

GTF: Ordinance and Policy Sub-Task Force Meeting Minutes Thursday, August 16, 2022

Attendees: John Scheflen, Kate Threefoot, Bev Clendening
Meeting was called to order at 7:33

Kate did not get a chance to look at the minutes from the July meeting. She will check them and send corrections and comments to Bev. John has approved the minutes from July.

Ordinance #6- Excavation

Kate reported her progress on Ordinance #6 which states that excavation involving roads in the Village require a permit which is issued by the Village Treasurer who also collects a fee that is set by the Civic Committee. Neither Skip Bailey, the current Treasurer, or Steve Benigni, the current Chair of the Civic Committee have any experience with excavation. Kate has contacted David Michelson, the past Treasurer, Allen Marks and Sue Rothrock, former Chairs of Civic Committee. She is waiting to hear back from all three. Kate has found no records of prior permits. John had a permit for excavation around 2011. He recalls that the permitting process was straight forward but that there was no inspection of the completed work. Kate recommended that the permit process be reviewed and updated if necessary. It was suggested that the permit should require an inspection on the completion of the work. It was also recommended that a central repository of permits be established.

Ordinance #11 -Rights-of-way

Bev reported that she has not been able to meet with the Trustees yet to discuss this ordinance. She will compile notes which include 1) a history of this ordinance and its relationship to State and County code, 2) notes from her discussions with Sue Rothrock, and the Safety and Civic committees and 3) specific recommendation for revision of this ordinance. Briefly the recommendations include the incorporation of regulations on rights-of-way encroachments that do not present a safety issue and the inclusion of the Civic and Forest committees in the enforcement of these regulations. Bev shared a draft revision of Ordinance #11 which we will return to at the next Sub-GTF meeting.

Ordinance #7- Discharging Rifles, etc. or Other Explosives

John reported that the State of Delaware regulates the acquisition, ownership transfer, transfer, possession, and transportation of firearms. Municipalities may only regulate the discharge of firearms. Municipal laws, ordinances and regulations of firearm discharge should incorporate justification defenses. Ordinance #7 does not include justification defenses and should be amended to do so. Municipalities are permitted to regulate the possession, ammunition, components of firearms or explosives in municipal building. The Gild Hall and the Buzz Ware Community Center qualify as municipal buildings. The language of Ordinance #7, Section 1 is ambiguous regarding what types of devices are prohibited. Kate suggested that some examples be given preceded by the phrase "including, but not restricted to..." to encompass all projectile and explosive devices. Examples of projectiles include pellet guns and bow and arrow. Exceptions should not be permitted for residences due to the density of housing in Arden. John will work further on this Ordinance and will present a revised version of his recommendations at the next meeting. The current recommendations are:

- 1. Amend Section 1 to clarify what types of weapons are covered by Ordinance #7.*
- 2. Amend Section 1 to incorporate exemptions for self-defense, defense of others and defense of property by reference to 11 Del. C. Sections 4464, 465 and 466.*
- 3. Consider whether to prohibit possession of firearms inside the Buzz and Guild Hall.*
- 4. Increase the fines for violations of Ordinance #7, if the Village charter is amended to increase the limit on the amounts of fines for violations of ordinances.*
- 5. Designate a Village committee to be responsible for posting copies of Ordinance #7 in public places within the Village and on the Village website.*

Policies

Presently Village policies appear to be posted on the Arden website under pages of individual committees. The following policies were found: Reimbursement policies (Budget Committee), Community Guidance Policy (Community Planning Committee), Forest Stewardship Policy (Forest Committee). There may be other formal policies that we have not located. The subTF will try to compile a full list of policies by contacting individual committees. We will also encourage committees to create formal policies when informal policies exist. Members of the task force will contact committees as follows:

John – Archives, Community Planning, Registration

Kate – Budget, Buzz Ware Village Center, Playground

Bev – Civic, Forest, Safety

Meeting adjourned at 8:38.