

# Arden Advisory Quarterly “Zoom” Meeting Minutes

June 7, 2021

Advisory Chair presented the following Agenda:

## Meeting Notice

Advisory Committee

Monday, June 7, 2021, 7:30 p.m.

via Zoom.us teleconference

## AGENDA:

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

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## TYPICAL TOWN MEETING AGENDA:

- 2a) Call to Order
- 2b) Election of Officers and Committees
- 2c) Approval of Minutes
- 2d) Recognize New and Departed Residents
- 2e) Visitors
- 2f) Reports by Officers and Trustees
- 2g) Assessors
- 2h) Committee Reports in descending order
- 2i) Old Business
- 2j) New Business
- 2k) Good and Welfare
- 2l) Adjourn

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- 3) Old Advisory Committee Business
    - 3a) Website Maintenance
    - 3b) Ad Hoc Committee to study updating Charter and Ordinances
  - 4) New Advisory Committee Business
    - 4a) Crosswalk at Marsh & Harvey Rds.
    - 4b) Candidates for Safety Committee
    - 4c) Formation of new trust to handle Schroeder funds
  - 5) Guests Comments and Questions
  - 6) Adjourn

Attendance: Danny Schweers, Jeff Politis, Skip Bailey, Elizabeth Varley, Brooke Bovard, Larry Walker, Carol Larson, Steven Benigni, Lisa Mullinax, Deborah Ricard, Jennifer Borders, Barbara Macklem, Beverly Clendening.

Guests: Carol DiGiovanni, Marianne Cinaglia.

Arden Advisory “Zoom” Meeting commenced at 7:32 p.m.

## **AGENDA**

- 1) Acceptance of March, 2021 Advisory Meeting Minutes approved as presented.
  
- 2) Set Agenda of Next Town Meeting
  - Election for two (2) vacant positions for Safety Committee (4 nominees).  
Will present vote following call to order.
  - Visitor: Andrew Hayes, Forsite Associates, Inc., Sr. Engineer and Landscape Architect will present an update on the Master Stormwater Plan.
  - Advisory will present a Motion to approve DelDot’s construction plan at Harvey Rd & Marsh Rd.
  - Budget Committee- Fill one vacant position due to a resignation.
  - Treasurer - Report Review Financial Policies
  - BOA - Final Assessors Report

Agenda Approved

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TYPICAL TOWN MEETING AGENDA:

2a) Call to Order

2b) Elections of Committee Members

Safety Committee will have an election to fill two (2) positions (4 nominees) because it is a carryover from March elections. An election would have to have slated candidates ahead of time. Normally, no nominees are submitted from the floor the day of the election because it is a ballot. Concern was expressed about setting precedent it creates going forward for elections. Goal is to adhere to the process that is in place for running elections. The reason being this election is outside of the voting process is because there were not enough nominees on slate in March. Jeff suggests that the Registration Committee make the final determination on the voting method of ballots and/or nominees submitted from floor and to announce their decision at the June Town Assembly. Logistically, Safety's election will be presented on the agenda following Call to Order.

Budget Committee is replacing a resignation to fill one position. This will be an appointment that could turn into an election if a name is submitted from the floor. All ballots must be turned in by Thursday, June 1 at 3 p.m. Deborah Ricard presented a motion: Moved to run a poll for open budget position. Motion passed. Logically, polling appointment should be held when they present their report.

Point of order was called by Jeff Politis for meeting disturbance by Carol DiGiovanni. Danny Schweers, Advisory Chair, addressed issue.

2c) Approval of Minutes

2d) Recognize New and Departed Residents

2e) Visitors (Time limit 2 or 3 minutes).

Andrew Hayes, Forsite Associates, Inc., Sr. Engineer and Landscape Architect presented an update on the Master Stormwater Plan (5 minutes for presentation and 5 minutes for Q & A)

2f) Reports by Officers and Trustees

o Town Chairman's Communications Report – Jeff Politis

- DelDot completed their plans at Harvey and Marsh Rds and obtained all approvals from all parties involved except from the Village of Arden. A motion will be presented to approve the easements for the sidewalks in front of the Oddporium and Bob Lockerman's leaseholds and to accept ownership of the installation of the sidewalk which will transfer to the Village of Arden. Jeff contacted insurance agent about whether there are any additional liabilities. The initial verbal response was probably not, but he is waiting for an official response. Jeff has requested DelDot representatives or their third-party contractors to explain the plan and to answer questions. Jeff and Danny will work together to write the motion and will send it out as a communal emails and post to Village website along with the plan. The motion will be presented by Brooke Bovard as part of the Advisory report.

The DelDot plan was discussed at a number of community meetings and several free-standing meetings last year, but it was not discussed at town meeting. (The last update at town meetings was January 2021 Chairman's Communications Report #3 Speaking of the Harvey/Marsh Road intersection. Many of you know that the Village along with the surrounding communities worked with DelDot on ways to improve the safety of the Harvey/Marsh Road intersection. This work has been going on for at least a year and DelDot recently presented a final plan which included crosswalks across all roads and some changes to lane markings. Work will begin once they obtain the necessary easements. This is exciting and should be a big improvement for everyone who uses that intersection. Thanks again to Ray for making sure this project was fully funded and ready to go).

- Point of discussion potential for a governance task force.
  
- Trustee - Elizabeth Varley
  
- Treasurer – Skip Bailey
  - Review Financial Policies. Present as he did last year. (Last year: Danny points out that the purpose of the annual review of the Financial Policies is that this is the time for people to look at policies and suggest amendments. They will need to be reviewed, not just highlighted. Jeff and Skip will meet prior to “hybrid - telecommunication/Zoom” Town Assembly to figure out the best way to present Financial Statements, Treasurer’s Report & Financial Policies.

Danny suggests posting reports to Village website at least a week prior to June Town Assembly meeting, and then have it on screen as it is being reviewed at town meeting.)

- Skip is looking for clarity regarding how the state is looking at the description of the town budgets to make sure the town receives maximum funds from the American Recovery Protection Act than are currently slated.

- Advisory – Danny Schweers

2g) Board of Assessors – Deborah Ricard will present Final Assessment Report (spreadsheet available on line & hard copies will be available at Arden library).

2h) Committee Reports in Descending Order (*Descending: Jan & June. Ascending: March & Sept*)

Safety – Brooke Bovard

Convener has not convened a meeting since March's election to vote for Chairman.

- Registration – Cecilia Vore

- Playground – Larry Walker

Replacing horses with two squirrels on Village Green. Continue to replace playground equipment utilizing grant funds.

- Forest - Co-Chair Carol Larson & Beverly Clendening
  
- Community Planning – Jennifer Borders
  
- Civic – Steven Benigni.
  
- BWVC – Betty O'Regan and Mary Young Co-chairs (Absent). Danny will reach out to Betty.
  
- Budget – Deborah Ricard  
Position vacant due to resignation.

Working on referendum ballot

- Audit – Cookie Ohlson  
Deborah Ricard standing in for Cookie Ohlson
  
- Archives - Lisa Mullinax

2i) Old Business

2j) New Business

2k) Good and Welfare the season for graduations.

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3) Old Advisory Committee Business

3a) Website Maintenance

A new administrator has signed a contract with limited hours. To request website services or any IT services from Rob, contact Village Secretary for approval.

Danny encourages all to use the official gov email. The email is name of committee (audit, budget, archives, etc.) (Committee name.Delaware.gov).

Please contact Cecilia, Jen, Carol or Liz to acquire PW, trouble with email, posting minutes, etc. Do not use the previous Chair sign in.

3b) Ad Hoc Committee to study updating

Village Charter, Ordinances, and Policies. John Scheflen, Jennifer Borders are working on a description of what that committee would look like by defining the structure. Jeff is planning on meeting with them shortly and will provide update in his communications report.

4) New Advisory Committee Business

4a) Crosswalk at Marsh & Harvey Roads.

4b) Candidates for Safety Committee.

4c) Formation of new trust to handle Schroeder funds.

Jeff has been working with the Village lawyer, Ted Rosenthal, on the draft.

When completed it will be presented to the Advisory Committee and to the town for referendum vote.

(Carol refers to a motion presented as part of the Advisory Report at the January 2019 Town Assembly as follows:



**9.0 Advisory Committee Report – Danny Schweers**

Motion to approve the following path forward regarding the lawsuit filed against the Village by Ms. Carol DiGiovanni involving the purchase of 5 Mill Race Road

1. The Village is engaged in a lawsuit concerning (a) the propriety of the Village's use of the Schroeder Bequest funds to purchase 5 Mill Race Road, (b) the imposition of a more formal trust structure for those funds and (c) procedures for using the funds.
2. The parties have been engaged in settlement discussions to limit the scope of the dispute to question "a" (i.e. the court would decide whether the use of the funds was proper in light of the bequest), and to resolve items "b" and "c" outside of court.
3. As to "b" and "c", the parties would agree that a trust structure is appropriate for the bequest (with the terms to be determined and approved via Town Assembly).
4. Further, the Village and the attorneys would jointly review Arden's governing documents and practices to ensure compliance with changes in Delaware and New Castle County laws/ordinances as well as FOIA and electronic/email/internet communications. The findings will be provided to the Town Assembly.
5. The value of the settlement structure is it greatly limits the scope of the litigation (such that resolution in the next 6 months is likely), and

allows Arden governance matters to be determined democratically by the Village.

End of Motion. **Motion seconded & approved.**

Since this motion was not readily available during this meeting, it could not be fact checked. Nonetheless, she believes that both parties need to agree to forming the Schroeder Trust. Meaning Carol DiGiovanni and the town both have to agree in forming the trust, not just the town. Jeff says this is not his understanding and he will leave that to have a discussion at another time.

4d) Electronic or in-person meetings

Town Assembly meetings

It is not known when the Governor will remove the declaration that allows for electronic meetings. It is time to start planning for in person Town Assembly meetings for September.

Committee meetings

Can do in person meetings because they are small groups and the Buzz is a large space. Community Planning finds it beneficial to work on line because as a group they can share and edit documents on line. Zoom meetings are an extraordinary measure that the state put into place due to Covid. It may be withdrawn by the state. Until they do, Zoom meetings are allowed.

Covid Guidelines for Town Assembly

Should create general guidelines similar to the BWVC. In addition, it is recommended that the Advisory Chair announce in his June Advisory Report

that they are planning on following the state guidelines for September's in-person Town Assembly.

#### 5) Guests Comments and Questions

Marianne Cinaglia recommends putting together a group of people to look at the Charter and the bylaws and look at the methods that have been adopted over the years and see if they are true to the Charter intent. Develop a clear understanding of how the government of Arden should run. Are we originalist or do we update our charter? Review annually or five years? There is a need for consistency in both the way ordinances are enforced and the way that committees operate that agrees with the Charter. If the Charter needs to change, then that will be addressed. What works and what has not been working. Jen, John and Jeff have been working on this. All thanked Marianne.

Jeff adds something worth considering

He says as we think about the future on any given day, there are pieces of legislation that are laws that restrict municipalities. One of the biggest threats to the Town Assembly style of government (or quarterly meeting style of government) comes from our ability to function within the broader state of Delaware government. Often the Ardens get exemptions from these things, but they come up. As we go forward, we have to look at how does this government survive with the external pressures on municipalities to do things a certain way. We are one of 55 municipalities in the state and three runs differently than the other 52 and very often our legislators do not recognize that. We need to be aware of this. It is not impacting what Marianne was saying today, but it is something that can heavy impact from us going forward.

6) Adjourn 9:05 pm

Respectfully submitted,  
Elizabeth Resko,  
Village Secretary

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