

RESENT: Steven Blades, Dale Brumbaugh, Dave Gerbec, Sue Rothrock, Ann Schmittinger and Larry Walker, Secretary

Visitors: Mike Cressman, Mike Curtis (Trustee) Connee McKinney (Trustee)

The Meeting was called to order at 7:40 p.m. at the BWVC.

MINUTES: The Minutes for the May 9, 2007 Meeting were corrected and approved.

CRESSMAN'S FENCE

Because of the visitors, the first item to be discussed was the Cressman's Fence.

Sue Rothrock reported that she had met with Felise Cressman, and told her of the Civic Committee's decision. The Committee requested that the Hillside Road fence be moved back to the property line, starting midway and extending to the Miller Road-Hillside Road intersection. This would allow the specimen plants to remain, while meeting the goal to improve visibility for drivers approaching the intersection. Sue told Felise that the Miller Road fronting fence could remain because of stoppage erosion until the fence needed to be replaced, and then the fence should be moved back to the property line.

Connee McKinney said that the concern was for the safety of drivers and pedestrians on Miller Road. She asked Sue if she was aware of the signed agreement between the Trustees and Cressmans. Said that she had talked to Mike Curtis, who told her to check on the agreement. Sue said she had not followed up on that until after the Civic Committee had discussed and made the decision on the issue. Sue said that before she got a chance to write the letter, she told Mike and Connee, who asked her to hold off until they explored the matter further.

Mike Cressman felt it was not sensible to move back their fence on Miller Road when the other side of the street was not sensible for safety.

Only at the closing had he learned about the problem of the 40 year old encroachment of the fence.

Connee said that other Town Residents were aware of the encroachment, since Arden is a small town. The Trustees had a policy of dealing strongly with encroachments at the time of Lease transfers, and the Cressmans' fence was treated like other. Mike Cressman said that this policy was ridiculous.

Mike Curtis said that the Trustees cannot give a leaseholder permission for a Resident to encroach on Town property. Larry Walker mentioned that other encroachments had resulted in permanent building being demolished and driveways being moved.

Mike Cressman replied that cost of moving the fences was not an issue, but it did not make sense to him to spend money for no sensible purpose.

He asked:

What was the Town losing?

What does this dispute tell others in Arden about seeking sensible solutions?

Mike said that he regrettably agreed to sign the Agreement on moving the fence, and he agreed to do this under duress at the time of the closing. The fence is needed for security, because young people park along Millers Road so they can go into the woods to hold a party.

Mike Curtis wanted to be sure that the Civic Committee could agree to let a leaseholder encroach on Town rights-of-way. Sue said that there are many encroachments known to many, and she did not think Arden should single out new leaseholders.

Connee said that encroachments have been a long-standing problem, and the Trustees have been trying to clean them up at the time of Lease transfers. She said it was a difficult issue to resolve, and it was painful.

Mike Cressman replied, "Again, what is the point?" He felt safety did not appear to be an issue in the decision. Mike Curtis replied that we live in a nation of laws, not a nation of rational people. Connee hoped that something could be worked out that would meet everyone's concerns and needs, and that the solution would be sensible.

Mike Cressman also wanted to be relieved of liability in writing if there were any future problems as a result of relocating the Miller Road fence. He wanted the waiver prepared by a lawyer

Mike Curtis and Connee wanted to make sure that the new agreement on the fences that the Civic Committee might make would be reviewed by the Trustees before the existing Trustee-Cressman Agreement was cancelled. Mike said that this situation has caused a likely change in policy when leases are transferred. He planned to get a survey completed and encroachment issued resolved before a house goes up for sale.

Larry suggested that the Civic Committee put a time limit of 10 years, or upon lease transfer, for its new agreement.

Sue said that the points of the Civic Committee Letter of Agreement would include:

1. The Hillside Road fence would be moved back, starting half way down the property.
2. The Miller Road fence would be moved at the time of major repair, or lease transfer, or 10 years, which ever came first.
3. The Cressmans will not be responsible for subsequent bank erosion after the fence is removed or relocated.

Ann Schmittinger felt that forcing the move of the encroaching fence was not in the spirit of Arden, for destroying specimen planting and trees went against things that the community valued. Dave Gerbec felt it was not fair to force new residents to make changes to resolve encroachments.

Mike Cressman felt that he was being made an example, and did not like it. Larry Walker said that over the past decade, the Trustees have had to deal with many anomalies and encroachments and frequently there were hardships and bad feelings

Sue and Dave both said that a policy on encroachments on rights-of-way needs to be well thought out. In this case, there is the issue of Hillside Road actually encroaching on the Cressmanns' Leasehold, and there should be consideration of the paying full rental value for all land used by the Leaseholder.

NEW BUSINESS

Sue reported that the Shakespeare Gild will purchase and install new lights for the Field Theater. She presented their plan, and presented pictures of the lights to be installed. The system will be 12 volts (low voltage) for outdoor safety, and there will be "up-lighting" for the rock and trees. The existing sign will be rebuilt so that it will be deeper to allow space for installing the controls and transformers, and give a finished appearance to the installation. The Shakespeare Gild will be responsible for maintenance and repairs of the light system.

The Advisory Committee suggested that the Civic Committee should consider adding an additional fee for use of the lights whenever the Field Theater is rented. The Committee did not feel that this was necessary.

Sue reported that Patros Path had been rebuilt, and there were many favorable comments on the new look. There will be a Household Hazardous Waste Collection held on June 9 at the Kraus-Woodshaven site on Darley Road, and an announcement of this was distributed with the Arden Page, along with the "Big Trash Review."

At the BWVC, the sea oats were cut, and are going to be sprayed with weed killer,. Some perimeter rocks will need to be moved in, since the beds will be smaller. The BWVC committee plans to put annual flowers in the two beds in front of the building, and the Civic Committee approved the ACRA Summer Program planting a summer flower bed near the building.

The time for the next meeting will be set later.

Submitted by

Larry C. Walker

Secretary