

Village of Arden
Civic Monthly Meeting Minutes
May 25, 2022

Attendance: Steve Benigni, Carol Larson, Ed Rohrbach, Rick Ferrell

Absent: Mark Wood

Guest: Scott Kushner, Danny Schweers, Michelle Lauer, Bev Clendening

Meeting commenced at 7:58 p.m.

Minutes: April 2022 Civic Monthly Minutes approved as presented.

Bamboo - Club House Path

Civic is in the process of applying for ORPT grant. The DNREC Outdoor Recreation, Parks and Trails Program (ORPT), formerly known as the Delaware Land and Water Conservation Trust Fund (DTF), is a matching grant program assisting with public park land acquisition and outdoor recreation facility development in Delaware. Civic Committee submitted a preliminary ORPT matching grant requesting funds to replace Club House Path, an historical walking trail that has been uprooted by bamboo. The actual application will be submitted later. They have already received a letter of receipt. Preparing application for review. Sources of matching funds will come from Danny Schweers & Barbara Henry per county code, and over and above that amount will come from Civic's budget and then the Village. If this grant does not process, then they will meet again to determine the next step.

Ordinance #11 ENCROACHMENTS ON THE RIGHTS OF WAY (a copy of Ordinance #11 follows the minutes.)

Bev Clendening is a member of the newly formed Ordinance sub-committee of the Governance Task Force. The purpose of the Ordinance sub-committee is to review

Ordinances and to clarify issues and make sure everyone understands that they follow the written word in the Ordinance. Per Civic's request, she is looking into Ordinance 11 to re-examine jurisdiction between Safety Committee, Civic Committee, and Forest Committee.

Background: At one time Civic Committee was responsible for all encroachments on the Rights-Of-Way. They moved this responsibility to Safety Committee at the June 22, 2009 Town Assembly. After this change, Civic continued to take down trees on the right of way as needed and Safety has been fine with this.

As Steve understands the Civic Committee did not agree to "all" encroachments transfer to Safety Committee. The current members of the Civic Committee interpret the intent was that non-safety related encroachments remain under Civic's jurisdiction. For example, Steve Benigni's leasehold fence is encroaching onto the Grocery Path. Therefore, (per the legal revocable license he received when he purchased his leasehold), he cannot rebuild it without moving it back. Since only four leaseholds received a "revocable license", he asks is this still upheld? Sue Rothrock, previous Civic Chair for many years, wanted to keep Civic involved in this type of non-safety fence issues. Bev points out that this is an example of ordinances not being enforced consistently.

The Civic Committee is requesting the Ordinance sub-committee to re-examine Ordinance 11. Specifically, they are requesting to clarify that non-safety related encroachments, which include trees and fences, remain the responsibility of the Civic Committee. Safety Committee has expressed that safety issues are their main concern under Section 1. Also noted was that joint responsibility is not written in Ordinance 11 even though there was a discussion that was voted on at the town assembly that

defined division of encumbrance responsibility; Safety takes care of all encroachments that have to do with roads and paths. Forest was responsible for all encroachments with people going into the woods. Civic agreed to be responsible for leaseholds encroach onto the Greens.

Going forward Civic would like a meeting with Safety, and Forest Committees in conjunction with Ordinance sub-committee to resolve this once and for all to delineate where one thing leads off and one thing picks up; it should be clearer than apparently it is.

Storm Water Planning Grant

The town voted to designate \$134,100 ARPA funds for Storm Water Plan. In order to implement that, Civic Committee needs to apply for the Storm Water Planning Grant. They will work with Forest Committee to meet deadline. Installations on individual leaseholders' property will be maintained by the Committee, probably by setting up easement. Civic will make sure they are legally covered.

Roads

Paving is scheduled. There are three areas: 1) Paving work for 2022-2023. Rick will circulate a map showing what is proposed for this year. Approximately \$11,000 for paving plan, plus an additional \$6,000 if budget allows. 2) Pervious paving in different areas can be done by Smith Paving Company. 3) Denis O'Regan has been directed to speak to Ed concerning his questions about the paving area. The concrete gutters 160 ft x 2 ft on Meadow Lane estimated cost \$15,000.

Path Signed Post Done. Thank you, Ed!

Harvey Rd & Orleans Rd

DelDot is moving forward with the ADA compliant crosswalk. There were concerns about the water flow in that area and about the condition of the storm water drains. Jeff Politis, Arden Chairman, has been in touch with all the people involved in the Village on this matter. He is planning on holding a meeting soon to review the most recent drawing submitted by DelDot.

Advanced Ecology

Advanced Ecology has provided three quotes. One quote is for the major clean out of catch basins costing \$2,775. A second quote is for monthly clean out at a cost of \$7,200 and the third quote is for bi-monthly cleaning for \$3,600. Civic Committee are not sure if they need this service. They will do a walk through themselves to determine if this service is needed. Rick and Ed agreed to check it out and report back to the group.

GaGa Pit

The Playground Committee has reviewed the Eagle Scout's request for a pit on the Sherwood Green and they have determined they would like the pit to be portable in which it can be taken down and stored rather than a permanent installation. Civic Committee has reached out to the Arden Club, who also will have input into this decision about a pit installation.

Field Theater

Ed and Steve determined that 8 or 9 boards need to be replaced before the June Shakespeare performance. Ed has volunteered to replace them. The Shakespeare Gild has requested to stain the benches. Due to limited time, they will stain all seats after June's performance.

Trees & Greens

Ash Tree hanging over Meadow Lane is dead. Cost to remove \$650.

Sycamore Tree that Bev asked about will cost \$600 to remove.

Huge Sassafras at Sherwood & Lovers Lane (across from Roger's) is dead. There are two leaders, one leader is on the leaseholder's property and the other is the town's.

Carol Larson was approved by the Civic group to take care of these trees.

Maple tree on Woodland Lane near Mandy's driveway needs to be addressed. If it falls, it will take down the wires. One of the wires is laying on the branch. Carol suggests to take down one of the big branches, which is a big job in itself. Carol and Ed will evaluate it again in conjunction with consultation from Ron. Civic gave their approval to do whatever is recommended.

Memorial Garden Overflow

Stile area at the Memorial Green has a shrubbery that never revived and now it needs to be taken out.

Transportation Work Group

On August 3rd the three Ardens plan to host WILMACo walkabout which is a four-hour community workshop in which they will talk about pedestrian traffic in the Ardens and how it can be a better experience.

Playground Horses

Brooke Bovard has requested the horses once they are removed from playground.

Civic Committee believes it is not their decision and believe they are an asset of the town to dispose of as they wish.

Adjourn 9:32 p.m.

Respectfully submitted,

Liz Resko

Village Secretary.

VILLAGE OF ARDEN ORDINANCE - #11 ENCROACHMENTS ON THE RIGHTS OF WAY Adopted by the Town Assembly June 22, 2009 Revised text replaces Ordinance #11 adopted September 28, 1992

PURPOSE: The residents of the Village of Arden wish to promote safety in the Village of Arden by requiring that residents refrain from improperly using areas between leaseholds and paved roads or paths, commonly known as the right-of way. SECTION 1. The criteria for maintaining rights-of-way are that they be kept clear enough to allow pedestrians to step off the road surface to make way for vehicular traffic, to allow daytime parking with two wheels off the road surface except where such parking is specifically prohibited, and to allow for safe visibility of pedestrians and vehicles. SECTION 2. It shall be the responsibility of each leaseholder to refrain from introducing anything that will interfere with rights-of-way adjacent to their leasehold. Rights-of-way shall be kept clear of plantings and overgrowth that do not meet the guidelines set forth in

Section 1. With the exception of mailboxes, rights-of-way also shall be kept clear of permanent objects that do not meet the guidelines set forth in Section 1.

SECTION 3. The Safety Committee is empowered to determine which leaseholds have plantings or permanent objects that need trimming, cutting, cleaning, or clearing to comply with this ordinance and shall inform leaseholders or their tenants, in writing, of their determinations.

SECTION 4. In the event such notice from the Safety Committee does not result in the required action within thirty (30) days, the Safety Committee is empowered to have the work done.

SECTION 5. The leaseholder or tenant may request an appeal hearing of the Safety Committee determination. The request must be filed with the Town Assembly Secretary in writing within thirty (30) days after receiving the Safety Committee notice. Such appeal shall negate Section 4 until after all appeal options have been exercised. The appeal shall first be heard by a board of one member each of the Safety, Civic, and Community Planning Committees within thirty (30) days. If the result of the appeal to the board is not satisfactory to the leaseholder or tenant, the appeal may be heard at the next Town Assembly by filing a request in writing with the Town Assembly Secretary within seven (7) days after the decision of the board. The decision by the Town Assembly shall be final. All decisions of the board and the Town Assembly shall be transmitted to the leaseholder or tenant in writing.

SECTION 6. Violations of this ordinance shall be punishable by a fine of not less than twenty-five (\$25) and not more than one hundred dollars (\$100), in addition to the cost of the work done under Section 4.

SECTION 7. The right-of-way shall be determined by the distance from the center of the currently paved road or path to the leasehold. The following widths of rights-of-way, which were recorded in the Deed

of Transfer between the Trustees of Arden and the Village of Arden on April 17, 1967, shall be used by the Safety Committee for all right-of-way determinations, unless evidence is presented to the contrary in the form of a leasehold survey. ROADS / LANES / PATHS 50' The Highway-Orleans Road intersection 22' Lovers Lane 40' Meadow Lane 20' Orleans Road-Lovers Lane to Hillside Road 35' Green Lane - Cherry Lane to Ardentown 18' access to Lot #87 from Sherwood Road 30' Cherry Lane 15' Cherry Lane-Green Lane to woods 30' The Highway - except at Orleans Road intersection 15' Mill Lane 30' Inn Lane 15' Walnut Lane-Green Lane to woods 30' Green Lane - Cherry Lane to Woodland Lane 12' St. Martin's Lane 30' Hillside Road - Sherwood Road to Arden Woods 10' Fire Lane from Marsh Road 30' Little Lane 10' Forest Lane 30' Lower Lane 10' Pond Lane 30' Millers Road 30' Orleans Road - Millers Road to Lovers Lane PATHS 30' Sherwood Road 15' Milky Way 30' Sunset Road (behind the Buzz Ware Village Center) 15' Nature Path 30' The Sweep 10' Pump Path 30' Walnut Lane - Millers Road to Green Lane 10' Grocery Path - Orleans to Little Lane 30' Woodland Lane 8' Grocery Path - Hillside Road narrowing to 7' at Little Lane 25' Hillside - Sherwood Road to Sherwood Forest 6' Clubhouse Path 25' Sunset Road from BWVC to Orleans Road 6' Lovers Path - Lovers Lane to Harvey Road 25' Wind Lane 6' Stile Path