

Attendance: Danny Schweers, Brooke Bovard, Skip Bailey, Jeff Politis, Lisa Mullinax, Denis O'Regan, Jennifer Borders, Elizabeth Varley, Larry Walker, Cookie Ohlson, Steven Benigni, Warren Rosenkranz, Carol Larson.

Danny presented the following agenda:

Join Zoom Meeting

<https://us02web.zoom.us/j/89006016561?pwd=azFkbDdDdE5HWk5qOEFJVmdzR0VVdz09>

Meeting ID: 890 0601 6561

Passcode: 769496

AGENDA:

- 1) Acceptance of Previous Minutes
- 2) Set Date of Next Town Meeting
- 3) Set Agenda of Next Town Meeting

TYPICAL TOWN MEETING AGENDA:

- 3a) Call to Order
- 3b) Approval of Minutes
- 3c) Recognize New and Departed Residents
- 3d) Visitors
- 3e) Reports by Officers and Trustees including
a Request for Assessor Nominees
- 3f) Assessors: Alternative Assessments welcome
- 3g) Committee Reports in Ascending Order
including 2021-2022 Budget
- 3h) Old Business
- 3i) New Business
- 3j) Good and Welfare
- 3k) Adjourn

- 4) Old Advisory Committee Business
 - 4a) Posting of Minutes on Website
 - 4b) COVID-19 Expense Reimbursements
- 5) New Advisory Committee Business
- 6) Guests Comments and Questions
- 7) Adjourn

AGENDA

1) June Advisory minutes

The June Advisory minutes approval deferred until January's Advisory meeting. Need to confirm that the Forest Committee requests for Schroeder funds were specifically recorded in the minutes (have been confirmed).

2) Set Date of Next Town Meeting: September 28, 2020 (4th Monday).

This year, September 28, 2020, falls on Yom Kippur. The Charter does not mention holidays. Just indicates 4th Monday in September to hold Town Assembly.

The question the group addressed is: How do they guarantee a change in the date, knowing they have to have the original meeting to do the motion to adjourn?

The committee decided to call the Town Assembly meeting to order on Monday, September 28, 2020 (4th Monday of month per charter) to present a motion to adjourn meeting and reconvene on October 5, 2020.

Discussions about changing date of meeting:

- Only three people need to attend the Sept 28 Town Assembly meeting: To Chair the Town Assembly meeting, a second person to make a motion, and a third person to second motion.
- Do not need a quorum for Procedural motions or to call the meeting to order. Roberts Rules of Order: "If a quorum fails to appear at a regular or properly called meeting, the inability to transact business does not detract from the fact that the society's rules requiring the meeting to be held were complied with and the meeting was convened, even though it had to adjourn immediately".
- Change of Town Assembly meeting date does not qualify as a "special" meeting because twenty-five signatures are required and meeting has to

be a “specific” single topic and it is not for the purpose of running normal town business.

- The October 5th date was chosen because Tuesday, September 29, is the first Presidential debate and there was concern that attendance will be low and a quorum will not be met. (Note: You can adjourn and reconvene anytime because it’s a continuation of an existing meeting).

Notification Town Assembly dates to comply with FOIA requirements (5 day notice rather than 7 days).

Post to website, bulletin board & postcard mailing notices

Meeting to adjourn Sept 28, 2020 Town Assembly and convene on Oct 5, 2020 for Town Assembly Agenda of officer/committee reports and other town business.

Tonight, set agenda for both meetings (Sept 28 and Oct 5)

Jeff presented **Motion** to have agenda for our regular town meeting to adjourn and reconvene on Monday, October 5th at 7:30 at which time conduct regular town meeting. (Zoom meeting) There **was a vote and the motion was Approved Unanimously.**

3) Set Agenda for next Town Meeting

TYPICAL TOWN MEETING AGENDA

3a) Call to order, at 7:35 p.m.

3b) Approval of Minutes.

3c) Recognize New and Departed Residents: Scott Davidson, Kate Sayer, Lizzy Broadbent, Ryan J. Scanlon, and Nancy Covert.

3d) Visitors: 2 minutes

3e) Officers/Trustees

- Communications Report - Jeff Politis
 - All three will be discussed in detail later in meeting:
 - COVID money that the town might receive from the state along with its related expenses.
 - Lawsuit update: The Village received a settlement proposal from the courts.
 - Schroeder's Funds - Assuming the officers make the decision for Schroeder's funds as requested by Forest Committee prior to the September Town Assembly, the status can be reported in the Communication's report or Advisory report. Jeff thinks it is Communications Report but will look to see where this has been reported in the past.

- Trustee –Elizabeth Varley

- Treasurer – Skip Bailey
 - Received MSA money and it has all been spent because of major water sewerage damage on Meadow Lane & Harvey Rd.
 - Financial Statement cut off will be the previous month of each quarter being reported on, instead of an arbitrary date within month. This addresses consistency and timely preparation of reports.
 - Remind about check payments going through committees with appropriate approvals.

- Advisory - Danny Schweers
 - Danny will submit 14 Assessors nominations. At present, the list of volunteers consist of the following: Brooke Bovard, Chris Junk, Michelle Lauer, Al Marks, Shana Pinter, Deborah Ricard, John Scheflen, Vicky Scott, Tom Wheeler, Larry Walker, and Laura Wallace. Elizabeth Varley submitted her name this evening. Total of 12 nominations and need two more.

3f) Assessors - Mark Wood (absent)

This is the opportunity to present Alternative Assessment. If no Alternative Assessment is presented at the October 5, 2020 Town Assembly Meeting, then June's assessment will be the official assessment.

3g) Standing Committees Reports (Ascending Order)

(Descending: Jan & June. Ascending: March & Sept)

- Archives - Lisa Mullinax
- Audit – Cookie Ohlson
- Budget – Warren Rosenkrantz
 - 2021/2022 Budget Ballot Referendum sent to Registration last week.
 - After consulting with Trustee Carl Falco, Treasurer Skip Bailey and Village Chair Jeffrey Politis, they came up with reducing committee expenses by 10% except for Forest Committee, and Safety Committee, which has taken the 10% or more reduction last year. The reduction is to help

the Prudent Reserve recover from its low point from last year.

- Jeff - There is an opportunity for anyone to present a motion at Town Assembly to change the budget should they disagree with the budget. This is why the Referendum ballot is presented at the Town Assembly to be approved to be sent out through referendum at the meeting. It can be amended at the meeting. This is a recommendation of the Budget Committee, but ultimately, the Town Assembly is the one who approves it to be sent out.
- Trash line item in budget should be lower (March to September should be flat) than the present number but it is hard to predict based on changes that will be discussed by Civic Committee.
- BWVC - Denis O'Regan reporting on:
 - Slight decrease in revenue. Will present revenue projections. The Buzz manager remains on payroll because she is a valued asset to the Buzz.
 - Will provide a general overview of their COVID sensitive topics. COVID guidelines posted to Arden Page and Village website. Jeff: Use of COVID money cannot offset lost income. COVID money could be used to upgrade some systems to add protection like air purification, hand sanitizers.
 - Strength & Mobility classes are on line and donations have been received.

- Civic – Steven Benigni
 - Report on fixing concrete swale on Meadow Lane (cost \$24,200 which included an additional \$2,200 that was not part of original estimate). It is less than the other two bids that were acquired.
 - All MSA funds depleted. For the remainder of the year, street work repairs will have to be funded by budget. Warren suggested to see if there is any state money for storm damage. Jeff is working with state/county officials and DelDot to try to get some reimbursement from a storm stand point. The resilience fund was not directed for this repair. There is a DelDot fund which Jeff is trying to find out how to access, with the help of Ray Siegfried and Cathy Cloutier. The Village has applied for funds at various sources. Historically, it was determined that the run off problem was DelDot's responsibility and suggested this is another avenue to pursue for reimbursement of funds. Whether it was caused by it or not, clog drains impacted that.
 - Project increase in the estimated cost for trees (White Pine tree \$3,000 to \$4,000 was not anticipated).
 - They are in process of preparing a priority plan to determine funds available in this year's budget. As well as reevaluate projects that already have been approved. To defer to next year's budget. Jeff suggest to allow estimate for potential snow fall.
 - Field Theater - COVID making sure guidelines enforced.

- Waste Management - All three villages will go with the pilot program, which will recycle every other week. Part of negotiation eliminated the increase of 3% rate for the upcoming year.
- Community Planning – Jennifer Borders
 - New guidance statement policy developing in CP (has been posted to Arden Page and Village website to obtain town feedback.)

Feedback:

Definition of committee description has not been changed. Trying to flesh out what it means because it is extremely vague. Brooke points out that committee descriptions are in Delaware law and they went through a formal committee when there was a legislative Committee. They produced a document with description and the Committee descriptions were approved by town meetings. CP will present a motion to approve a policy (will be included in agenda).
- Forest - Carol Larson
 - Committee position is vacated by Jeff Martin. The committee submits Clendening's name and will request nominations from floor.
 - Report on the water quality master plan grant.
- Playground – Larry Walker
 - Reopening of Arden playgrounds, except basketball court, because of social distancing concerns (per NCC guidelines).

No daily cleaning of equipment. No hand sanitizer stations, etc.). NCC does not specifically identify basketball courts, but it's up to town to respect social distancing guidelines.

- Safety Inspections performed
- Registration – Elizabeth Varley
 - Update voter registrations list in a virtual manner over several days. The committee will post dates once set.
 - Elizabeth will run election this November. Will announce dates of elections (maybe Nov 18?) once set. File for Budget ballots and list of assessor's nominees and will need them back within 2 days after Town Assembly meeting so it can go to printer. Registration requests Budget Committee and Assessors for their cooperation due to time constraints. With the rescheduled Town Assembly date of October 5, that gives a quick turnaround of 3 or 4 days to get to printer and in the mail. One of the guidelines is that the budget has to be completed withing 30 days.
 - Postal service tax still has not been addressed and Registration still needs to discuss mailings. Returns can be dropped off in town mail box if running late.
 - Need two rooms at Buzz Ware.
 - Due to Covid, it has been suggested that Registration Committee should hold a zoom meeting when counting ballots. Several newbies have expressed interest in observing

Hare Method of voter ranking in choosing members for Assessors.

- Safety – Brooke Bovard

4) Old Advisory Committee Business

4a) Posting of minutes on website.

All committees are responsible to post their minutes to website.

4b) COVID-19 Expense Reimbursements

The Village is allocated about \$15,000 from New Castle County. Arden's Treasurer, Skip Baley, is tracking COVID related expenses that are not included in the current budget (Examples of expenses incurred specifically due to COVID: air purification system, masks, gloves, additional labor for extra cleaning that is not standard cleaning, signage, hand sanitization, etc.).

4c) Is there something the Ardens can do to provide space at the Buzz Ware for parents to use in any number of ways? Suggest provide a survey to see what are the parent's needs. Covid funds can be used to support community during these times. The YMCA and JCC were contacted to see if they were interested in partnering with Arden's but they are not interested. The Lieutenant Governor's office has offered to help the community expedite it through the process if we should provide services. The Department of Education was contacted and they are looking for ways they can help. There is a regulatory difference between charging for this service vs. no charge in terms of licensing & staff, etc. Jeff will provide the link to the survey that is online.

4d) Request from Forest Committee for funds in the amount of \$1,800 from the Pendulum Fund in which the officers need to decide. There is a greater discussion point through the lawsuit of whether the Officers want to approve it. Jeff opened up discussion for feedback from the Advisory board to see if there was interest, but he points out it is not required since it's within the officer's decision to approve funding. The board expressed interest.

Discussion:

Settlement revolves around:

Structuring the Pendulum Fund as a trust. Have a committee, not the officers, whose focus would be to approve Pendulum Fund requests. (If you want to participate in discussion, let Jeff know.)

Terms of moving forward

The number one issue at hand was the purchase of Mill Rice Road. Prior to that, there were no issues in terms of how the money was to be spent. The attorney's view was that we were still doing things the way we had always done them prior to the Mill Rice Rd purchase and there have not been any objections for ten years. Based on that, he thought it was low risk for Arden to do so, especially given that the money has been tied up due to the lawsuit for years. It could impact on how things move forward.

Does the settlement involve money?

Case is twofold:

1) The Plaintiff's claims that it was an inappropriate spend based on the restrictions of the will. The Village is asking the court to decide if it was appropriate to spend money for land, based on the will.

2) We were out of the process of the Charter and that the money could not be spent without going through the budgetary process. The courts don't want to get involved in town processes and governing pieces. Both parties agreed.

To Address if appropriate spend of money for land based on the will
The Pendulum fund has acted like a trust but not in an official capacity.
The settlement agreed to formalize it and actually put it into a trust. Now that we are negotiating what does the structure of that trust look like.

Legal fees reimbursement

(Jeff will have to look to see if reimbursement of legal fees for the plaintiff was part of lawsuit. If so, the judge would have to grant that. No counter suit, meaning if the Village wins, not reimbursed by plaintiff for legal fees).

The Forest Committee is requesting \$1,800 to protect the boundary and to repair the forest that borders Sunset Lane. It is very clearly within the boundaries of the will. We recognize that we do not have an official trust structure and that is where the risk is, in that we continue to act outside of the trust structure, even though we have always done it this way.

Carol Larson would like to go back to the committee to reevaluate. But if they go forward, this is the discussion surrounding the decision to approve \$1,800. Elizabeth says the officers have the absolute right to do this and that a lot of thought went into the structure to set this procedure up.

Background

Background: The settlement was voted on at the January Town Assembly and it was approved to create a trust. The structure of that trust was not put into the settlement. We agreed we would pull this part out of the court case and agree to the nature of that trust. If we can't agree on the nature of that trust, the Village might have to go back to court.

Budget Line Item

Suggest adding a line item in the Budget to spend the Pendulum Fund? Add the entire dollar amount into the budget (interest included) with an asterisk to be spent in accordance with the policy set by Town Assembly meeting or amend budget at the Town meeting. Budget Committee will discuss and get back to Jeff on this.

At this point it is up to Forest if they want to submit request \$1,800 or withdrawal request. The request is already in and based on that the officers will have to make decisions.

5) New Advisory Committee Business

6) Guest Comments and Questions

7) Set Town Meeting Agenda

- September 28, 2020 adjourn meeting and reconvene October 5, 2020
- Advisory Committee Report - Nominations for Board of Assessors
Submit nominee to Advisory @arden.delaware.gov.
- Board of Assessors – Opportunity to present an Alternative Assessment
- Budget – 2021/2022 Budget Ballot Approval
- Community Planning – Motion to approve policy statement
- Forest – fill vacant position

Elizabeth will check with Cecilia about Registration information for post card.

Will need to obtain Zoom information for postcard

October 5, 2020 Agenda Motion Approved.

Approved motion to hold Town Assembly as an all Zoom meeting.

8) Meeting was adjourned 9:45 p.m.

Next Advisory Meeting is scheduled for Monday, January 4, 2021, 7:30 p.m. at the BWVC or Zoom meeting to be determined.

Respectfully submitted,

Elizabeth Resko,

Village Secretary