00
MEADOW LANE ACCESS	704.52	704.52
MEMORIAL GARDEN DONATIONS	2.105.00	7-4-7-
Uncategorized Income		45,000.00
ARCHIVES/MUSEUM Donations	710.00	7),
TOTAL INCOME	1.108.730.53	426,704.52
	,,, ,,,,	77/-7-
EXPENSE		
ADVISORY COMMITTEE	0.00	300.00
ARCHIVES	0.00	1,700.00
BOARD OF ASSESSORS		50.00
Buzz WareVillage Center COMMITTEE	6,076.76	9,000.00
CIVIC		84,000.00
COMMUNITY PLANNING		1,000.00
CONTINGENCIES	0.00	2,000.00
CONTRIBUTIONS		4,450.00
GILD HALL RENTAL	900.00	900.00
LEGISLATIVE REFERENCE	0.00	100.00
Sherwood Forest Loan Payment	2,916.71	16,179.84
PLAYGROUND	575.00	1,750.00
REGISTRATION	0.00	1,200.00
SAFETY	600.00	5,400.00
TAXES		247,357.00
TOWN ADMINISTRATIVE EXP		4,000.00
TOWN BOOKEEPING	633.00	2,748.00
TOWN SECRETARY		6,804.00
TRUSTEE ADMINISTRATIVE		49,460.00
Memorial Garden Expense	720.83	
Sherwood Forest Purchase		
TOTAL EXPENSE	914,747.18	438,398.84

Village of Arden Balance Sheet as of June 28, 2004

ASSETS

Carmont	Aggota
Current	Assets

Current Assets
Checking/Savings
ARDEN BUILDING & LOAN - TRUSTEE \$120,048.44
TRUSTEES - WILMINGTON TRUST 190,006.71
VANGUARD
FUND 30 101,369.40
FUND 33 98,136.45
MSA - FUND 50 51,375.61
Total VANGUARD
Total Checking/Savings
Accounts Receivable
LAND RENT RECEIVABLE 9,850.38
Total Accounts Receivable
Total Current Assets570,786.99
TOTAL ASSETS

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Ad. Assistant:

D.

28 June 2004

12. ASSESSORS REPORT

Steven Threefoot asked if anyone objected to taking the Assessors report out of order. Cookie Ohlson asked if Audit could go after that and received the laughter she deserved. Carl Falco made the following report.

REPORT TO TOWN ASSEMBLY, JUNE 28, 2004 ASSESSMENT FOR LAND RENT DUE MARCH 25, 2005

SECTION I – Discussion and Definitions

The assessment for land rent due on March 25, 2005 is presented in this report. In determining the total rent to be raised by the Trustees, the Board of Assessors adopted the concepts presented by the 1980 Board of Assessors and used in some form by all succeeding Boards. The rental revenue from this assessment will provide adequate income for the Village to:

- 1. Pay the county and school taxes levied on the Trust by outside taxing authorities;
- 2. Pay for administration of the Trust;
- Maintain the community standard of living as indicated by the budget referendum; and.
- 4. Maintain a prudent reserve to insure that the Village has freedom in considering future community expenditures.

The rental value of Arden's leaseholds varies from lot to lot. The differences in the value of these assessments were derived by estimating the additional or reduced rental value of each of the following advantages or disadvantages: size, special privileges and location.

Based on projected expenses, the current fiscal year assessment will leave a "prudent reserve" for the Village of approximately \$173,000 at the end of the fiscal year, March 2005. The term "prudent reserve" refers to the amount of money projected to remain in the Village's General Fund at the end of the fiscal year. To forecast expenditures the Assessors used information from the Three-year Budget Projection prepared by the Budget Committee of the Village Assembly.

The Assessors have determined that the total land rent to be collected in the year beginning in March 2005 will be approximately \$384,000. The amount to be collected is 2.4% higher than last year's assessment. Based on projected expenses, this assessment should leave a "prudent reserve" for the Village of approximately \$147,000 at the end of the fiscal year, March 2006. This "prudent reserve" is about one third of total village expenses.

DEFINITIONS

The General Rate, called Rate A, reflects a value all leaseholds share.

The Multiple Dwelling Rate, called Rate B, reflects the added value of those lease-holds that have the privilege under zoning regulations or allowance by the trustees of establishing and maintaining more than one dwelling unit on the leasehold. In applying this rate, the definition of a dwelling unit is an independent living facility for one or more persons, containing permanent cooking facilities (not a hot plate) and other permanent facilities for living, sleeping, eating and sanitation. Existence of a kitchen is an essential ingredient of a dwelling unit.

The Lot Size Adjustment Rate called Rate C, reflects the fact that large lots have less rental value per 1,000 square feet than smaller lots. This fact was derived from a 1971 study of lot values updated by a 1987 professional appraisal and a separate study of market values. Data obtained by this year's Board of Assessors indicates that this concept is still valid.

The Commercial Rate, called Rate D, reflects the added value of a leasehold with the privilege of accommodating commercial as opposed to residential use. This rate currently applies to only one lot.

The Specific Location Factors make adjustments to appropriate leasehold land rent in accordance with uniformly applicable rules based on the physical situation of the leasehold.

SECTION II – Calculation of Total Revenue Required

The computation of rental revenue required from the Arden Trust (based on projected data of the budget committee) is as follows:

I.	A: The forecasted amount needed for the county and school tax \$252,000 B: The forecasted amount needed for Trust administration 49,000 C: The forecasted amount needed for Avery mortgage
2.	The amount needed to achieve the desired 2005/06 year-end prudent reserve 2005/06 year end target\$147,000 Less projected position at 2004/2005 year-end(\$173,000)(\$26,000) TOTAL REVENUE REQUIRED\$415,000
3.	Revenue from interest, grants, right-of-ways, fines, etc. \$31,000 TOTAL REVENUE FROM LAND RENT. \$384,000

SECTION III – The 2005/06 Fiscal Year Rental Rates (year beginning March 25, 2005)

GENERAL RATES

Rate A: \$137.00 per 1,000 square feet, applied to the first 6,500

square feet of each leasehold. This is compared to the previous year's "A" Rate of \$158.00. Rate A applies equally to all

leaseholds and provides 46% of total land rent.

Rate B: 167.5% of Rate A. For each dwelling unit beyond the first,

the leasehold is charged Rate B rent for an additional 2,000 square feet. Using this formula for extra dwelling units, each extra dwelling unit is charged about 1/2 of the rent of a primary dwelling unit. Rate B applies to 50 extra dwelling

units and provides 6% of total land rent.

Rate C: Rate C was set so that the land rent obtained from land in

> excess of the area charged for dwelling units equals the land rent obtained from primary dwelling units. Thus, Rate C applies equally to all excess land and provides 46% of total land rent. Using this formula Rate C equals about 55% of

Rate A.

Base Land Rent: The sum of the charges (in dollars) from applying the Gen-

eral Location Rates A, B, and C to the area of a leasehold. A surcharge of 75% of the Base Land Rent for a leasehold

with commercial privileges; no deduction for frontage on

Marsh Road.

SPECIFIC LOCATION FACTOR RATES (See Notes):

I. Leaseholds adjacent to Arden or Sherwood Forests +10% 2. Leaseholds fronting on Arden or Sherwood Forest by being across the street . + 5% 3. Leaseholds adjacent to or fronting on a communal green + 5% 4. Leaseholds adjacent to Harvey Road and/or Marsh Road5% 5. Leaseholds having driveway access only to Harvey Road and/or Marsh Road - 5%

NOTES

Rate D:

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

SECTION IV - Rent Collection

The Trustees are requested to collect, by using the prescribed rates, the following approximate amounts:

From the A rate applied to 6500 sq. ft. for each leasehold: \$176,	300
From the B rate applied to 2000 sq. ft. for each extra dwelling unit: \$ 22,0	000
From the C rate applied to all land not attributed to a dwelling unit: \$176,	300
From the specific location rates:\$9,2	200
Total Land Rent	800
Revenue from interest, grants, right-of-ways, fines, etc	000
TOTAL REVENUE	800

SECTION V - Examples

EXAMPLES OF RENT CALCULATION

I. A 20,000 sq. ft. lot containing one dwelling unit, fronting on a Village Green and adjacent to Arden Forest:

6,500 sq. ft. X \$137/M sq. ft	
13,500 sq. ft. X \$137/M sq. ft. X 54.9%	_ 1,015.38
Base Land Rent	\$1,905.88
Forest Factor - \$1,905.88 X 10%	
Greens Factor - \$1,905.88 X 5%	95.30
Total Land Rent	

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

6,500 sq. ft. X \$137/M sq. ft	\$890.50
2,000 sq. ft. X 2 X \$137/M sq. ft. X 167.5%.	
19,500 sq. ft. X \$137/M sq. ft. X 54.9%	1,466.65
Base Land Rent	\$3,275.05
Forest Factor - \$3,275.05 X 10%	327.51
Total Land Rent	\$3,602,56

SECTION VIa. Explanation of change in Rate B, the Multiple Dwelling Rate

Rate B has been set at 167.5% of Rate A for 2000 additional sq. ft. (over the first 6500 sq. ft. to which the Rate A applies) for each additional dwelling unit; 2000 sq. ft is the amount of additional land area required for conversion of a single-family dwelling into two dwelling units for a 10,000 sq. ft. lot, according to the New Castle County code, Section 40.03.304. Rate B reflects the added land value associated with the privilege under zoning regulations or allowance by the Trustees of establishing and maintaining more than one dwelling unit on a leasehold. This privilege has restrictions that do not apply to the primary dwelling unit, e.g. the footprint of the extra dwelling unit cannot be changed. Using the formula above for extra dwelling units, each extra dwelling unit is charged about 1/2 of the land rent of a primary dwelling unit (Rate A for 6500 sq.ft.). The difference in land rent for 2000 sq. ft. for an extra dwelling unit at Rate B versus the land rent for 2000 sq. ft. at Rate C for excess land is \$308.52.

SECTION VIb. Explanation of change in Rate C, the Excess Land Rate

Rate C determines the land rent collected from land not attributed to primary or extra dwelling units. Rate C is less than Rate A or Rate because of the belief that a substantial part of any leasehold's value derives from the privilege of maintaining one or more dwelling units on the leasehold regardless of its size. For many years Rate C had been set at 40% of Rate A. However, there has been considerable debate over the years about this. Over the years large additions to houses and replacement of smaller hous-

es with larger ones provide clear indications that extra land on leaseholds can be developed. The more land available to a leaseholder, the more opportunity for development. After much discussion and input from residents at public hearings, this year's Board of Assessors decided to increase Rate C. Rate C was set so that land in excess of the area charged for dwelling units (about 63% of total leasehold land) would provide land rent equal to the amount obtained from all the primary dwelling units. Using this formula Rate C equals 54.9% of Rate A.

SECTION VII

THE 2004 BOARD OF ASSESSORS
Signature

Vote on Assessment

Lew Aumack

Carl Falco (chair)

Lynda Kolski

Lynda Kolski

Jeff Politis

Bill Press

Elizabeth Varley (secretary)

Tom Wheeler

Wote on Assessment

Vote on Assessment

COMMENTS FROM CARL FALCO, CHAIR OF THE ASSESSORS

In addition to the above formal report, Carl Falco noted that the Assessors discussed at length what land rent to collect and went with same method as prior years, which raises enough money through land rent to cover county and school taxes, the Trustee and Village budgets, the loan payment on the purchase of 5.02 additional acres of Sherwood Forest, and a prudent reserve. That, he said, was the easy part.

The difficult decision was assessing the individual leaseholds because the Assessors held very divergent opinions on how to assess fairly. They had lively and difficult meetings and well-attended public hearings.

A majority of Assessors felt that the two-rate system was not fair and that there should be a flat rate for each square foot. That assessment initially passed 4-3 with Lew, Bill, Lynda, and Jeff in the majority. Arguments were heard contrary to this, that many benefits are shared equally among leaseholds regardless of size. Arden has lots of many different sizes, from 7,000 to 80,000 square feet. Some leaseholds have extra dwelling units. This, said Carl, makes assessment challenging.

After a public hearing in which some residents were concerned with such a drastic change, a modified proposal was made, to move only halfway to a flat rate, to have a C rate of 70% instead of 40%. This revised assessment passed 4-3 by the same majority.

A second hearing was held, in which many leaseholders of large lots attended, a marathon meeting, at which the Assessors put in more "highly-paid hours" [the Assessors are, in fact, unpaid], at which a few new assessment plans were introduced, resulting in a 5-2 vote for the final report as shown above.

The main reason for the change to the third assessment formula was to bring a report the town can live with. This, said Carl, is a compromise no assessor likes. Some consider this a step in the right direction. Others felt it was a compromise we can live with.

Carl then noted that there was a bat flying around overhead.

COMMENTS FROM THE FLOOR ABOUT ASSESSORS' REPORT

Steven Threefoot then asked that people make their comments but to speak to the current report.

Betty O'Regan: I learned a lot at the Assessors' public meeting. These are powerful people who can determine our future. Lew Aumack used to circulate his views before election but no one did this time; people voted not knowing where nominees stood. I move that nominees to the office of Assessor be required to publish their views before election.

Steven Threefoot informed Betty that her motion was out of order.

Rodney Jester [an instructor for the Georgist Gild] rose to argue that every leasehold has a value determined by many factors. While area of a leasehold is one factor, there are many others, one being the shape of the lot. He noted that a narrow lot does not afford the same development opportunities as a square lot because development is not allowed near the lot line. In Arden, lots come in all shapes. Appraising differently-shaped lots the same is not fair, even if they do have the same square footage. [Rodney had a handout explaining this point in detail and it is available from him.] There are many other factors affecting the value of a leasehold. In addition to lot size and shape, other factors affecting value are location, access, building issues, variances, and drainage. Because there are so many factors determining the value of a leasehold, Arden should hire professionals to give us good land-value assessments just as we hire professionals to do other work requiring expertise.

Steve Tanis: I am the unfortunate holder of a larger leasehold. We are told that the more land available, the more opportunity we have for development. Can the assessors or the trustees tell me when will we abandon the limit on additional dwellings? Carl: Assessors have no power to deal with this issue; it is an issue for the county or Trustees

Ron Ozer: I have house on large leasehold. We just doubled the square footage of the house without changing footprint. My question is what effect will the new assessments have on the village's prudent reserve? Carl: The reserve will decrease by \$26,000. Ron: Why were final numbers better than initially presented? Carl: Tom Frantz and the Budget Committee gave us lower numbers for the total needed from taxes. Ron: I am afraid that the change in tax structure, while not changing taxes much this year, will dramatically affect large leaseholders if future budgets increase. It sounds like this is the first step in a downhill process.

Marianne Cinaglia: We trustees have had no input on this report. No one asked us. Aaron Hamburger: This is appropriate.

Tom Wheeler, Assessor: There have been three or four assessments over the years. Excess land is literally excess. There is some evidence that 40% is a still good number for the C rate in New Castle County. As evidenced by Carl's comments and the votes, there was disagreement on this subject. What is presented here is the best compromise we could present. If an alternative assessment is presented for referendum, keeping next year's assessment the same as this years, I will vote for it. But this assessment is the best compromise this group of Assessors could reach.

Aaron Hamburger: Who voted how? Carl: Lew Aumack, Carl Falco, Jeff Politis, Elizabeth Varley, and Tom Wheeler voted "Yes" on the final report while Lynda Kolski and Bill Press voted "No." Aaron: Is there a minority report or comment?

Lynda Kolski, Assessor: We have very divergent sizes of leaseholds in Arden, 7,000 to 80,000 sq.ft. There are many other variables. At present, the tax rate per square foot

varies from 17¢ to 8¢ per square foot, with the largest leaseholds paying less than half what smallest leaseholds pay. Large leaseholds can be developed in many ways other than adding dwelling units. You can larger dwelling footprints, swimming pools, garage, shed, studio, a deck, hot tub, patio, tennis court. All these are development, an opportunity the larger leaseholders have that smaller leaseholds do not. Rodney's point is well taken but the village cannot afford to do individual assessments. Arden places a high value on open space. We need to close the gap between what large and small leaseholders pay per square foot. It is a privilege to have larger leaseholds.

Bill Press, Assessor: Every assessor takes an oath to assess the full rental value. Shaul Gladstone, former trustee, said, "Every square foot of land is as valuable as every

other square foot."

Aaron Hamburger: What we have lived with 30 or 40 years is based on actual data for actual land value. If you study land values, you will see that as the size of land goes up, value per square foot goes down. This is true everywhere. Tom Wheeler brought in examples in the area. It's appropriate to change assessment values, but only if you have new information to show values have changed. This you didn't do. It is not enough to say you don't think a two-rate structure is fair. This change is inappropriate and may even be illegal in that it isn't based on data. [applause.]

Jeff Politis, Assessor: By that thinking, all reports have been illegal in past years. I voted for all three proposed assessments. We compromised because we wanted to fairly represent the town. What Rodney proposed may be what we need to do. The way I understand Georgist economic philosophy is that we are to tax land at a single tax rate on the value of that land, taking into account size, space, location, useable space, all of those things. The only way the assessors can do that is to get outside expertise. None of us are really qualified to make individual assessments. If we want to do it correctly, we would get actual land-value assessments done by qualified people and then tax all the land at a single rate. That would be ideal but we don't have that. Not having that, our report is good as it is.

Marianne Cinaglia: Speaking as an individual, I recognize the difficulty of this issue. We have economic philosophy inherited from Henry George but which cannot stand without modification to fit current conditions and details. Some people argue that when people improve their lots by rebuilding/improving their houses it benefits everyone because it essentially increases the value of everyone's leasehold. Also, the value of a 10,000 sq.ft. lot in Arden, because it is set among larger lots, the forests and the greens, is worth more than a 10,000 sq.ft. lot set in a development where all the lots are 10,000 sq.ft. Therefore, everyone benefits from the larger lots in the Village.

Harold Kalmus: I have a large house, small house and an office. This assessment encourages people to build the largest, most easily-sold McMansion they can and leave. It's encouraging the kind of development we don't want.

Charles Robinson: I have a large leasehold and have several points to make. I) I and others will be presenting an alternative in September, to revert to the old rate. Personally, this is an increase of 33% on our leasehold and so I oppose it for that reason. 2) If none of the assessors really likes current proposal, that's an argument to revert to old rate. 3) We hear that there is a *feeling* that A and C values were wrong in previous assessments but what we need is hard data. 4) This assessment seems hasty and is obviously controversial. 5) Avery was presented under old formula. Under new formula, only the large leaseholders will pay for that acquisition. 6) With sudden changes like this one, residents will be uncertain of future land rents. These variable assessments are unhealthy for the Village and, given the lack of evidence otherwise, we should keep old rates in place.

Lew Aumack, Assessor: Folks need to attend the meetings of the assessors. There is data that shows flaws in old basis of assessment. We tax land, not labor. People need to develop what they've got. I've got a huge rock in front of my front door. I worked with

it, adding a waterfall, rather than remove it or bitch about it, adding to the value of my home. If you've got a lot of land, develop it. Lew then referred to a handout he prepared [which is available from him]. There are various ways of setting rates. You can tax progressively whereby millionaires pay a higher percentage than low-wage earners. Or you can have a regressive rate like Arden has had, a rate that taxes small leaseholders twice what it taxes big leaseholders, which is grossly unfair. That said, we recognized that we need do at what is best for community, so we compromised, twice. After we voted for a flat rate, we decided to cut it in half, and then lowered it again. We could have shoved it through but had the community in mind.

At 9:50, the Steven Threefoot proposed to cut off comments in 15 minutes.

Betty O'Regan: Everyone has different idea of what is fair. Why is our family paying three times as much for the Avery property as other families, for the budget, for snow and trash removal, for the Arden Page, and for the Library? Why is that fair? And some of you are talking of increasing this in future years!

Russ McKinney: Many of these comments sound like rationalizations of self-interest. I'm sitting on small lots and am supposed to feel sorry for the large landowner? I want to urge something real simple: get the facts. Do not believe what you hear second hand. There has been a tremendous amount of exaggeration and mis-information in the discussion of this issue. Be careful the information you get is accurate.

Jane Frantz: Section VIb says that the increase in the C rate is justified because "Over the years large additions to houses and replacement of smaller houses with larger ones provide clear indications that extra land on leaseholds can be developed." There is no supporting data that development has occurred on extra land. Extra land in this report is defined as anything over 6500 sq.ft. Who has built an addition to their house or built a new house with over 6500 sq.ft.? If somebody has, I'd like to know about it. If the assessors cannot provide examples of this kind of development, why, then, are people being given a reduced rate on the first 6500 sq. ft.? [applause]

Jeff Politis, Assessor: It may not be a complete answer, but 6500 is the lot size of old assessment for County. Now is 10,000 sq.ft. We do not tax on house size, but land.

Ed Rohrbach: Will we get to hash this whole thing again in September? A: Yes. Cecilia Vore: When we ask who is willing to serve on Assessors, we get few people willing to serve. People asked to run decline the opportunity, saying they are not political people. Tonight we see that we are all political people because we are concerned about our taxes and our community. At September's Town Meeting you will all have the opportunity to be nominated as an assessor or to nominate someone else. At that same meeting, you can put forward an alternative assessment proposal. But people have to come forward.

Elizabeth Varley: Wanted to note that assessors have no control over adding additional domiciles. Also, wanted to stress that assessors are elected for only one year. We've heard talk about phasing in a flat tax over a period of years but that cannot be done by any one group of assessors since they are only elected one year at a time. This report is for one fiscal year.

Denis O'Regan. Betty and I have a 4600 sq.ft. leasehold. Our personal wealth cannot be measured in sq.ft. We added to house after buying it. We did most of it with found materials. We just get by. Many of the assessors have said this is a complex issue. When you take a complex issue, shake it up, and then throw it out without supporting data, you create an imbalance in our community. Property values go down when prospective buyers see that assessors can and do change taxes overnight.

Ken Sutton: Won't bring up pet peeve with community expenses except to note 105 leaseholders will pay more under this assessment, 96 less. This means 105 are paying for Avery and 96 are not. Some say small leaseholders are getting a raw deal. It is a well-known fact that a highly developed house on a small leasehold is sitting pretty. My

neighbor's taxes has doubled in 16 years, but mine has in five years. My neighbor says he hasn't even noticed them go up.

Jeff Politis, Assessor: He notes that taxes on 105 leaseholds has gone up, but only because the total raised has gone up, not because the rate has gone up. The actual rate has gone up for very few with this new assessment.

Steven Threefoot then thanked the assessors on a very difficult job. The Assessors Report was received but not unanimously.

13. SAFETY

Denis O'Regan introduced his report by saying there will be a new list of fines for

people with small leaseholds. [laughter]

There have been more accidents on Harvey Road, mostly by people running stop signs or by people not able to see oncoming traffic because of overgrown leaseholds. Denis said he did emergency clipping in one place. Civic Committee will send out letters asking people to trim their yards; after 30 days, Civic Committee will do work and bill the leaseholder.

Holding up a three-inch thick looseleaf binder about homeland security, Denis said he'd be putting aside his July 4 fireworks efforts to read it. [more laughter]

We will have on-going speed enforcement on Harvey Road.

Handicapped Parking Ordinance particulars have been distributed.

Ruth Bean: Recently, while trying to cross Harvey Road, a car stopped to allow us to cross, not someone I knew. I just wanted to say something cheery.

Someone asked about Town Watch: Denis says he believes his wife Betty must be doing a terrific job as Town Watch Coordinator.

Barbara Macklem: Are leaseholders to provide parking on their leaseholders? Answer: Yes. Barbara: What are Village's options when people do not park on their leaseholds? Answer: Warrant and small fine.

14. REGISTRATION

Cecilia Vore reported that Cecilia Vore was elected Chair at last meeting. The report was accepted unanimously.

15. PLAYGROUND

Larry Walker made the following report.

During the past three months, the required Playground Inspections were conducted, and all equipment was "adult tested" to ensure safety. All equipment is in safe condition. New soccer goal nets have been ordered, and will be installed after they are received.

On the Sherwood Green, the areas under the playground equipment were mulched to cover the "fall zone" to the depth of 12 inches. However, the fenced "tot lot" area still needs additional wood chips, and this will be done during July. The equipment on the Sherwood Green has been painted, and the painting is underway on the equipment on the Village Green.

The report was accepted unanimously.

16. LEGISLATIVE REFERENCE. No report.

17. COMMUNITY PLANNING. Julie Hurlong-Hannum made this report.

Since the last town meeting, we decided to have a co-chair position, with myself and Jeanne Corman as co-chairs.

Community Planning is still in the process of researching land-use issues. We had a meeting with the three Arden trustees to get their views on land use and where they see some problem areas.

The Woods & Memorial Garden Clean-Up went well. Thanks to all who participated. We have a vacancy on our committee since Joan Fitzgerald has moved out of Arden to Ardentown. The committee nominates Lynda Kolski, the alternate from the last election, to the vacant position.

At this point, Larry Walker nominated Bev Barnett to the position. She is out of town but has expressed a willingness to serve. Cecilia Vore noted that the alternate is the person who received next-highest vote count in the last election but is not automatically elected to vacancies. Ballots were passed out and people were asked to vote for either Lynda Kolski or Bev Barnett. Bev Barnett was elected, 36-13.

This committee's report was accepted unanimously.

18. CIVIC COMMITTEE. Sue Rothrock made the following report.

Road construction will be starting soon. Please be careful while driving since we have had safety cones disappear from work areas.

Now that the Avery property is part of the Village of Arden, that parcel should be referred to as Sherwood Forest. If anyone would like to volunteer their efforts towards pulling invasive plants out of the Sherwood Forest or the Arden Woods, please contact Bev Barnett or myself. Civic volunteers Bev Barnett and Alton Dahl have already tackled invasive plants in a large portion of the woods.

Please remember that it is the leaseholder's responsibility to take care of the right of way. Right of ways should be kept clear of obstructions, and bushes and plantings should be cut to allow visibility at corners and also allow cars to pass on the roadway.

The big news is that our recycling will be changing. Delaware Solid Waste Authority will be picking up our recycling starting in September. There will be no additional charge to the Village but there will be changes. Each leasehold will be receiving blue bins and bags and instructions on what can be recycled. Some of the improvements are the ability to recycle junk mail, magazines, and plastic bottles numbered 1-7, not just 1 and 2. Because many people said they could not remember when recycling was picked up, starting in September, we will have recycling picked up every week on a trial basis. It won't cost us anything more.

Question: Did we rename Sunset Road? Sue: Sunset Path/Road is not now used as a road. The sign, designating it as a path, is to keep people from treating it as a road. People need to be reminded of our ordinances. Barbara Macklem commented that committee should put something in Page about newly posted signs on paths.

The committee's report was accepted with one NO vote.

19. Buzz Ware Village Center. Lynda Kolski read Deb Theis's report.

Jane Frantz convened our April meeting. Election of officers was held with the following results: Co-chairs are Debbie Theis and Pamela Pearson; treasurer is Pamela Pearson while Debbie is taking care of scheduling and keys.

On May 8 our second auction was held and was a huge success. More than 260 items were sold, raising \$13,700 for the window restoration project. We are grateful for all of the artists' donations as well as the personal donations. Over 70 volunteers helped to make this the success that it was. It appeared that all in attendance had a great time.

With the money that has been raised from the two auctions, we feel we can move forward on the window renovation project. Lynda Kolski and Mary Marconi are willing to lead us through a matching grant search. We also plan to get an architect to help us in the overall design for the front of the building. Our goal is to have a cohesive design for the windows, Dan's doors and the entrance. The stage has been opened! ACRA is in full swing in their summer program and enjoying the extra space. The committee plans to spruce up the stage area in the fall with the possibility of including town office space.

Also, with the opening of the stage, we find it to be a good meeting space with a seating capacity of 80-100 people. The BWVC Committee would like to invite the town

to consider using the space for town meetings. It is an air-conditioned and heated building and would be open as to all Arden communities at no charge.

****MOTION *** Pam Pearson moved that town meetings be held at the Buzz Ware Village Center.

Pam noted that this would be good since folks are sensitive about their land rent. There were several seconds. Lynda Kolski noted this would save the town \$1,000 a year. Aaron Hamburger rose to say this is too important a decision to be made with so few people in attendance. [There were less than 50 in attendance at that point in the evening.] He moved that we can table the motion. Hugh Roberts seconded the motion, which was approved by a voice vote. The committee's report was accepted unanimously.

20. BUDGET: No report.

21. AUDIT: Cookie Ohlson presented the following report.

On June 22, 2004 the Audit Committee convened to discuss the current audit provided by Corcoran and Associates. We were in agreement with the total package of the combined balance sheets and found all in order. We propose that the March 24, 2004 audit should be accepted as presented.

Because we feel that the audit should be clearly understandable by any resident who reads it, and in order to bring clarity and resolution for future budgeting of funds and grants, we were concerned about several line items. We are presenting our concerns to the committees involved and are offering suggestions for resolution.

This committee's report was accepted unanimously.

22. ARCHIVES: Lisa Mullinax gave the following report:

The Archives Committee was convened, Lisa Mullinax was elected chair, and Sadie Sommerville was elected treasurer.

The Archives collection was moved to the Craft Shop Museum on April 3 and 4. Many thanks to all who helped out on those rainy and snowy days! Now that we are ensconced in our new home, we have been meeting informally every week to organize the collection in this wonderful space.

One of our first orders of business is to have a museum sign ready by Arden Fair Day to indicate our location and to let everyone know we'll be opening soon.

We are planning an open house and showcase exhibit for the community and for friends of the museum in late September or early October.

Also a late programming note: Tonight on WHYY TV 12, at 9:00 p.m., the series "The History Detectives" featured a segment filmed in Arden. It investigates the "Landlord Game," a precursor to Monopoly that is based on the principles of Henry George. I think several of us will be taping it.

The Archives Committee's report was accepted unanimously.

23. ARDEN CRAFT SHOP MUSEUM:

Aaron Hamburger reported that the renovation of the Craft Shop building is complete and all six apartments have been rented. A dedication and celebration is tentatively scheduled for Sunday, Oct. 24. Everyone will be invited.

Connee McKinney asked when the board next meets. Aaron said, July 13, 7:30 p.m. Cecilia Vore said it is a thrill to have TWO toilets in the community room at the Craft Shop Museum, the room the Shakespeare Gild used during its performances of "Othello" for costume changes.

The report was accepted unanimously.

24. MEETING ADJOURNED

The meeting was adjourned at 10:36 p.m.