

Attendances: Danny Schweers, Bill Theis, David Michelson and Elizabeth Resko
Carl Falco, David Yoder, Katrina Streiff, Gary Quinton, Walter Borders, Cookie Ohlson, Lynda Kolski, Mary Marconi, Deborah Ricard, Barbara Shippy, Sally Sharp, Dave Claney, Ron Ozer, Carol Larson, Jeff Politis, Pam Politis, Mick Fitzharris, Jim Laurino, Keri de Tufo, Cynthia Dewick, Mark Wood, Steven Threefoot, Tom Wheeler, Jill Athouse-Wood, Dorinda Dove, Grace Ressler, Harold Kalmus, Joan Colameco, Peter Compo, Brooke Bovard, Victoria Davis

Meeting commenced at 2:10 P.M.

Advisory Chairman -Bill Theis read the following:

We are here today to have public comments regarding the use of the Pendulum Fund for use in the Town Assembly approved playground slide for the Arden Green. Funding for the slide may not come from land rent monies, so the Playground Committee has asked for Pendulum monies to be a part of funds to be used. In its previous presentation to Advisory and the Town Meeting, the Playground Committee stated that they would request up to \$10,000 for this project, with the remaining needed funds generated by donations, grants and other sources.

Conversations today are to be limited to the pros and cons of using the Pendulum Funds. The Town officers will use today's comments to help arrive at our decision regarding the use of these monies. Each speaker is limited to five minutes to present their comments. If you wish to speak a second time, you must wait until everyone wishing to be heard has spoken once. The target ending time for Public Comment is 3:15 P.M. The building is in full usage today, so our time is limited.

Thank you for your cooperation.

The officers will meet during regular officer's hours this Wednesday evening to make our decision. Please keep your comments to the topic of the Pendulum Fund usage for the slide project.

HANDOUTS

Hard Copies of the following were provided:

Financial Policies of the Village of Arden and Investment Guideline of the Pendulum Fund (copy at end of minutes). Will and Testament of Johanne Maria Schroder Dated: August 1, 1998 of (1 through 8) (copy at end of minutes).

Town Chairman– Danny Schweers read a part of Johanne's Will – Second Paragraph:

"I make this bequest with the specific desire that the proceeds of my estate be used for the preservation and care of the natural spaces within the Village of Arden. It will be up to the Trustees of Arden to decide whether, in special cases, to assist individual lease holders in the care, removal, and replacement of very large trees. The woods and greens of Arden have been my joy and inspiration, and I wish to contribute to their health and survival in the years to come".

Discussion:

Officer's role:

Pointed out that officer's role is to interpret and decide appropriate distribution of those funds.

Interpretation of "preservation" and "care" "natural space" and "intent"

Agreed language is vague and it is difficult to interpret intent.

Based on knowing Johanne, some say she would support this and others say no, this was not her intent. One who knew Johanne well thought she was about forest, trees, and flowers. In other words, he

interpreted her intent as enhancement not intended for playground. No one will ever truly know if Johanne would have wanted this because it was never presented in her lifetime

Some argue that there are environmental aspects to the installation of the slide that fit with Johanne's desire to help the environment and encourage use of the green in a non-destructive way.

Others believe that "preserving" doesn't mean to provide "new".

Preservation - Things have to be used to be preserved. You need people to come to the greens and have a reason to come to the green. Otherwise, they fall into disuse/disrepair. To have an active playground seems common sense. To use funds for the purpose of bringing people/children to the green and to let children grow up at the green seems perfectly obvious. One year to a child is a lifetime.

Managing the green includes and works with the environmental aesthetics of the green. The slide's estimated useful life could be fifty years, which they believe is considered a good use of funds.

Pendulum Funds Process

Many expressed concern about rushing the process to make a decision by March Town Assembly, even though Pendulum Fund Policy procedure was followed as close as possible and in addition to holding a special public meeting today.

It was expressed that the process of applying for the Pendulum Funds and the process for what is actually intended does not feel as though it has been fully communicated. Suggestions: How would you apply for a grant for Pendulum Funds? Make that more available. Although the procedure to apply for Pendulum Funds is on line, it still feels as though it is not clear enough.

Some expressed they feel as though it is being pushed through for now with the attitude of "just do it" and are not comfortable with how it is being put together.

Officers agreed that it was being rushed through because the community expressed being tired of not having slide for the children. If the policy is strictly adhered to, then it would be another year before funds were received. The officers are comfortable waiting another year, but the community has expressed that they want to move forward and take care of it now.

Interpretation of referendum vote budget line item for Playground Committee voted down.

There were different interpretations as to what it meant by voting down the Playground Committee budget.

Some believe using Pendulum Funds is going against the Referendum vote and is counter in spirit and perhaps against the law.

Others thought voting down the referendum was viewed as we do not want our land rent to be used for the slide.

Another reason provided was that many voted down budget for Playground Committee was at the time of the vote (September's 2014 Town Meeting) there was no proposal presented as later presented at the January 2015 Town Meeting. People had no plan other than a vague idea. Things changed in

January when a plan was presented. If the plan had been presented in September 2014, who knows how the vote would have gone. Many voted against it because there was no plan.

Approximately \$6,000 of \$400,000 has been used since the town inherited it 2007. The money has just been sitting there and doing nothing. They believe Johanne would have not like this.

In response to their concerns: Referendum governs funds that were raised by land rent. The Playground Committee plan stated that no funds will come from land rent through the budget process and it will come from some other place. For example: fund raising campaign, individual contributions and Pendulum Fund are outside of land rent.

Plan Scope

The design as presented is somewhat limited in scope.

Caution was suggested to make your decision based on a sufficiently developed plan, with details so everyone knows what is going on.

Plan was flushed out with enough detail at the January Town Meeting. There were no bids sought due to lack of funds.

Unless you have money, you cannot make a good plan. You have a volunteer Playground Committee in which we have to trust them to use money to pay for a detailed plan. A little bit of faith in what it is going to be. Some money upfront will be needed to develop a plan.

Summary

Gary Quinton Summarized as follows:

He originally voted budget referendum down because he did not know the scope of the plan along with a large budget line item. Since January Town Meeting, he gained a better understanding as many others also did. The few at this meeting who do not support the use of Pendulum Funds did so because of the process not the funds themselves.

Gary suggested the following solution:

Two things to take under consideration for the next town meeting:

Time element for Pendulum Funds is causing issues.

- 1) The timing to be considered is being timed to when grants come in. This explains why nothing has been done. At the March Town Meeting present a proposal to address the timing issue. Propose two town meeting cycles that will address all the issues that are here. So someone does not have to wait for a January meeting to get access to the Pendulum Funds but they can come into any Town Meeting and then have that Town Meeting and the following one. This will give us enough time in a cycle that can start in any one of our quarterly Town Meeting rather than have to wait till January.
- 2) Items that he refers to as "ever lasting value". Tapping the Pendulum Funds that are going to be used for this purpose, should be documented. We need to consider how we interpreting these terms like preservation care, health and survival of greens? The decision should not be based on the dollars that are being requested, but should be around what principals we have taken.

If you have the principal that you were using on the "everlasting value", how this interpretation is coming forth? Who is negative on the interpretation and who is not negative on the process? Many are

concerned about a rush on the process. If you address the process, that allows the cycle to move forward. Garry thought the definition was much narrower than people opened it up today. He changed his opinion to support of using the Pendulum Funds not knowing Johanne at all.

The sense is that the majority supports the use of the Pendulum Funds. The process, as suggested, needs to be modified by a vote and presented at town meeting.

Gratitude

The officers were thanked for creating this forum to enable all to participate in conversation that really only gets made by the four officers of the town. And an additional thanks for involving all those who are interested in their voice being heard.

Meeting Adjourned at 3:20 P.M.

Respectfully Submitted
Elizabeth Resko
Village Secretary

ATTACHMENTS NEXT PAGE

ATTACHMENTS Nex

Finances, Treasurer, Arden, Delaware

3/15/15, 1:50 PM



Other Arden Websites

Other Government
Websites, Utilities and
Local News

Office Hours
2nd & 4th Weds
7:30-8:30 p.m.
Buzz Ware
Village Center
2119 The Highway
Arden, DE 19810

[March 24, 2011 Financial Statements and Audit Report](#)

[March 24, 2010 Financial Statements and Audit Report](#)

[Financial statements for 2009 and 2008.](#)

[Land-rent assessments are set by the seven Assessors, who are elected annually.](#)

[Quarterly Reports from the Trustees and the Treasurer can be found in the minutes of Town Meetings.](#) Included in those reports are the Buzz Ware Village Center budget reports.

Policies

Financial Policies of the Village of Arden These policies govern use of Contingency Funds, all expenditures greater than \$2,000, transferring funds between budget items, authorizing fund transfers, obligations made for over \$10,000, and contracts or agreements for a year or longer. They are renewed every year at the June town meeting.

[Original proposal for creation of Capital, Maintenance, and Repair Funds as proposed in June, 2010.](#)

Investments

[Policy of the Village of Arden Regarding Monetary Gifts to the Village](#)

[Investment Guidelines of the Pendulum Fund](#) (a.k.a. the Schroeder Bequest)

Johanne Schroeder Last Will & Testament -- Funds are left to the Village of Arden "for the preservation and care of the natural spaces within the Village of Arden. It will be up to the Trustees of Arden to decide whether, in special cases, to assist individual lease holders in the care, removal, and replacement of very large trees. The woods and greens of Arden have been my joy and inspiration, and I wish to contribute to their health and survival in the years to come."

Process for Requesting Pendulum Fund Grants

1. The amount that is available [from the Pendulum Fund, a.k.a. the Schroeder Bequest] for the next fiscal year will be announced at the September Town Meeting.
2. Committees will submit their proposals to the Town Officers prior to the January Town Meeting when they will be announced to the Town Assembly.
3. The Officers will review the proposals and discuss their recommendations at the Advisory Committee Meeting in March.
4. With the guidance of the Advisory Committee, the Officers will make their decision and announce it at the March Town meeting. All funds go through the standing committees. This process is a streamlined version of the original process that was suggested 3-4 years ago which designated a project administrator working with the Officers. Now, the Advisory Committee will fill that role. (from page 7 of the January, 2011 minutes of the town meeting minutes.)

Treasurer

David Michelson, Treasurer, was elected in March, 2014 to a two-year term, having served since 2008. The treasurer oversees town finances in concert with the Budget and Audit Committees.

Last Will and Testament of Johanne Maria Schroeder

Dated: August 1, 1998

I, JOHANNE MARIA SCHROEDER, residing and domiciled in the Village of Arden, County of New Castle and State of Delaware, do hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking all other Wills and Codicils heretofore made by me.

FIRST: I direct that all my debts, cremation and administration expenses be paid as soon as practicable after my death. I direct that all estate, transfer, inheritance and similar taxes and death duties of every nature and description (including penalties and interest) payable upon or with respect to property passing under the terms of this Will, shall be a charge against and shall be paid out of my residuary estate, disregarding to whom assessed or charged. All such taxes may be paid when deemed advisable by my Executor.

SECOND: I give and bequeath all of my property, both real and personal, of whatever nature and wherever located, of which I shall die seized or possessed, or to which I may, in any way be entitled at the time of my death to the Village of Arden. I make this bequest with the specific desire that the proceeds of my estate be used for the preservation and care of the natural spaces within the Village of Arden. It will be up to the Trustees of Arden to decide whether, in special cases, to assist individual lease holders in the care, removal, and replacement of very large trees. The woods and greens of Arden have been my joy and inspiration, and I wish to contribute to their health and survival in the years to come.

THIRD: I request that an Executor be named by the Beneficiary of this Will. No Executor or Administrator with the Will annexed shall be required in any jurisdiction to give any bond or other security for the faithful performance of his duties hereunder. The word "Executor" and the singular pronoun as and when used in this Will shall be deemed to refer to any and all fiduciaries acting hereunder, including an Administrator with the Will annexed.

FOURTH: The Executor shall have and may exercise all of the powers and authority from time to time granted by the laws of Delaware to fiduciaries in addition to the following powers and authority of a discretionary nature:

A. To retain any part or all of my estate in the form in which I leave it. To divide or distribute my estate wholly in cash or wholly in kind or partly in cash and partly in kind with the power for that purpose to determine the values of such property. If the Beneficiary decides that retaining and using the house in its present or changed form is deemed to be to the greatest benefit of all concerned, this will be in keeping with the intent of this Will. Conversely, if it be decided that the sale of the house is the expedient manner to benefit the Beneficiary, this will be in keeping with the intent of this Will.

B. To sell at public or private sale, or to otherwise manage and dispose of all Property, both real and personal, without application to any court. By this provision, I intend that the Executor shall have the absolute and unqualified power to sell, unaffected by the passage of time or by the condition of my estate. I intend also that any deed of the Executor affecting such real property, which is valid as to form and is properly executed, shall be conclusively presumed not to create any cloud on the title by reason of the exercise of such power of sale.

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C. To cause any and all securities to be registered in the name of nominee or nominees.

D. To exercise all voting and other rights in connection with all securities and Investments in my estate including the right: (1) to vote in person or by proxy, (2) to delegate discretionary powers, (3) to join in any reorganization or protective committee and make any payments in connection therewith, (4) to consent to the reorganization, consolidation, merger or dissolution of any corporation, and (5) to exercise, sell and purchase stock rights and warrants and to make any and all payments in connection therewith.

E. To settle and adjust any and all claims by or against me or my estate.

F. To borrow from any source such sum or sums of money as may be necessary or proper for the advantageous settlement and administration of my estate.

G. To determine what expenses are to be paid out of income and principal respectively, to the extent permitted by law, and not to do so in violation of any rule against accumulations which is applicable to the administration of my estate.

H. If necessary, to engage the services of a real estate broker located in the Ardens to effect the sale of any real estate owned by me at the time of my death, and to pay the prevailing commission for such service, which commission shall be a proper administrative expense of my estate.

FIFTH: I direct the Executor to find a home with kind people for any animal I may own at the time of my death.

SIXTH: I request that any tenant residing at the time of my death at 2111B Orleans Road be permitted to continue renting the cottage at least until the expiration of the lease.

SEVENTH: I request that my body be cremated and that no autopsy be performed for any reason; that there be no grave stone or marker, and that no memorial service be held of any kind. I request that the ashes be buried in the Arden Memorial Garden in a site selected at the discretion of the Administrator of the Memorial Garden.

EIGHTH: I request that the members of my family, as well as friends found on the list accompanying this Will, be notified of my passing as soon as possible. All my German friends understand English.

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