

Trustees of the New Castle Common
Meeting Minutes
January 10, 2012

Present: Messrs. Alfree, Appleby (tele/con), Castagno, Clayton, DeAscanis, Gallagher, Gambacorta, Meek, Viola, Wilson, Yacucci, Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., Ms. MacDonough, Executive Secretary, Ms. Turner, Stenographer. Also present, Mr. Earl Carpenter (8:05 p.m.) of the New Castle Weekly.

The monthly meeting of the Trustees was held on Tuesday, January 10, 2012, at 7 p.m. in the Trustees Room of the Old Town Hall. Mr. Wilson called the meeting to order followed by a moment of silence. Mrs. Mimi Carpenter is unable to attend tonight. Ms. MacDonough will provide notes to her for the New Castle Weekly.

Public Input: None.

Monthly Calendar: There will be a public review on 1/25/12, 3 p.m. in the new New Castle library of the findings of the DNREC soil sample project on the Gambacorta marsh (Living Shoreline). Mr. Meek questioned the Trustees' interest in this project. Mr. Wilson informed the Trustees own the marsh and DNREC is looking at rejuvenating natural shoreline. Ms. MacDonough will be scheduling a demonstration of document management equipment at Hilyard's and will provide the date and time later. On 1/14/12, from approximately 8-11 a.m., Messrs. Wilson and Clayton will do a visual tour of some of the Trusts' properties. The purpose is to determine if any encroachment exists before letters are issued.

Minutes: Several corrections to the December minutes were noted. A motion was made by Mr. Alfree to approve the December minutes as corrected. The motion was seconded and approved.

Executive Secretary's Report: Ms. MacDonough reported. She still needs signatures from some Board members on a certificate for Katie Newell, former Library Director. Grades are starting to come in and will continue through January. She has received grades for seven students to date; there are 27 total. The new scholarship committee will review the grades and checks will be made out in February for the scholarships. She spoke with Mr. Sean Moore of Family Foundations about their student population. They secured space in the old St. Matthew School (grades 5-8) on Maryland Avenue, Wilmington. Their total enrollment is 751 and there are 330-350 students at 1101 Delaware (K-4). They are now the third largest charter school in the state. Encroachment letters – Our holdings (approx. 100 properties) include residential, industrial, commercial, and wetlands. The Property Development Committee decided a visual inspection of some of these properties was needed before issuing letters. Messrs. Wilson and Clayton will tour the first group of properties. She continues working on filing and supporting the vault committee.

Treasurer's Report: Mr. Gallagher reported. The December treasurer's report has been issued. He noted actual budget dates are incorrect and will be corrected. November treasurer's report was issued last month, but not approved. (Problem under 'maintenance' --we did not draw down the \$92,000 in general maintenance this month.) Ms. MacDonough informed the appropriate change has been made and will be distributed with the January 2012 treasurer's report. Mr. Alfree questioned repairs to pumps and faucets at the new library. Mr. Viola said the problem was a large grinder pump in the sewer

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system that failed abruptly the day before a major event. The pump was removed and replaced before the event. It was under warranty and they are working with the pump manufacturer to try to get some financial satisfaction.

Mr. Gambacorta inquired about the “cat food at Penn Farm” item shown under “administrative.” Ms. MacDonough informed there are a few farm cats being fed by the hunters and the entry represents reimbursement to the hunters. Brief discussion followed. Mr. Wilson added that he made a promise to Mrs. Quigley that he would look out for the cats.

Mr. Gambacorta made a motion to approve the December treasurer’s report. The motion was seconded and approved.

PROPERTY DEVELOPMENT COMMITTEE REPORT – Mr. Alfree reporting.

Encroachment & Hazardous Materials Letters – There are approximately 100 properties involved. The tour of properties that we believe are encroaching will reveal the magnitude of the encroachment.

Airport Easement – He has not heard from the Delaware River and Bay Authority. Mr. Alfree recommended removing this subject from his report until documents are received from them.

Penn Farm/Delmarva Easement (formerly School Lane Easement) – Mr. Taylor reviewed and returned the draft easement to Delmarva and is awaiting their response. Engineering work is continuing.

5 & 7 East Second Street Park (Town Hall Park) – We approved Vandemark & Lynch doing additional survey work in this area and are awaiting a quote from them.

Telecommunication/Antenna – Mr. Alfree met with the representative of the tele/communication firm. They are not ready to commit to a project at this time. They are looking to lease a piece of land from the Trustees. The amount of land they normally need to lease is an area 50 X 50 and they pay approximately \$1,000-\$1,500 per month. They would need a 25-year lease that includes 3%, or an amount the Trustees would determine. We would likely not be able to use our normal 10-year reevaluation for the land. They are looking at the areas of BJ’s and Penn Farm. Due to costs involved, nothing will happen until at least three wireless companies sign on to use a tower. An easement to access the tower for maintenance will be needed and the tower will be fenced in.

DelDOT Street Light & Traffic Camera – Mr. Taylor has draft legal documents to review from Burger King. The Property Development Committee suggests authorizing the president to sign the two legal documents once they are ready.

Ms. Fiske made a motion to authorize the president to sign the documents for DelDOT as negotiated by the PDC when they are received. The motion was seconded and approved.

Mr. Meek asked Mr. Alfree if he had received a communication from the Open Space Committee regarding acquisition of property adjacent to the Hermitage property that is owned by DiMondi relatives. The property is land locked and its value is questionable. Open Space is considering incorporating trails in the area. Mr. Alfree suggested sending the DiMondi’s a letter

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informing that we are reviewing our properties and since this parcel is land locked, ask if there is any opportunity to help maintain the land, and offer to commit it to an open space area if they would consider a donation. Discussion followed.

OUTREACH COMMITTEE – Ms. Ross reporting.

She thanked everyone for attending the grant workshop with City representatives prior to this meeting. The Outreach Committee met and discussed most of the grants (one outstanding). They will give their recommendation and send the City's request as written to the Finance Committee. Per the bylaws, the Outreach Committee meets and makes its recommendations to the Board. The City will be providing some outstanding information relative to its request before the Outreach Committee makes a decision. Lengthy discussion followed. When the committee's final report is ready it can be submitted to the Finance Committee for their review and report to the full Board in February 2012 for approval.

PROPERTY MAINTENANCE COMMITTEE – Mr. Viola reporting.

Vault Humidity Issue – Winterthur checked conditions in the vault and reported everything (temperature, humidity) to be in order and made some recommendations. The committee is also working with the contractors who installed the system. There are no serious issues to report.

They are working on their budget submittal for next year.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

The auditors are working on the 2011 audit. Mr. Gallagher is hoping to have something for review at the Finance Committee meeting on 1/25/12. There is concern on how to report the loan with the library from an auditing perspective and the auditing firm has requested a meeting to discuss.

At the last meeting the Finance Committee was given the authority to move forward with selecting a lender relating to the library loan and the committee has selected PNC. Messrs. Wilson and Alfree will be contacting PNC to get the agreement, review it and execute it. Mr. Alfree informed the Board that he anticipates receiving the agreement tomorrow and will send it to the Trustee office, Messrs. Gallagher, Alfree, and Taylor for review. Mr. Taylor expects the agreement to be a standard agreement. Mr. Gallagher reminded that he asked that wording be included in the commercial terms of the agreement stating there will be no charge when we choose to transfer from a variable rate to fixed when we see the need. Discussion followed.

Mr. Alfree made a motion to authorize the vice president, Mr. Viola, to sign the PNC loan documents in lieu of the president who has already been authorized to sign the documents, in the event the President is not available. Ms. Fiske seconded the motion and the motion was approved.

Mr. Gallagher reported PNC has about \$3.8 million and Nicholson has \$936 thousand. During the last quarter Nicholson's return was a negative 1.7% and PNC's last return was 2.7%. The market is still volatile. Both firms have been doing good work. The Finance Committee will be meeting on 1/25/12 and will discuss stocks, bonds and the manner in which the portfolio has been handled.

ELECTION COMMITTEE REPORT – Mr. Gallagher reporting.

Nothing to report.

LIBRARY COMMITTEE REPORT – Mr. Viola reporting.

The transition from Ms. Newell to Ms. Kirk as Interim Library Director is going smoothly. Activity at the library is increasing with the closing of the Bear library for renovations (6-9 months). Discussion turned to the hiring process of a new library director and qualifications. The Board's intention is that Ms. Kirk will move into the position of Library Director upon completing her Master's degree in library science. Ms. Kirk is also familiar with the issues involved with the county which will be valuable going forward.

OPEN SPACE COMMITTEE REPORT – Ms. Fiske reporting.

Mr. Meek followed up on discussion from the last meeting concerning Delaware Greenways doing trail maintenance in the marsh as reported in a New Castle Weekly article. He has been in contact with Delaware Greenways, DNREC and Peterson Wildlife Refuge to see how they design their trails. DGI, through the Wellness Initiative, would like to have an enhanced program with trails. Mr. Meek believes it is not appropriate for Delaware Greenways to do development planning on Trustee property and that an effort between DNREC, and any other interested parties including the Board is in order. Mr. Meek did a walk through in the marsh area and has discovered evidence of a squatter not far from the Family Foundations Academy.

A motion was made by Mr. Meek that he will contact the local police to have the person removed from our property. Ms. Fiske seconded the motion. The motion was approved.

Mr. Castagno raised the issue of unauthorized hunting in the area. There are a number of deer stands and structures in place. Enforcement is difficult; posting 'private property' signs was advised.

Mr. Meek made a motion that the Trustee property adjacent to the DGI trail be posted for 'no hunting.' Ms. Fiske seconded the motion and the motion carried.

BYLAW COMMITTEE REPORT – Mr. Gallagher reporting.

Ms. Fiske led discussion on pages 20-30 of the draft dated 11/1/11. Discussion followed. The final eight pages will be reviewed at the next meeting. Mr. Wilson asked that the Board receive a print out of what has been agreed to during this review process and then work on making substantive changes to the bylaws.

BATTERY PARK COMMITTEE – Mr. Castagno reporting.

At a previous meeting it was reported that the Mayor asked that lighting be installed along the walkways in the park. The committee has met and decided they do think it is a good idea to install lighting with timers. The Trustees are responsible for policy for Battery Park.

Mr. Castagno made a motion that lights with timers be installed along the walkway from Delaware Street to the sailing club with funding sources developed by the Mayor and Council. The light fixture types would be brought forward for final approval by the Board. Mr. Meek seconded the motion. The motion was approved.

The City has a permitting process through an ordinance that includes assembly – if any group/individual wants to have a gathering over 25 people, including at Battery Park, they would need to get an assembly permit from the City office. His committee's research suggests that an

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event permit sequence like the assembly permit sequence should be adopted. This would require groups of more than 25 people to obtain an event permit from the City. It would be managed through the City since they handle public safety, set ups, electricity, etc.

Mr. Castagno made a motion that this Board authorize the City to develop an event permit and procedure for the use of Battery Park for those events larger than those requiring an assembly permit. Mr. Taylor questioned if event permit procedure language would be provided to this Board for approval. Mr. Castagno said the permit would be specific to Battery Park. Events like family gatherings, barbeques, and weddings have not been allowed. Mr. Castagno will provide more information when the permit is finalized. The task of managing events would be overwhelming for the Trustees Office. Lengthy discussion about permit language followed. Mr. Taylor's concern is giving up control to the City when determining what is approved or not approved. Ms. Fiske expressed her concern that these types of events not have a negative impact on the people who use the park. Mr. Taylor reiterated that there needs to be guidelines in place regarding uses, etc. and the City needs to submit the process to this Board for review. After more discussion, Mr. Castagno tabled his motion until the procedure is drafted.

OTHER COMMITTEES

Mr. Alfree reported that ballots need to be submitted to Ms. MacDonough as soon as possible. Scheduling a meeting of the Nominations Committee (comprised of the Chairmen of the Outreach, Property Development, Property Maintenance and Finance) will take place so final tallies can be brought to the February meeting for review.

Ms. Fiske made a motion suggesting that the Trustees write a letter to the commissioners of MSC thanking them for the work they are doing at the Penn Farm. Mr. Castagno seconded the motion. Mr. Wilson thinks we should wait until work is done. Mr. Castagno agreed and added a press event will be planned when the lights are in and the work is completed. He has verbally thanked MSC on behalf of the Board that we appreciate the work they are doing. Ms. Fiske tabled her motion.

Mr. Carpenter questioned how signage reads in the park. It states that the park closes at 9 p.m.

COMMUNICATIONS – Mr. Alfree reporting.

Mrs. Barbara Whisman, treasurer of the Arasapha Club thanked the Trustees for its grant of \$1,500 to help fund New Castle's 2011 holiday decorations.

A motion was made by Mr. Alfree to enter into Executive Session to discuss matters of real estate (8:50 p.m.) The motion was seconded by Ms. Ross and approved.

The Board reconvened to regular session at 9:05 p.m.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Deborah Turner
Stenographer

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Trustees of the New Castle Common
Meeting Minutes
February 7, 2012

Present: Messrs. Wilson, Alfree, Castagno, Clayton, DeAscanis, Gallagher, Gambacorta (by phone), Meek, Viola, Yacucci; Ms. Fiske, Ms. Ross (by phone), Mr. Taylor, Esq., Ms. MacDonough, Executive Secretary, Ms. Turner, Stenographer. Also present, Mrs. Mimi Carpenter of the New Castle Weekly.

Absent: Mr. Appleby

The monthly meeting of the Trustees was held on Tuesday, February 7, 2012, at 7 p.m. in the Trustees Room of the Old Town Hall. Mr. Wilson called the meeting to order followed by a moment of silence.

Public Input: None.

Monthly Calendar: Mr. Gallagher said the Finance Committee will need to meet to review the draft audit and the budget; date unknown at this time. Ms. Fiske informed the Open Space Committee will also meet.

Minutes: Several changes were noted in the January meeting minutes.

Mr. Alfree made a motion to approve the January minutes as corrected. The motion was seconded by Mr. Gallagher and approved.

Executive Secretary's Report: Ms. MacDonough reported.

Messrs. Wilson and Alfree need to sign construction and permanent easements (approved November 2011) for the Washington Street Sidewalk Improvement Project. Second semester scholarship checks are about to be sent out. She is working on streamlining the sewer bill notification process. New janitorial services are being explored and references from the library and historical society have been requested. Ms. McDonough is looking to add more file cabinets in her office and the Trustees Room.

Treasurer's Report: Mr. Gallagher reported.

The corrected November 2011 treasurer's report has been issued.

A motion was made and seconded to approve the November 2011 treasurer's report. The motion carried.

Mr. Gallagher questioned whether MSC's check for the police station was received; it does not appear on the January 2012 treasurer's report. Ms. McDonough informed the check was received. She confirmed the Trustees do own a golf cart that is used at Battery Park.

Mr. Gallagher questioned the entry for roof repairs on the Good Will Fire Company. Mr. Viola said it was decided to move ahead with repairing the flat roof on the fire company because it was leaking. Repairs on the medical center roof are also moving forward for the same reason. Both repairs are being done to avoid more damage to both buildings. *(Discussion followed.)*

PROPERTY DEVELOPMENT COMMITTEE REPORT – Mr. Alfree reporting.

A slide presentation of the visual tour of Trustee properties done by Messrs. Wilson and Clayton was shown to the Board.

Mr. Wilson presided over the most recent Property Development Committee meeting.

Penn Farm/Delmarva Easement – Paperwork has been received from Delmarva.

Encroachments – Encroachments have been identified on 4-5 properties. Mr. Wilson would like to consider approaching property owners of the Lunt property about not maintaining the area in front of the house. The Board discussed several properties the Trustees may want to consider selling/swapping.

5 & 7 East Second Street Park (Town Hall Park) – Work was approved at the January 2012 meeting and a quote of \$2,400 has been received from Vandemark & Lynch. Mr. Wilson will sign the letter tonight to move forward. All property owners in this area, excepting one, have been received.

Washington Street Sidewalk Improvement Project – Mr. Taylor suggested the Board should sign a right-of-entry agreement with DeIDOT to allow them to proceed with the project near the fire company.

Mr. Alfree made a motion to approve the DeIDOT right of entry for tax parcel 21-015.30-104 as it relates to the sidewalk easements occurring throughout the City. Mr. Clayton seconded the motion. The motion was approved.

DeIDOT Street Light & Traffic Camera – Final paperwork is being prepared.

Appraisal for Gordy Lease – Mr. Alfree informed the appraisal has been completed and we will provide Gordy Realty with a copy of the appraisal.

Sailing Club – They have officially agreed to five more years and understand their new rent.

Property Mapping – Vandemark & Lynch has provided a quote for updating our mapping (\$4,900). Mr. Meek believes the quote is high. He printed two 30” maps that are on display tonight. The cost is considerably less and input on what to include on the maps is requested.

A motion was made to approve reimbursement of expenses Mr. Meek incurs with mapping. The motion was seconded and approved.

OUTREACH COMMITTEE REPORT – Ms. Ross reporting.

Ms. Fiske, Messrs. Gallagher and Meek have hard copies of the committee’s recommendations. Recommendations for funding from the committee are as follows:

Arasapha Garden Club -- \$1,500
Beautification Committee -- \$3,700
Good Fire Company -- \$120,000
New Castle Historical Society -- \$7,000
New Castle Senior Center -- \$15,000
New Castle Library -- \$45,000
St. Anthony's Club -- \$1,000
Separation Day -- \$1,000

Mayor and City appropriations recommended aside from what has been previously committed for the stormwater project:

Trash truck -- \$29,692 (for 4 years)
New dump truck -- \$23,500 (5-year financing)
Summer camp -- \$1,000
Tree Commission -- \$10,000

The Committee tried to stay close to last year's amounts. Total for the City would be \$64,172.

The Committee decided not to fund Preservation Delaware, Delaware Greenways, and Bike Delaware, all new applicants. Mr. Viola asked if there were any other new requestors this year. Ms. Ross said 'no' and that they did not hear from the Progressive Club or the Historic New Castle Alliance. *(Discussion followed about the criteria used in deciding who receives funding.)* Mr. Wilson said the recommendation would be forwarded to the Finance Committee for their recommendations. Debate on funding will come during the budget process.

Questions were asked if the Committee had talked to Delaware Greenways, Preservation Delaware or Bike Delaware to clarify their applications. Ms. Ross said no contact had been made because the Committee felt other avenues of funding were more appropriate than the Trustees. She did speak with the fire company to clarify their funding request.

Mr. Meek raised the matter of partial funding for two EMT's at the Good Will Fire Company. He believes this funding is for salaries and asked if the Trustees want to continue supporting salaries for Good Will. Mr. Gallagher recommended going ahead with this year's funding but look into this policy going forward.

(Discussion followed about the process used to decide who receives and does not receive funding keeping in mind projects that benefit the citizens of the City of New Castle.)

The Committee is suggesting that applicants not receiving funding be sent letters informing the reason(s) why. Also, if the grant request is over \$10,000 the Committee wants to see the group's financial information. This would be incorporated into the application. Mr. Castagno asked what the Committee would do with the financials. Ms. Ross explained the financials would help them to determine if the group is sound. *(Ms. Ross left the call upon completion of her report. 8:35 p.m.)*

PROPERTY MAINTENANCE COMMITTEE – Mr. Viola reporting.

Mr. Viola reported the shed at the Penn Farm has been successfully relocated. A skeleton frame inside the structure was built to stabilize it so it could be placed over the transformers to hide them. Some repair and rehabilitation of the structure will be needed. He thanked Chip Patterson and MSC for their help in this effort.

His Committee has looked at the cupola of the Old Town Hall and will make it a high priority for repair in the next budget cycle. It has been eight years since it was last painted and a lot of work needs to be done.

Ms. Fiske asked if the Trustees installed the church clock. The four faces are slightly different and it rings five minutes late. Mr. Wilson said ‘yes.’ She inquired about repairing the clock after the time changes (March 11). Mr. Viola confirmed the Trustees do pay for routine maintenance/repairs to the clock. We respond to requests for funding from the church to pay for work as needed.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

Our return on funds over the last 12 months (2011) increased 2%. Messrs. Wilson and Alfree have executed the library loan paperwork and we have a 2.3% variable rate in place. We can switch to a fixed rate at no additional cost in the future. Mr. Gallagher was commended for his follow through on this matter.

The Committee will meet to review the draft audit and publish same.

ELECTION COMMITTEE -- Mr. Gallagher reporting.

No report.

LIBRARY COMMITTEE REPORT – Mr. Viola reporting.

The library is very busy and in demand. Mr. Viola reported that two years ago while starting work on the tribute garden the library applied for a \$1,500 in-kind contribution of services from Kerns Brothers Tree Service & Landscaping. The library was successful in securing another in-kind contribution of services to help with the children’s garden. Mr. Alfree asked about lighting at the library during off hours. Mr. Viola said the lights are on timers but the cleaning crew cleans at odd hours.

OPEN SPACE COMMITTEE REPORT – Ms. Fiske reporting.

Mr. Meek has been mapping the marsh area for current and future trails. Mr. Meek said there are concerns with misuse of Trustee property by all-terrain vehicles (ATV) and that trails that Delaware Greenways has cleared or partially cleared are in wetland areas. It is not yet clear where trails are permitted. He questioned whether we should install some kind of barricades at the entrance to block the ATVs and to move forward with planning. There is tape marking some areas as wetlands but it is unknown who is responsible for the tape.

Mr. Meek and Ms. Fiske attended a recent Delaware Greenways meeting to learn of their plans for the Wellness Initiative for the coming year. One suggestion was a track around the perimeter of the Penn Farm and the second was a connector that would partially go through Trustee property, through Wilmington Manor Gardens and cut into the Greenways tract. There may be a small amount of construction involved. He questioned if someone else can raise money and put something on our property that we are not raising money for ourselves. Mr. Taylor said yes and advised we need to put that in an agreement so we know who is responsible for maintenance, improvements and the like. Mr. Castagno said the DeIDOT right of way with School Lane and Route 273 is moving forward and does not include the perimeter of the farm. He further noted consistency is needed with access easement liability being removed from Trustee property. *(Further discussion followed, that included liability and FOIA.)*

BYLAW COMMITTEE REPORT – Mr. Gallagher reporting.

The final eight pages were reviewed. Ms. Fiske said all Board members will receive a list of changes suggested during the bylaw review process. Mr. Viola referenced the document distributed to members tonight with proposed officers and committee memberships that notes five members on the Property Maintenance Committee and the bylaws state four members. *(Discussion followed.)*

Mr. Viola made a motion to change the bylaws with respect to the number of members on the Property Maintenance Committee from its current form to a minimum of four members. Ms. Fiske seconded the motion. Mr. Wilson announced that in accordance with the bylaws there must be a 10-day ruling before voting on the motion. The motion is tabled.

BATTERY PARK COMMITTEE REPORT – Mr. Castagno reporting.

Mr. Castagno reported they are still waiting for event permit language from the City.

OTHER COMMITTEES

Nominations Committee -- Mr. Alfree said the Committee met on 1/30/12. Recommendations from the Nominations Committee have been distributed. He explained the process used for officers and committees. They are recommendations only and changes should be directed to Mr. Alfree. Voting will take place at the next meeting.

COMMUNICATIONS

Mr. Alfree reported that John Lloyd of the City informed that the Trustee appointment to the Tree Commission has been vacant for some time and is requesting an appointment.

Mr. Alfree informed of a letter from Anthony and Pauline Gambacorta requesting the Trustees to widen Williams Street and pay for same. They own two homes on Williams Street. It was decided to send the letter to the City to address.

Mr. Wilson talked to City Council at the Property Development Committee meeting last night about an archeological effort at Fort Casimir. Mr. Meek volunteered to work on this and make recommendations to the Trustees. Another Trustee volunteer is requested. Mr. Wilson will

speak to local residents. Mr. Taylor would like to attend the group's next meeting to better understand their proposal and objectives.

A motion was made by Mr. Alfree to enter into Executive Session to discuss matters of real estate and personnel. Mr. Gallagher seconded the motion and the motion carried.

The Board reconvened to regular session at 9:58 p.m. There being no further business, the meeting was adjourned at 9:59 p.m.

Respectfully submitted,

Deborah Turner
Stenographer

Trustees of the New Castle Common
Meeting Minutes
March 6, 2012

Present: Messrs. Viola, Alfree, Appleby (by phone), Clayton, DeAscanis, Gallagher, Meek; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., Ms. MacDonough, Executive Secretary, Ms. Turner, Stenographer. Also present, Mrs. Mimi Carpenter of the *New Castle Weekly*.
Absent: Messrs. Castagno, Gambacorta, Wilson, Yacucci

The monthly meeting of the Trustees was held on Tuesday, March 6, 2012, at 7 p.m. in the Trustees Room of the Old Town Hall. In the absence of Mr. Wilson, Mr. Viola called the meeting to order followed by a moment of silence.

Public Input: Mr. Chip Patterson of the Municipal Services Commission (MSC) followed up on an email sent to the Board regarding a project with City Council and MSC to try to get street lighting to Booker Circle. Crime is a problem in the area and MSC has been asked to install lighting. Electric runs behind the homes and it is costly to run electric from the rear of the homes to the front. Mr. Patterson suggested all three groups combine efforts to lessen the financial impact. He projects three (3) simple, carriage-type lights are needed on the circle at a cost of \$750 per light and is requesting the Trustees' support. The City has agreed to handle the legal work to secure easements and will use the Public Works Department to excavate and dig the trench, and restore driveways that are disturbed. MSC will handle the wires, run the conduit, and get the light bases. The Trustees have participated in like projects in the past. Public safety is a concern and it is in the best interest of all citizens. Once the lights are installed, MSC will be responsible for service and repair, including if they are vandalized.

After brief discussion it was decided the Property Development Committee will consider the matter and make a recommendation at the Board's next meeting in April.

Monthly Calendar: March 24, Welcoming-In Day at the Penn Farm from 1-4 p.m.

Minutes: Several changes were noted in the February meeting minutes.
Mr. Alfree made a motion to approve the February minutes as amended. The motion was seconded by Mr. Gallagher and approved.

Executive Secretary's Report: Ms. MacDonough reported.
The Scholarship Committee has gotten more information about the program out to the public via the *Weekly*. As a result, 23 requests for applications have been received, which is higher than usual. Ms. MacDonough anticipates more applications to be submitted that will impact the total amount for scholarships or decrease the amount each student receives. Checks have gone out for the second semester. The deadline for applications is March 31.

The copier lease expires the end of April. Ms. MacDonough described the type of machine and features she is looking for and is exploring options, including lease versus purchase. (*Discussion followed.*)

There was a discussion about Smart Boards and their capabilities. Ms. Fiske said the Planning Commission may have an interest in this product for presentations and could possibly share the cost.

Treasurer's Report: Mr. Gallagher reported.
Mr. Gallagher asked if the MSC check was for January since it was not reflected in last month's report. He anticipated a double payment to appear this month. Ms. MacDonough will look into

the matter. Mr. Gallagher questioned no entry for PNC Securities. Ms. MacDonough said the accountant prepared the report early and likely missed the entry in order to get the report mailed. A double entry should appear next month. Repairs to the New Castle Library were questioned. Mr. Viola explained it was an old invoice for a leak and repair. Ms. MacDonough said the medical center was for gutters backing up causing some of the drywall to get wet.

Mr. Gallagher suggested tabling approval until April when all the numbers are known.

BYLAW COMMITTEE REPORT – Mr. Gallagher reporting.

Two amendment documents impacting the same part of the bylaws were distributed in the 10-day timeframe. Both address eliminating the need to remove the senior member of a committee if another Board member wants to join, but each document provides a different way to handle this. One document proposes the language “serve at the pleasure of the Board” (Fiske) and the second proposes “serve at the pleasure of the president” (Wilson). One document adds a paragraph and the other eliminates language. It was suggested to take care of the immediate problem by removing one sentence and leave the paragraph for further consideration through the process of making substantive changes. The Nominating Committee should also be involved.

Mr. Gallagher made a motion to table the initial proposal made by Mr. Wilson and move forward on the proposal presented by Ms. Fiske that removes the second sentence (*However, the most senior member of each committee in terms of service shall rotate off the committee if there is another Trustee elected by the Board who wishes to become a member of that committee*). Mr. Alfree seconded the motion.

Mr. Meek is concerned that part of the reason for this proposal is to make sure certain people on a committee have the appropriate knowledge and experience. He is in favor of getting a rotation cycle incorporated so there will always be experience on a committee. If the second sentence is removed we may be in a position where committees are manned by the same people permanently. Ms. Fiske said this matter has been a concern of the Bylaws Committee for some time and needs to be addressed by the Nominating Committee. Terms limits are one way to deal with the issue. FOIA may help to simplify and can be discussed in executive session. Mr. Meek withdrew his objection. Ms. Ross would like to have something in place providing an opportunity for Board members to go on committees and if someone has experience and would like to join a committee it could be returned to the full Board for discussion. She believes all Board members should be knowledgeable with all committees. Mr. Gallagher disagreed with her rationale. We do not want to just eliminate language that is problematic. We are trying to make language more understandable while addressing substantive changes such as this topic. He supports Ms. Fiske’s proposal.

Ms. Ross asked to have a timeline established. Ms. Fiske said the Nominating and Bylaw Committees can bring a proposal concerning “committees” back to the full Board by June to proceed with committee formation.

The motion was approved.

Mr. DeAscanis wanted to confirm that a majority of the Board can overrule any committee’s suggestion. If the Nominating Committee brings a recommendation for member(s) to be on

certain committees it can be brought before the full Board the opportunity for any Board member could speak before it is finalized. The Board can have the final word.

Mr. Viola noted at the last meeting a motion was made about the matter of the number of members on the Property Maintenance Committee from its current form to a minimum of 4 members. The motion was tabled to comply with a 10-day ruling before taking action.

Mr. Gallagher made a motion to table the initial proposal from President Wilson to go back to the Bylaws Committee. Ms. Fiske seconded the motion. The motion was approved.

With respect to the number of members on the Property Maintenance Committee, the bylaws should be changed to read, "the composition of the committee shall consist of a minimum of four members." The motion was reinstated adding the phrase "a minimum of four members" and was seconded and approved.

PROPERTY DEVELOPMENT COMMITTEE REPORT – Mr. Alfree reporting.

Penn Farm Delmarva Easement – Mr. Taylor has received and reviewed comments from Delmarva Power. He is seeking clarification to make sure the easement is limited to electrical service and if the electric service is no longer needed could we declare the easement terminated. Once clarification is received we could execute the easement.

Ms. Fiske moved to authorize the Property Development Committee to proceed once clarification is received and for the document to be signed. Mr. Clayton seconded the motion. The motion was approved.

Encroachment Letters/Hazardous Materials Letters – Ms. MacDonough will be meeting with BrightFields to review hazardous material documents. The committee is discussing putting an article in the *Crier* informing the Trust is reviewing all of our properties as a matter of routine practice and be specific about a certain incident later.

Appraisal for Gordy Lease – Official notice has been received from Gordy Realty accepting new terms of the lease for the next five years.

M&T Bank Drive Thru Data Line – M&T has informed us they will want approval for a new data line for their drive through that will run under Route 9.

Dialysis Center Third Party Request – Years ago the Trustees were contacted by a third party claiming to represent the Dialysis Center looking to revisit lease terms. The matter subsided until recently when the same third party contacted Ms. MacDonough seeking adjustments to the lease or to discuss the matter. She has been given guidance on handling future calls.

Washington Street Sidewalk Improvement Project – Mr. Taylor reported we have received the deed signed by the City and are tracking plans and moving forward.

AT&T Structure -- We have received interest from Gordy Realty in the AT&T structure on Route 13 near Gordy Realty and a Mexican restaurant. They may want to lease the small parcel of land. The hut is still there and Gordy would lease the parcel and sublease the hut and land to the Mexican restaurant.

Proposed Waffle House – We have been contacted by a company representing Waffle House that is interested in purchasing the small parcel in front of the Tremont Hotel on Route 13 (between Hadfield’s and Dunkin Donuts). They have been informed we would consider leasing but do not sell property. We are waiting to hear back from them.

An executive session will be needed to discuss matters of real estate once the standard agenda is finished.

OUTREACH COMMITTEE REPORT – Ms. Ross reporting.

Ms. MacDonough will assist with letters to applicants who are not receiving funding, but asked the committee to provide verbiage detailing the reasoning for not receiving funds.

PROPERTY MAINTENANCE COMMITTEE – Mr. Viola reporting.

No report.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

The committee met to do a draft audit. Feedback received will be incorporated into the final audit and distributed in the next MSC billing. Audits will then be up to date.

Investments have been good. Nicholson is up 2.7% and PNC is up 3.7%. Our total is around \$4.8 million at this time.

Budget – The budget worksheet dated April 1, 2012 to March 31, 2013 was reviewed. Mr. Meek asked if the scholarship fund has been increased since we have more students. Mr. Gallagher stated our income does not support an increase. Under ‘Contributions’ it was noted the Building Improvement represented self-moving doors at the senior center. Ms. Ross inquired about status of repointing work for Old Town Hall. Mr. Viola informed repointing is not needed at this time but is provided for in the budget should that change. Under “Building Repairs” the Ticket Office will not be finished in this fiscal year. Under “Battery Park” the Park Guards (bike police) may be provided by the City. Walkway repairs will not be finished in this fiscal year.

Mr. Meek asked about walkway lighting in Battery Park. The subject is still being considered by the Battery Park Committee. *(The January minutes reflect a motion and approval to install lighting in the park. Mr. Alfree’s understanding is that Mayor and Council will handle through the City as a matter of finances.)*

The Outreach Committee recommended the dump truck but not the police car. The change on the budget was because the dump truck was a five-year commitment.

Under “TNCC Capital” the medical center entry represents replacing the HVAC, putting it on the ground and putting a new hip roof on the building. Part of the reason we could not fund everything was we need to take care of our own properties, such as the medical center. Mr. Alfree noted this item needs to be part of the audit as a capital improvement and not as a repair.

Mr. Gallagher moved that the budget dated February 27, 2012 be approved as presented with the adjustment of adding the self-moving doors for the senior center under “Building Improvements”--“Contributions.” The motion was seconded by Ms. Fiske and approved.

ELECTION COMMITTEE -- Mr. Gallagher reporting.
No report.

LIBRARY COMMITTEE REPORT – Mr. Viola reporting.

The county has assigned two (2) part-time employees to help while the Bear Library is undergoing a renovation. The staff is continuously reducing the deficit for this fiscal year and we will continue to work with them to secure more operating funds. The library has seen an increase in usage with the Bear Library closing.

OPEN SPACE COMMITTEE REPORT – Ms. Fiske reporting.

The Board previously approved a request from Jamie Stewart of The Historical Alliance Design Committee for permission to do a number of landscape improvements at the Second Street Park. Improvements include painting on the left side of the wall. The Alliance wants to get the work done before Spring in New Castle. Ms. MacDonough suggested having Erv Thatcher help with removing the shrubbery. Mr. Viola wants to confirm the wall belongs to the Board and not the Kramer's. Mr. Taylor will look at the survey again but is confident the left side belongs to the Board. As a matter of courtesy, the Kramer's will be notified of the work.

Mr. Meek reported that a State archeologist wants to explore the location of Fort Casimir at the end of Chestnut Street. Attendees at a recent meeting included City Administrator Cathie Thomas, Messrs. Meek, Wilson, Taylor, and Ms. Fiske. Mr. Meek described the area involved and the work to be performed. Work will be done by State employees, volunteers and sub-contractors. Liability insurance will be provided and volunteers will be asked to sign hazard disclosures and hold-harmless agreements. Artifacts discovered will be the property of the City or Trustees and will be cleaned, studied, and classified by the Division of Historical and Cultural Affairs. By request the artifacts will be returned to the owners. The City does not have a proper storage area. Ms. Thomas expressed concerned with disturbing the surface of the parking lot and was told there would be no digging there. Letters should be sent to local residents informing of the potential project.

Mr. Meek made a motion to grant permission for the archeologists to do a study to locate the site of Fort Casimir on Trust land in the Bull Hill area. The motion was seconded and approved.

Delaware Greenways (DGI) is interested in a wellness initiative and have chosen a bike/pedestrian trail that would be partially on County land and partially on Trustee land. Messrs. Meek and Yacucci and Ms. Fiske walked the proposed trail and presented a proposal.

The Open Space Committee proposes that the Board agree in principle to the concept of a bike/pedestrian path connecting Wilmington Manor Gardens and the Industrial Track Greenway. The path would go over both county and Trust land. It will be developed by Delaware Greenways. The agreement is not binding but depends on particulars such as funding for bridges and trail surfaces, wording of agreements with funding agencies, and plans for maintenance.

The proposal states that we agree to do something like this, but DGI would need to present what they are proposing to this Board. DGI would spearhead the effort.

Mr. Taylor suggested adding the language, "Providing nothing shall be done which would limit the protection from liability provided in Title 7 of the Delaware Code for the use of Trust land for recreation." His concern is to make sure DGI understands they cannot make improvements to our land that would eliminate us from that protection. We need to know what they are proposing before deciding how to address any liability concerns. Future maintenance is also a concern. *(Further discussion followed.)*

Mr. Meek proposes this Board agree in principal to the proposed concept and provide that nothing shall be done which would limit the protection from liability provided in Title 7 of the Delaware Code for the use of Trust land for recreation. Ms. Fiske seconded the motion. The motion was approved.

Messrs. Meek and Yacucci and Ms. Fiske walked the Broad Marsh Dike area and agree it would be good to have pedestrian trails closer to our area. There are inaccessible areas because of ATV damage. He proposes Phase 1, under direction of Property Maintenance or Property Development, fencing and installing 4X4 poles. Phase 2, trail locations would be planned by the Open Space Committee and proposed to the Board and appropriate regulatory agencies. Signage and maps would be installed once approval is granted. Phase 3, parking would be allocated at The Hermitage. Suggestions are to have a boardwalk over the wet soil and a short pier or catwalk to the marsh. The idea is to protect the trails we have by keeping out the ATV vehicles. Deer stands need to be removed and signage will clearly state 'no hunting.' *(Brief discussion about ATV's and trail bikes followed.)*

Mr. Meek moved to erect fencing and install poles to limit access to ATV's on the trail (Phase 1). Ms. Fiske seconded the motion. Erv Thatcher will be consulted to install the poles. The motion was approved.

BATTERY PARK COMMITTEE REPORT

No report.

OTHER COMMITTEES

Nominations Committee -- Mr. Alfree announced that our appointment to the Municipal Services Commission Board is Robert Appleby. His appointment expires April 1 and he has agreed to serve another three-year term.

Mr. Alfree moved to approve Robert Appleby as the representative of the Trust on the MSC Board for another three-year term. Mr. Gallagher seconded and the motion was approved. *(Mr. Richard Appleby abstained from the vote.)*

The Officers for this Board begin on April 1. The Nominations Committee met and decided to put a "hold" on new committee assignments until bylaw changes have been made. Per our bylaws a new slate of officers must be in place by April 1. From the tally of ballots, the slate of officers follows:

President: Michael J. Alfree, Sr.
Vice President: Dorsey Fiske
Secretary: Carlo Viola
Assistant Secretary: Gregory T. Yacucci

Treasurer: Fred G. Gallagher, Jr.
Assistant Treasurer: Richard M. Appleby, Jr.

Mr. Alfree moved to approve the slate of officers for this Board effective April 1, 2012 to March 31, 2012. Mr. Clayton seconded the motion.

Roll call vote:

Alfree -- yes
Clayton -- yes
Fiske -- yes
Gallagher -- yes
DeAscanis -- yes
Viola -- yes
Meek -- yes
Ross -- yes
Appleby -- yes

The motion is passed.

Mr. Alfree moved to leave committee assignments as is with the exception of Mr. Wilson replacing Mr. Alfree on current assignments; we have a timeline to finalize bylaw changes that affect committee assignments by the October 2012 meeting with the intent of having new committee assignments no later than January 1, 2013. Ms. Fiske seconded the motion.

Roll call vote:

Alfree -- yes
Clayton -- yes
Fiske -- yes
Appleby -- yes
Gallagher -- yes
DeAscanis -- yes
Viola -- yes
Meek -- yes
Ross -- yes

The motion is passed.

COMMUNICATIONS

Mr. Alfree informed he had sent an email to everyone in attendance at the February executive session apologizing for his conduct. He personally apologized to Mr. DeAscanis by phone.

Ms. Fiske moved that the President set up a meeting between the Interim Director of DGI, Peter Walsh, and the Board of Trustees to establish a working relationship with respect to the farm and our lease. Mr. Alfree suggested having Mr. Walsh attend our Board meeting. He will be placed on the agenda. Ms. Ross suggested we review the lease with Mr. Walsh to ensure all issues are clarified.

A motion was made by Mr. Alfree to enter into Executive Session to discuss matters of real estate. Mr. Gallagher seconded the motion.

The Board reconvened to regular session at 9:36 p.m. Mr. Meek displayed an updated map of Trust-owned properties, overlaid over an aerial photo and enlarged to fit the existing wooden frame in the Board Room. He and Mr. Clayton will install it.

There being no further business, the meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Deborah Turner
Stenographer

Trustees of the New Castle Common
Meeting Minutes
April 3, 2012

Present: Messrs. Alfree, Appleby (teleconference), Clayton, DeAscanis, Gallagher, Meek, Viola, Wilson, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., Ms. MacDonough, Executive Secretary, Ms. Turner, Stenographer. Also present, Mrs. Mimi Carpenter of the *New Castle Weekly*.
Absent: Messrs. Castagno, Gambacorta

The monthly meeting of the Trustees was held on Tuesday, April 3, 2012, at 7 p.m. in the Trustees Room of the Old Town Hall. In his new position as president, Mr. Alfree called the meeting to order followed by a moment of silence.

Public Input: None.

Monthly Calendar: April 25, 10 a.m., Property Maintenance meeting; April 25, 5 p.m., Finance Investment Review Meeting.

Minutes: Amendments were made to the Bylaw Committee Report, Penn Farm Delmarva Easement, and Finance Committee Report. Mr. DeAscanis made a motion to approve the March minutes as amended. The motion was seconded by Ms. Ross and approved.

Executive Secretary's Report: Ms. MacDonough reported.

The March 31 deadline has passed for scholarship applications. They received 13 returning students and 17 new applications by mail and others by email. Ms. MacDonough will forward to the Scholarship Committee for their review. With the assistance of Mr. Clayton she has gotten another bid for a new copy machine that is competitive. She will explore using State contract pricing and the new machine will be place by the end of April.

Treasurer's Report: Mr. Gallagher reported.

Questions concerning the February treasurer's report have been researched to Mr. Gallagher's satisfaction. Mr. Gallagher motioned to accept the February treasurer's report as stated. Mr. Viola seconded the motion. The motion was approved.

In the March treasurer's report, Mr. Gallagher questioned including the engineering survey and transformation of shed figures under Contingency saying they should be shown under Penn Farm. Ms. MacDonough said a language change may need to be done to help our accountant when he prepares this report. These items are depreciated and should not appear in Contingency. Mr. Viola said in the past the Contingency line item has been used for items that were not budgeted for and confusion may have resulted over time between capital and non-capital items. Ms. MacDonough stressed the need for clarification for our accountant and auditor on how our records are kept. There will be one final treasurer's report for the fiscal year that will be available next month.

Mr. Gallagher made a motion to accept the March treasurer's report with the noted changes. Mr. Clayton seconded and the motion was carried.

PROPERTY DEVELOPMENT COMMITTEE REPORT – Mr. Wilson reporting.

Penn Farm Delmarva Easement – Mr. Taylor updated the committee last night. Authorization was given in March to proceed with signing of the easement once all legal documentation is satisfied.

Encroachment Letters/Hazardous Materials Letters – Encroachment letters will include hazardous materials letters. No real encroachment was found during the recent tour. One area needing clarification is the area behind the Mexican restaurant on Route 13. The committee wants to be able to clear up the end of 3rd Street where the tennis courts are located. There is a hedge row on Trust property that the owner of an adjacent property has offered to give to the Trustees for a small parcel of his land and a larger piece of Trustees land. We will determine the value of the property and make an offer to the owner. If they decline the offer, we need to decide whether to remove the hedge row and to square up our property line.

Hazardous materials letters will be sent to all businesses the Trustees own. Ms. MacDonough is working with BrightFields to ensure the questionnaire that will be sent to all businesses contains all the requirements. There was brief discussion about locating responses received from the last questionnaire. Mr. Appleby believes they went to the fire company and added that responses to the new questionnaire should be shared with the fire company. MSDS forms will be required this time.

Misuse of Trustee properties is an issue. Mr. Wilson said a blanket letter would be sent to all property owners in Dobbinsville requesting the removal of items such as firewood, boats, trailers to be removed by a certain date. Mr. Thatcher and the City are being given the opportunity for input before a date is given.

Leon DeAscanis (VanDyke Village) – Looking at possible interest in clearing up this area.

Second Street Park – Vandemark and Lynch did the survey and we want to clear the vacant property that is second from the end of Cloud's Row. It has been suggested that a fee existed at one time to use the property. Mr. Wilson will speak with Bruce Gordon as to whether there were any agreements or permission to use the property for a fee and where the documents might be. Ms. MacDonough said if there was such a practice it ceased prior to 2001. Mr. Taylor asked Mr. Appleby who put up the fences, which are the same style of fence. Mr. Appleby does not remember the Trust putting up fences.

Mr. Wilson made a motion giving the Property Development Committee approval from this Board to clear this property through the legal process under the guidance of Mr. Taylor. Mr. Clayton seconded the motion.

M&T Bank Drive Thru Data Line – A torpedo system will be used to bore under the roadway to put in the data line. The Board agreed to permit M&T to go forward since the roadway will not be disturbed.

Gordy Realty – A Mexican restaurant located near Gordy Realty is interested in leasing the AT&T hut. The committee will follow up with Gordy Realty.

Dialysis Center Third Party Request – The third party negotiating firm for the Dialysis Center is seeking to re-enter into a new lease and we are not interested. When the lease comes up for renewal they will be notified in accordance with proper timelines.

Washington Street Sidewalk Improvement Project – There is a parcel that New Castle County shows no record of the Board owning. Mr. Taylor is looking into the matter. He advised that title issues near the fire hall have been cleared up. Ms. MacDonough informed that four (4) Trust parcels and a number of private parcels are involved with the project.

Proposed Waffle House – To date no further information has been received.

Verizon (Routes 13 and 273) – Verizon wants to run an underground line that is complicated by the amount of wires and such located beneath the ground. All property owners need to be informed. The committee will be requesting more detailed drawings and specific information.

Upcoming appraisals include the Dialysis Center and Medical Center. Both must be notified by September 1, 2012. Letters commissioning the appraisals will go out in June.

OUTREACH COMMITTEE REPORT – Ms. Ross reporting.

Notices will be sent to those groups who did not receive grant funding as well as those who were successful. Grants that were awarded will be provided to the *New Castle Weekly*.

Mr. Wilson said that Gene Petty is willing to do an interview as part of the oral history project that Mr. Meek is working on. Mr. Meek has interviewed one resident to date and will follow up with Mr. Petty.

Mr. Meek raised the matter of summer concerts and the implication the Board refused to fund the concerts this year. Mr. Alfree assured the Board he spoke to Mr. Travers to clarify that no application was received requesting funding for concerts this year, that we have never refused to support the concerts, and we received a refund from the Lions Club because they were no longer going to do the concerts. Mr. Alfree gave permission to Mr. Travers to use his name as a life-long resident and member of the Trust on a document showing support for the concerts. He further assured Mr. Travers we could possibly assist financially as we have in the past should he need support. Mr. Viola suggested all Board members make themselves available to dismiss negative rumors about the concerts.

PROPERTY MAINTENANCE COMMITTEE – Mr. Viola reporting.

(Mr. Clayton read a report sent by Mr. Castagno.) The committee hosted a pre-bid meeting with McBride and Ziegler and six construction firms to discuss bidding for the sanitary system at the Penn Farm. Bids are due back on 4/16/12 and awarded in early May. *(Copies of detailed sanitary sewer plans were available for review.)* Water service from MSC to the bank barn and milk barn is near completion. Electric service from MSC is in the final stages of hook up.

Questions surfaced about the three-phase electric being installed in the house. Three-phase electric is for commercial use. MSC purchased regular wire and not the type of wire needed for three phase electric. Follow up with MSC and the electrician will take place. The committee is still awaiting the final easement document for burial of DP&L power lines on the property. The University of Delaware (UD) has committed \$15,000 toward the Delaware Greenway Initiative (DGI) to hire UD for preliminary work at the farmhouse. Other funding for the balance is being worked on. DGI is expecting confirmation of a grant from DNREC in April for the farm. DGI is working with Marianne Hardesty of the Natural Conservation Resource Services (NRCS) on a land plan for the farm.

Mr. Viola thanked Board members who attended the Farm Day event on March 24. Another event is being planned for April 21. It was a good opportunity to meet more of the people involved with DGI.

Mr. Meek said Kathryn Panula, Historic Penn Farm Project Lead, will be available to speak with Board members at the March event. He will report on a meeting held recently between Messrs. Alfree, Clayton, Meek, Ms. Fiske and Mr. Peter Walsh during executive session. *(Mr. Wilson reminded of the preferred protocol when asking people to attend a Board meetings.)*

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

Audits are current and up to date and were mailed with the MSC billing. A hard copy of the audit was provided to Board members. The audit for fiscal year ending March 31 is scheduled for the week of May 15. Last month investments with PNC increased 1.8% and Nicholson increased 1.3%. The quarterly meeting is April 25.

ELECTION COMMITTEE -- Mr. Gallagher reporting.

No report.

LIBRARY COMMITTEE REPORT – Mr. Viola reporting.

Ms. Ross asked if shrubbery could be planted in front of the library. Mr. Viola informed the library board chose not to plant shrubbery because of maintenance concerns and they wanted to leave the plan simple.

OPEN SPACE COMMITTEE REPORT – Ms. Fiske reporting.

Mr. Meek will act as the liaison for the Second Street Park. Mr. Wilson reported there is Canadian thistle growing wild in the field behind Bull Hill. Erv Thatcher has cut it down, but it is in a reduced mowing area and the height of the grass is preventing the sun from drying the area. Mr. Thatcher suggested planting ten bald cypress trees to address moisture in the area. Reduced mowing can continue to prevent the thistle from growing. The Board planted cherry trees in the area and some of them are suffering from the high moisture level. He said if we purchase more than nine trees the cost is \$450 per tree that includes planting and first year maintenance. He will discuss further with the committee and report back in May.

Mr. Alfree asked that Mr. Thatcher start working on cleaning up the Basin Road property (behind Schoolside Apartments).

Mr. Meek has asked Mr. Thatcher to meet with him to look at where they want trails and to discuss barriers. They will look at different barriers and provide pricing to the Board before moving forward. Types of barriers and legalities of same were briefly discussed.

BYLAW COMMITTEE REPORT – Ms. Fiske reporting.

Copies of the updated bylaws showing the date of the latest revision (March 6, 2012) were provided to Board members. Members were asked to discard all previous versions of the bylaws and use this version. Ms. Fiske sent to Board members a two-page summary of what has been voted on during discussions.

Ms. Ross distributed a memorandum concerning the change in the annual nomination process and selection of officers and committee members and the committee's recommendations. This memorandum satisfies the ten day notice period and discussion will take place at the Board's May meeting.

Recommendations call for the Nominating Committee to be removed and all positions are voted on by all members of the Trust providing for transparency. The Bylaw Committee discussed having the Board oversee the opening of the envelopes rather than Officers as has been the practice. The committee still needs to address the process of handling ballots. It was suggested that officers can oversee the procedure for opening and recording of ballots. Mr. Wilson said this process incorporates a business structure because the officers would be involved in the process and would be involved with the process of deciding on committees.

Regarding recommended additions to "Committees", Mr. Meek does not agree that only committee members will be able to have the floor and does not see the gain of opening a meeting to all Trustees when they will not have a voice. Clarification was provided that the committee chairman can recognize a member but they cannot vote. After brief discussion substitute language was proposed to read, "Committee meetings will be open to all Trustees. Only committee members will be able to vote." This provides the opportunity for members to learn about our committees or to better understand matters they may have concerns about.

Mr. Meek wants to see term limits for officers and possibly committees in the bylaws. Mr. Gallagher informed term limits have not yet been addressed. If a Board member wants to serve on a particular committee, that member can express their interest. Mr. Meek expressed concern with this Board becoming self-perpetuating.

Ms. Fiske stated the Bylaws Committee was asked to address the selection of officers and committee members only. She and other Board members share Mr. Meek's concern for term limits.

Mr. Alfree suggested considering language that would move the Vice President towards the office of President. According to Mr. Viola this Board has operated over the years with a Vice President serving a one-year term, allowing for all members to serve in that office.

Ms. Fiske informed the change presented tonight will satisfy Article 16, Trustee Committees.

BATTERY PARK COMMITTEE REPORT – Mr. Yacucci reporting.

Mr. Travers has scheduled nine bands for the upcoming summer festival. He is seeking help with concession-type services and plans to speak to the high school to enlist help. Ms. Fiske reported that Mr. Travers may have some of the concerts at the Brosius and Eliason site.

The fenced-in area behind the garages needs to be cleaned up. Items stored there are in poor condition.

OTHER COMMITTEES

Messrs. Meek, Castagno, Alfree and Ms. Fiske met with DGI. Mr. Meek distributed information prepared by Kathryn Panula, detailing what is happening at Penn Farm. The Trustees have a master lease through DGI (lessee). DGI is organizing committees to oversee the process and Penn Farm will sub-lease to the William Penn High School (Agriscience Program), Hunter Marie Farms (Paul Lester & Bros.), and Jahtenny Leda. He reported that remediation will continue and talked about types of crops to be planted. Ms. Hardesty (Natural Resources Conservation Service) will be working with the Lester's to determine the most practical crop(s) for the farm. Going forward we need to determine who will pay for the farm and uses of the barn and other buildings located there. DGI is anticipating charging a fee to use the barn for meetings, fundraising and public events. Mr. Alfree is pleased to see the amount of work being done by DGI and stated that Mr. Walsh will be instrumental with keeping the work moving forward in his role as Executive Director.

COMMUNICATIONS

Mr. Viola has correspondence pertaining to the squaring up of the lot on 3rd Street that was touched on earlier in the meeting. He has a letter regarding the \$140,000 associated with the City (ARRA) that will be discussed in executive session. Two letters have been received from the State of Delaware Department of Transportation with checks (\$6,900 and \$32,100) representing permanent and temporary easements for the Washington Street Sidewalk Improvement Project and the purchase of a small piece of land.

Mr. Wilson moved, and Mr. DeAscanis seconded, that the Board go into executive session to discuss matters of real estate. The motion was approved.

The Board reconvened to regular session at 9:45 p.m.

Mr. Wilson then made a motion to authorize a special allocation of funds in the amount of \$140,000 to the Mayor & Council for principal and interest payments on the ARRA (stimulus) project loan; this set-aside to remain available until 12/31/12, and to be paid in the form of a reimbursement to the City after invoices are provided, with the Finance Committee authorized to disburse these funds upon review and approval of documentation. Mr. Clayton seconded the motion. Mr. Alfree called for a roll call vote.

Voting in favor of the motion: Miss Fiske, Miss Ross; Messrs. Alfree, DeAscanis, Yacucci, Gallagher, Clayton, Wilson, Viola, Meek; and Mr. Appleby (via teleconference). There were no dissenting votes.

Mr. Meek made a motion that the Board consider an amendment to the Penn Farm lease with Delaware Greenways, to extend the period allowed for the fundraising effort (Section 7.2) by one year and to also insure that DGI adheres to all terms of the lease including the required formation of committees. Ms. Fiske seconded. The motion carried unanimously.

Mr. Alfree emphasized that he will not be able to check email daily, so please call him in case of urgent matters. He also asked that the Board use his personal email address and not his work address.

There being no further business, the meeting was adjourned 9:55 p.m.

Respectfully submitted,

Deborah Turner
Stenographer

Trustees of the New Castle Common
Meeting Minutes
May 1, 2012

Present: Messrs. Alfree, Appleby (teleconference), Clayton, DeAscanis, Gallagher, Meek, Viola, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., Ms. MacDonough, Executive Secretary, Ms. Turner, Stenographer. Absent: Messrs. Castagno, Gambacorta, Wilson

The monthly meeting of the Trustees was held on Tuesday, May 1, 2012, at 7 p.m. in the Trustees Room of the Old Town Hall. Mr. Alfree called the meeting to order followed by a moment of silence.

Public Input: Mr. Elliott Smith, President of Friends of Bellanca, asked for permission to use part of the unused land adjacent to the Bellanca hangar to fly control line airplanes. A new group sponsored by the American Academy of Aeronautics and sanctioned by the Academy of Model Aviation will oversee the operation. Any member of the group will be a member of the Friends of Bellanca. They have access to insurance and can provide a liability policy to the Trustees. Two (2) 150 ft. diameter circles are required that club members may need to level. Impact on the land will be limited. Mr. Alfree suggested the attorney for Bellanca communicate with Mr. Taylor to ensure everything is in order. The Property Development Committee will review and make a recommendation at our June meeting. Mr. Smith extended an invitation to the Board to tour the museum.

Mr. Michael Christopher Hemphill, 114 The Strand, requested the Board take responsibility for the trimming of tall weeds and trees that are growing behind his home along the river on Trust property. He says the weeds grow into trees, some as high as 6+ ft. tall. His concern is obstruction of the river view. He has handled paying for trimming over the past (~8 years) and trimming two ft. (2') from the base every four years is recommended by the University of Delaware. This helps keep debris from the river from coming ashore. The Outreach Committee gave advice on this matter about six months ago and will revisit the matter and provide advisement.

Monthly Calendar: May 2, MSC Event at Masonic Temple, dedication of Dobbinsville electric substation on Route 9. Ms. McDonough will include Bellanca open house dates on the calendar.

Minutes: A clarification was made to the Property Development Committee Report (L. DeAscanis). Mr. Gallagher moved and Ms. Ross seconded to approve the minutes as amended. The motion carried.

Executive Secretary's Report: Ms. MacDonough reported.

Auditors are meeting in two weeks to conduct the FY2012 audit. The intent is to publish in the fall. Another sewer billing will be done this month. During June she will be focused on the proper cleaning of this building and will be looking into furniture, the copier and other equipment. Ms. MacDonough has been participating in free webinars from the Delaware Division of Libraries, some that address archiving and digitization.

Treasurer's Report: Mr. Gallagher reported.

On the "final" treasurer's report he noted two amendments (Vandemark & Lynch surveying fee and McBride & Ziegler) that need to be moved from Contingency to Administrative, Legal &

Property. No opposition to the change was expressed. Mr. Gallagher will discuss with our accountant to create a category dedicated to the Penn Farm to properly record expenses.

The current treasurer's report (4/30/12) was tabled to address issues. The final treasurer's report will also be tabled. Adjustments need to be made prior to voting in June. Mr. Alfree commented we have continually spent more for maintenance and labor than what we budget for those two items. (*Discussion about where to record certain expenses followed.*)

PROPERTY DEVELOPMENT COMMITTEE REPORT – Mr. Taylor reporting.
Penn Farm Delmarva Easement – We are still waiting for a response from Delmarva.

Encroachment Letters/Hazardous Materials Letters – The committee reviewed a draft article to be submitted to the *Town Crier*. Longer term issues are being addressed. Ms. MacDonough is working on hazardous materials letters and the questionnaire to go out to commercial tenants. A short article entitled, "Protecting Your Trust Property" is planned for the June *Town Crier*. The article will be presented in a positive way and is intended to educate residents that the Trust needs to protect "their" properties.

M&T Bank Drive Thru Data Line – The project to put in a data line is moving forward.

Gordy Management-Additional Parcel (AT&T Hut) – A Mexican restaurant located next to Gordy Realty is interested in leasing the AT&T hut for storage. The lease will be with Gordy Realty. The appraisal on Gordy Realty was recent and will be used to determine the amount of rent for the AT&T hut.

Dialysis Center Third Party Request – The lease is up for renewal next year. The third party contractor continues to attempt to negotiate a new lease. Appraisal will occur this summer followed by negotiation thereafter.

Washington Street Sidewalk Improvement Project – Vandemark & Lynch has the final information to complete the sub-division plan and will be circulated for documents to be signed by appropriate parties and recording.

Proposed Waffle House – Will be removed from the agenda; no further information.

Burger King-Redevelopment – Ms. MacDonough reported the owner (Odyssey Food) is looking to give the restaurant a facelift and their contractor has been in contact with the City inquiring about permits. Their plan is to leave the existing building operating while they reformat the layout of the new building on another part of the lot and demolish the original building. No details have been received.

Comcast Internet Construction at Farmer's Market -- Mr. Taylor said they have taken the data line to a certain point but will need to enter further onto Trust property to get to ABC Phones (provides Verizon products), Shell station, Gambacorta Motors. Road surfaces are being disturbed and we have asked for more detailed plans. Mr. Alfree wants to ensure they know they need to get our approval before doing any work and get specific plans. They have dug a line and placed a tower on our property without contacting us. Mr. Clayton suggested sending a letter to tenants in the area reminding that any work like this needs to go through the Trustees first. The

utilities are aware they need to get easements for utilities. Mr. Alfree will speak with Mr. Richard Staats and encourage him to talk to his people about actions to date. An update will be provided in June.

Upcoming appraisals include the Dialysis Center and Medical Center. Both must be notified by September 1, 2012. Letters commissioning the appraisals will go out in June.

OUTREACH COMMITTEE REPORT – Ms. Ross reporting.

One more meeting will be scheduled before the summer and the Board will be notified when it is scheduled. Mr. Alfree is charging the committee with following up on a letter he intends to send to the new director at State Archives about documents they have been holding for us. The documents are Trust property and there is a letter in place to that end. He asked the committee to look into the procedure for Board members to have access to those documents and their recommendation of how to store the documents once they are returned to the library. We are not yet in a position to bring the documents back to the library.

PROPERTY MAINTENANCE COMMITTEE – Mr. Viola reporting.

Mr. Viola had nothing to report. Ms. Fiske asked about Mr. Thatcher removing two tires on the Hemphill land. They are on the concrete slab downstream from the ferry wharf. The committee will look into her request.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

The committee met with financial institutions on 4/25/12. He reported investments for the first quarter performed well with PNC increasing 8.68% and Nicholson increasing 8.47%. Our investments are doing well and slow, steady growth is anticipated. Mr. Alfree reported there will be a conference call with investors in July (only) that will accommodate Board members unable to be physically present.

ELECTION COMMITTEE -- Mr. Gallagher reporting.

No report.

LIBRARY COMMITTEE REPORT – Mr. Viola reporting.

A report on the annual audit conducted by Hagerty and Hagerty was presented at the last library board meeting. Findings were positive and the rating was the highest given. Mr. Viola reported the library is asking the City to contribute another \$12,000 in operating funding for next fiscal year which matches last year.

Upon Mr. Viola's direction, Mr. Gallagher will contact Hagerty and Hagerty to discuss the library loan and how it affects both parties.

OPEN SPACE COMMITTEE REPORT – Ms. Fiske reporting.

Ms. Fiske, Messrs. Wilson and Thatcher visited the area behind Bull Hill where the Trust plans to plant ten bald cypress trees. These trees do well in wet conditions and will absorb some of the moisture. The cost would be about \$450 per tree and the committee will meet with Sue Barton to discuss placement and reason for planting. The committee will make its recommendation at the June meeting.

The Committee will revisit the Hemphill request made earlier this evening. Ms. Fiske will speak with Sue Barton and report back to the Board.

Trails and Broad Dike marsh area – Messrs. Meek and Thatcher looked at the area where Mr. Meek wants to install fences to block ATV's. It appears the fences will not block the ATV's from accessing the wet trails. We would need to go to Built-Rite Fence to get an appropriate fence. Mr. Thatcher will address the squatter issue at some point and will clean up the area he mows near the Hermitage extending to the river. Mr. Thatcher will routinely mow the area for no great additional expense. In the fall Mr. Meek will revisit opening up trails at the Hermitage farm.

BYLAW COMMITTEE REPORT – Ms. Fiske reporting.

Mr. Gallagher reported on the changes being proposed tonight. They involve changing the timing around electing officers and committees and eliminating the Nominating Committee. He reviewed the major changes being considered (committees will be open to all Trustees, only committee members may vote, committees will provide their meeting schedule so other Trustees may plan to attend accordingly, officers will be notified if there is insufficient interest in committees in order to solicit additional members). A specific timetable would be used to elect members and to elect members to committees. Ms. Fiske explained why she chose the "18th" of the month. It was felt that using consistent language throughout the bylaws would be better. (*Discussion followed on the matter.*) The third Tuesday was suggested in place of every date showing the "18th". Where the month alone is stated the numerical designation will be used. According to Mr. Taylor, this is in line with current practice.

Mr. Viola spoke of the Form of Interest relating to officers. For clarity he thinks it would be beneficial to show the length of term for officers on the form. He questioned text in Section 3, Officers, B, "The Chairmen of the Property Development, Finance, Property Maintenance and Outreach Committees to oversee ballots and record the votes" since the Nominating Committee is being eliminated. Officers will already have been elected and in place and should assume these tasks. Mr. Gallagher clarified the intent of the provision.

Mr. Viola believes that too much committee work is being forced into Board work. With the practice of additional Trustees attending committee meetings he thinks effectiveness will be negatively impacted. (*Discussion followed.*) Mr. Gallagher stated that committees are responsible for reporting to the Board so voting can take place and he believes communication is important. It has been Mr. Viola's experience that if you wanted to know what a committee was doing you met with the chair of that committee to better understand issues.

Mr. Alfree referred to the Board's past practice of shorter meetings citing less discussion based on a committee's recommendation.

A motion was made by Ms. Fiske to accept the changes of Section 3, Article XIV of the Bylaws that were sent out and received ten days prior to this meeting with the following minor changes: page 1, Officers, A, instead of "by January 18th" change to read "the third Tuesday of January"; B, instead of "February 18th" change to read "the third Tuesday of February"; D, instead of "in April", change to read "new officers will begin their term on April 1."

A roll call vote was called.

Mr. Alfree – yes
Mr. Meek -- yes
Mr. Yacucci -- yes
Mr. Gallagher -- yes
Ms. Fiske -- yes
Mr. Clayton -- yes
Mr. Viola -- yes
Ms. Ross -- yes
Mr. DeAscanis -- yes
Mr. Appleby – yes

Motion carried 10-0.

Ms. Fiske moved that Section 1, Article XIV of the Bylaws, Committee Formation as sent and received ten days prior to this meeting be voted on and accepted with the following changes: A, instead of “April 18th” change to read “by the third Tuesday in April”; B, instead of “May 18th” change to read “the third Tuesday in May”; D, instead of “in September” change to read “the new committee members will begin their term on September 1.”

A roll call vote was called.

Mr. Alfree – yes
Mr. Meek -- yes
Mr. Yacucci -- yes
Mr. Gallagher -- yes
Ms. Fiske -- yes
Mr. Clayton -- yes
Mr. Viola – no
Ms. Ross -- yes
Mr. DeAscanis -- yes
Mr. Appleby – no

Motion carried 8-2.

In light of approval of the bylaws change, Mr. Gallagher informed that the Board needs to consider whether to expedite the committee nomination process or remain on the same committees until January 2013. The consensus was to leave the current committee structure in place. Ms. MacDonough will update the committee listing noting the new process and distribute to all Board members.

BATTERY PARK COMMITTEE REPORT – Mr. Yacucci reporting.

Mr. Yacucci had no report but Ms. MacDonough reported that Family Foundations wants to have a school field day with about 700 children. They will follow the appropriate process. The City is still working on the new permit process. Mr. Viola commented on the terrible condition of the fenced area behind the garages on Battery Park. (*Discussion followed.*)

OTHER COMMITTEES

Capital Campaign Committee for the Farmhouse – Ms. Fiske reported that she and Mr. Castagno will meet next week with Peter Walsh, President, and Andrea Trabelis, Director, of Delaware

Greenways Initiative (DGI). Mr. Alfree announced that the Penn Farm DGI will make a presentation at the June meeting. The meeting will begin at 6:30 p.m. Mr. Walsh will provide hand outs prior to the meeting. At that meeting we will discuss their lease for another year. Ms. Fiske and Ms. Ross attended the Friends of Penn Farm Advisory Meeting and commented on two concerns. Kathryn Panula, Historic Penn Farm Project Lead, does not understand the farmhouse is to be residential and that the farm stand is intended to be a produce stand and she is considering renting it out.

Mr. Meek suggested this Board should discuss Penn Farm since there is no committee for same. We have paid for engineering for sewer and the sewer from the stand and maintenance of the farm stand were not part of the lease. He questions whether the Board is willing to pay for roof repairs on the farm stand for functions not part of the lease. Mr. Taylor advised if DGI wants to do a sub-lease of the farm stand to another entity they need to approach the Trust for permission.

This is a large project with a number of questions to be addressed. Mr. Alfree cautioned about going beyond DGI's intended presentation in June. Mr. DeAscanis requested a meeting to address the Board's concerns prior to the June meeting.

Mr. Viola informed the Property Maintenance Committee met last week and spoke with the engineer from McBride & Ziegler. It was agreed that the Property Maintenance Committee, Mr. Castagno and the engineer will be meeting to discuss proposals received. It is a good time to make sure we know what services will be provided and sort through the issues. Because of his knowledge of the project, Mr. Viola noted the importance of Mr. Castagno being present. Specific questions need to be submitted to Mr. Alfree by May 9 and will be addressed at the meeting. The meeting will be May 15 at 7 p.m. It will be advertised as a special meeting. Ms. MacDonough will redistribute the list of Penn Farm responsibilities penned by Mr. Alfree.

Archives Committee -- Mr. Meek reported that he and Ms. Fiske have been working routinely on cataloging documents. They have provided Ms. MacDonough with a list of the first 100 documents filed. He plans to reproduce a map dated 1894 of Trustee properties and place on the office wall. Archive Committee funds will be used.

Motion File -- Mr. Alfree is considering preparing a motion file that would contain every motion made and voted on at Board meetings, regardless of approval.

COMMUNICATIONS

Mr. Viola read a letter from the Scholarship Committee. In summary, as a result of increased publicity there are 20 new applicants for scholarships this year; three applicants from William Penn High School. There are 40 students receiving scholarships. The committee would like to give each freshman \$800 per semester with a larger amount as they continue their education. They would also like to reward \$200 each semester to students meeting a GPA of 3.5 or above. At least 20 students are expected to reach this criterion. The committee anticipates \$78,700 will be needed this year; we currently provide \$60,000. The request for additional funding will be made in June. (*Discussion on the matter.*) The Finance Committee will review the letter and make a recommendation.

Mr. Viola read a letter from Council President Barthel thanking the Board for approval of their request for principal and interest payments for the pending ARRA loan and for the Board's support of storm water projects in the City of New Castle.

At 9:30 p.m. Mr. Clayton moved and Ms. Fiske seconded that the Board enter Executive Session to discuss two matters of real estate.

The Board reconvened in regular session at 9:35 p.m. There being no further business, the meeting was adjourned.

Respectfully submitted,

Deborah Turner
Stenographer

**Trustees of the New Castle Common
Meeting Minutes**

Special Meeting – May 30, 2012

A special meeting of the Trustees was held on Wednesday, May 30, 2012 at 7:00 p.m. in the Trustees Room of the Old Town Hall.

Present: Mr. Alfree, presiding; Messrs. Clayton, De Ascanis, Gallagher, Gambacorta, Meek, Viola, Wilson and Yacucci; Mr. Appleby via teleconference; Ms. Fiske, Ms. Ross., Mr. Taylor and Ms. MacDonough.
Absent: Mr. Castagno.

Mr. Alfree called the meeting to order. The special meeting was requested by Mr. DeAscanis and Mr. Meek to discuss issues relative to the Penn Farm lease prior to a presentation by Delaware Greenways at the June 5, 2012 meeting. Mr. Alfree asked the Board to submit all questions and concerns by May 9 and compiled them in a handout which was previously distributed. The meeting followed the order of the handout.

1. Management of terms of the lease

Mr. Wilson said he would like to revisit the structure of the lease (make it more comparable to our standard leases) and make some changes, e.g. eliminate the lease-designated committees. Action on this was tabled until later in the meeting.

2. Uses of the farm house

The current lease is very specific as to the use of the farmhouse as a single-family residence. Mr. Meek said we should broaden the scope of possible uses. A variety of ideas have been circulating, however the tenant must bring something specific to the Board for consideration and action.

3. Uses of the farm stand

Mr. Meek said that the City's "Agricultural-Horticultural" (AH) zoning category was developed specifically for the Farm, when it was annexed to the City. Delaware Greenways is contemplating various events (music, films, gatherings) which, although not farming *per se* are still connected to the farm, fresh foods, wellness, physical exercise, etc. DGI met the mandate to operate the farmstand within the first year; however the lease does not require that it continue to be operated as a produce stand.

4. Building repairs

The current lease does not address Trustee responsibility for repairs to the farmstand; however, repairs to the roof are in the approved FY13 budget. Further capital improvements to the stand will hinge on plans for the use of the structure. Responsibility for funding needs to be clarified.

5. Update by PMC on sewer project

Design work on the original concept for sanitary sewer to farm buildings and produce stand was completed. Proposals received were twice the estimated cost, so Property Maintenance with the assistance of Greg Swift from McBride and Zeigler revised the project. The sewer main to the

produce stand was eliminated, and modifications were made to the connection to the main County system at Penn Acres South. The job was rebid and a tentative selection has been made pending final review of documents.

6. How to improve 2-way communications

Mr. Alfree said that if a member of the Farm Management or Campaign Committee cannot attend a meeting, he will attend in their place.

7. Status of UD cost estimate for farmhouse

Mr. Gallagher asked about a \$1 million estimate provided last year through DGI for the rehabilitation of the farmhouse. Ms. Fiske said that it was prepared by a DGI staff person and was no longer relevant.

8. Timeframe extension of the lease terms for fundraising for the farmhouse

Ms. Fiske made a motion to revise the lease as follows: In Section 7.2 (Capital Campaign Committee), line 9 - change “at the end of the first lease year” to “at the end of the second lease year” in order to extend the time to establish a plan to raise funds to restore the farmhouse. Mr. Meek seconded. A roll call vote was made, and motion carried with 11 yeas and 1 abstaining:

Alfree:	yes	Fiske:	yes
Appleby:	abstain	Clayton:	yes
DeAscanis:	yes	Wilson:	yes
Gambacorta:	yes	Viola:	yes
Yacucci:	yes	Ross:	yes
Gallagher:	yes	Meek:	yes

Mr. Wilson then withdrew his earlier motion to revise the terms and structure of the lease. Mr. Alfree said we can revisit the lease and relationship again in a year or so.

He emphasized that the June 5th presentation by DGI is informational only, and a handout/report from the tenant will be provided ahead of time.

At 8:30 p.m. Mr. Wilson moved to adjourn the meeting.

Respectfully Submitted,

Kathleen MacDonough
Executive Secretary

Trustees of the New Castle Common
Meeting Minutes
June 5, 2012

Present: Messrs. Alfree, Appleby, Castagno, Clayton, DeAscanis, Gallagher, Meek, Viola, Wilson, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., Ms. MacDonough, Executive Secretary, Ms. Turner, Stenographer. Also present: Mrs. Mimi Carpenter of the *New Castle Weekly*.
Absent: Messrs. Gambacorta

Prior to the Board Meeting (6:30 p.m.) representatives of Delaware Greenways (DGI) presented the progress to date of activities at the Historic Penn Farm. Peter Walsh, President of DGI; Kathryn Panula, Farm Director/Manager; Andrea Trabelis, Programs Director, and Lenny Sophrin, architect reported on a number of topics including the formation of an advisory board (includes two Trustees) to assist with the project, organization of key working committees, grant funding, volunteer efforts, partnerships and volunteer activities, long-term farming approach, plans for the farm house and farm stand, crops, and capital campaign. They are working with Rebecca Sheppard, University of Delaware Center for Historic Architecture and Design, to create a plan for the house. According to Ms. Panula, in late October Fred Kirschenmann, of Stone Barns Foundation, will speak on sustainability issues with high school students and others. Ms. Trabelis informed there is a map of the farm on their website. Mr. Meek requested the map be sent to him so he can have it reproduced for the Board.

Mr. Alfree thanked the group for their presentation noting there is a lot of interest/attention in activities at Penn Farm. He asked that members of Penn Farm Committees advise him when they will not be able to attend a meeting so he can attend in their place. Mr. Walsh thanked the Board for the opportunity to present. Ms. Ross requested that the Trustees of the New Castle Common be added to the list of partners on the DGI website.

The monthly meeting of the Trustees was held on Tuesday, June 5, 2012, at 7:05 p.m. in the Trustees Room of the Old Town Hall. Mr. Alfree called the meeting to order followed by a moment of silence.

Mr. Alfree recognized several Board members for their service to the Trustees of the New Castle Common. Mr. Gambacorta was recognized for his 40 years of service; Mr. Appleby has served 39 years; Mr. Wilson has served 18 years; Mr. Alfree for 8 years; and Mr. Castagno for 6 years.

Public Input:

John Hollingsworth of Boy Scout Troop 27 (Asbury United Methodist) announced his Eagle Scout project of repainting park benches and tables in Battery Park and he is seeking approval of his project from the Trustees. Approval was granted. Mr. Yacucci of the Battery Park Committee will work with John on the project.

Ms. Arleen Harris, Moores Lane and resident of Baldton, appeared as an advocate of the police department. She would like to see more financial support for the police.

Ms. Carol Hickman, a 9th Street resident, was also present to express her support for more financial support for the police department. Mr. Alfree informed that most denials for funding from the Board are due to lack of funds.

Mr. Michael Christopher Hemphill, 114 The Strand, presented petitions in support of his request (May 2012) to have weeds and trees growing along the river on Trust property trimmed and paid for by this Board. Mr. Alfree advised the matter has been assigned to a committee (Outreach Committee) and they will get back with him. (*Petitions given to Ms. Ross.*)

Monthly Calendar:

Ms. Fiske said an Open Space Committee meeting is scheduled for Thursday, June 7, 10 a.m. in the Trustees office. Sue Barton of the New Castle County Cooperative Extension Agency will be on hand to discuss Second Street Park and the field behind Bull Hill. Mr. Wilson does not agree with Ms. Barton's review of the river issue and will be on hand to meet with her. Mr. Viola informed of a Property Maintenance Committee meeting the morning of June 27 at Mr. Appleby's home. Mr. Wilson said the Property Development Committee meeting is being postponed from the July 4th weekend to July 9. Ms. Ross will inform the Board if an Outreach Committee meeting is scheduled.

Minutes: On page 1, Public Input, Mr. Hemphill, should read the "Open Space Committee" and not "Outreach Committee". On page 6 the addition of "Mr. Meek seconded Mr. DeAscanis' request to have a special meeting to discuss Penn Farm" will be incorporated in the text.

A motion was made by Mr. Gallagher to approve the minutes as amended. Mr. Clayton seconded the motion. Motion carried unanimously.

Executive Secretary's Report: Ms. MacDonough reported.

Minutes of the May 30 special meeting were distributed to Board members. After brief discussion it was decided to defer approval until the September meeting.

Treasurer's Report: Mr. Gallagher reported.

At the May meeting there was discussion about Contingency details (last page) and possibly putting some of those entries into different accounts on the "last and final" Treasurer's Report. The Finance Committee met and has recommended not making any changes to the final report for the 2012 year.

A motion was made by Mr. Gallagher to accept the final Treasurer's Report as submitted. Mr. Appleby seconded the motion. The final Treasurer's Report was approved.

The April Treasurer's Report was tabled at last month's meeting because two duplications in charges were noted that needed to be corrected.

Mr. Gallagher made a motion to approve the revised April 30, 2012 Treasurer's Report for the meeting on June 5. Mr. Appleby seconded the motion. Motion carried unanimously.

The May 30 Treasurer's Report was reviewed. There were no questions raised. Mr. Gallagher made a motion to approve the Treasurer's Report dated May 30, 2012. Mr. Wilson seconded and the motion was approved.

Mr. Gallagher distributed a “proposed format” treasurer’s report that he believes will be more transparent and accurate. He explained the rationale for the format. This fiscal year he wants to put entries in an appropriate account rather than Contingency. Mr. Viola questioned the terminology “building sinking fund” for Maintenance and was informed it is a reserve item and is common.

The audit is currently underway and he anticipates having it ready to review at the September meeting. The Finance Committee meeting will meet over the summer to review. The committee will also have a July 25 conference call with investors.

PROPERTY DEVELOPMENT COMMITTEE REPORT – Mr. Wilson reporting.

Mr. Wilson informed that going forward only those matters needing a vote will be on the agenda. He has been elected chairman of the committee for the remainder of this fiscal year.

The committee requests a name change from Property Development Committee to Trust Property Management Committee. This will require a bylaw change and is considered the Board’s official notice. Brief discussion followed.

Mr. Viola made a motion to change the name of the Property Development Committee to Trust Property Management Committee. Mr. Castagno seconded the motion. The motion carried.

The name change will be reflected in the bylaws along with other related items, and will be distributed to the Board for review.

Penn Farm Delmarva Easement – Mr. Taylor has not received a response from Delmarva regarding the last comments sent to them. The committee wants to look at the current sketch for the location where the electric line will be buried.

Encroachment Letters/Hazardous Materials Letters – Ms. MacDonough is waiting to hear from Marian Young to learn what is needed for a standard hazardous material letter.

Mr. Appleby made a motion to give the Property Development Committee the authority to approve the letters, once finalized, and send them out during the summer. Mr. Meek seconded the motion. The motion carried.

Friends of Bellanca Model Airplane Request – Based on noise pollution issues the Property Development Committee is reconsidering this request. Mr. Meek raised the noise issue at the May meeting and the Board was informed there is a distance from the location where the planes would be operated to the nearest homes and planes would be operated during the day on weekends. Mr. Wilson is very concerned with the noise and how it will affect the Washington Park area. (*Discussion followed.*) Mr. Viola asked the Board to do due diligence citing that volunteers working on the Bellanca hanger, a non-profit venture, are trying hard to bring attention to their efforts and cause. Ms. Fiske suggested asking for one session of the airplanes to learn more about the noise level in the immediate and surrounding areas. The session would be advertised.

Ms. Fiske made a motion to approve one session of the model airplanes then revisit the matter. The motion was seconded by Mr. Clayton. The motion was approved. *(The date will be determined after consulting with Mr. Elliott Smith.)* Mr. Wilson will work with Ms. MacDonough to coordinate.

Gordy Management-Additional Parcel (AT&T Hut) – A boundary survey may be needed. Rent can be based on square footage of the appraisal.

A motion was made by Mr. Wilson to move forward with rental of the building to Gordy based on square footage rate of the appraisal. Mr. Clayton seconded the motion. Mr. Meek inquired whether this would be a short-term rental versus a long-term lease and was informed it could be concurrent with the term of the Gordy lease. The motion was approved.

Second Street Park – Mr. Wilson to discuss this matter in Executive Session.

Dialysis Building and Medical Center – Due for appraisal over the summer.

Mr. Wilson made a motion for the committee to complete the appraisal over the summer. If it is a budget overrun, there is money in the budget for appraisals and they want to continue to move forward if it comes in over that. Mr. Alfree noted we have always set aside money for appraisals. Mr. Gallagher seconded the motion. Motion carried.

Washington Street Sidewalk Improvement Project – *(Map of area distributed to Board members.)* Mr. Wilson asked if the Board wants to pursue property ownership of the lot south of the old Gambacorta showroom. There is confusion surrounding ownership. Mr. Taylor reported that tax records show the Trust; the most recent deed indicates the City owns it. There was a sewer lift station on this property at one time, but it has been moved. Mr. Taylor advised that the Trust needs to give direction whether it wants to own it or not. He can work out the issue with the City or the Trust can cease paying taxes on it. This issue was raised during the vetting process that DelDOT has done as part of this project. An easement would not be costly. The consensus of the Board was for the Property Development Committee to determine ownership of the subject property.

Walnut Hill Easement Request from MSC – MSC is requesting an easement to put in electrical ties for water and electric that will encroach on Trust property (Penn Farm). The encroachment is minor. The water system consists of five fire hydrants along Route 273 for fire protection; eliminate 2" plastic service across the Penn Farm; supply three homes along Route 273 from the new main; and supply the new produce stand with the new main. The system would allow MSC to supply electricity for the proposed trail and gives MSC the option to provide power to the produce stand and the Frenchtown Road well (at triangle) and positions MSC to complete the electrical loop to School Lane. The benefits are huge, especially fire protection benefits. Mr. Clayton described current fire protection capabilities for the Penn Farm area. Discussion followed that included future infrastructure improvements to Route 273. MSC will work with DelDOT on any such improvements. According to Mr. Wilson MSC is requesting this work in the

event the City annexes the property. Ms. MacDonough informed the City has indicated annexation will not be complete for several more weeks and nothing can happen until then.

Mr. Clayton made a motion to approve MSC's request for an easement. Mr. Gallagher seconded the request. The motion was approved.

Simon Watts' Request -- Mr. Wilson to discuss this matter in Executive Session.

Family Foundation Summer Camp – Ms. Ross is concerned with traffic issues and whether the lease is for the school year or year round.

A motion was made by Mr. Wilson to allow the committee to look into the lease for proper use. If not allowed the committee is to execute lease through counsel. It is Mr. Alfree's belief that the Property Development Committee has the authority to handle lease violations through Mr. Taylor. Mr. Wilson withdrew his motion.

Summer Concert Additional Parking Request – Parking was requested between 3rd and 4th Streets for additional parking during summer concerts. This request has been withdrawn.

OUTREACH COMMITTEE REPORT – Ms. Ross reporting.

She has followed up with the cleaning service the fire company uses. Ms. MacDonough said the current service has been in place about 12 years and she would like to enlist a service that is more sensitive to historic buildings. Mr. Wilson suggested speaking with Sally Denton for guidance. Ms. Denton has experience in this business. More research will be done and bids may be requested.

It was requested at the May meeting that State Archives be notified that this Board would like to visit their facility to look at documents Archives has been holding for the Trustees. The trip will be planned for July and Ms. Ross will inform the Board of specifics and coordinate with those wishing to make the trip.

PROPERTY MAINTENANCE COMMITTEE – Mr. Viola reporting.

No new chairman has been elected to date. They are still working on the cemetery sewer system. The matter of Mr. Thatcher's responsibilities with the City versus the Trustees was raised by Ms. Ross. Mr. Alfree has asked that the Property Maintenance Committee manage Mr. Thatcher and his team's time and bills to ensure consistency. They will take direction only from the Property Maintenance Committee for the Board.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

Investments with Nicholson have gone down 4.1% and PNC is down 5.5%. They have reviewed the Scholarship Committee's request for \$78,700. After discussion the Finance Committee is making a recommendation of \$75,000 which would give the committee enough funding for the number of students involved but would not allow funding for bonuses. The Finance Committee originally approved \$60,000.

Mr. Wilson is supportive of the scholarship fund but expressed concern with the request for additional funding (\$15,000) and where it will come from. (*Discussion followed.*) Mr. Gallagher informed that easements will pay for the additional \$15,000 this year. The number of students has increased this year, largely attributed to advertising in water bills and the *New Castle Weekly*. (*Additional discussion followed.*)

Ms. Fiske made a motion to accept the recommendation of the Finance Committee to adjust the budget from \$60,000 to \$75,000 for the Scholarship Committee for this year. Mr. Viola seconded the motion. The motion was approved.

Ms. Ross questioned if a policy is in place for arrearages. Mr. Gallagher said procedures are being worked on.

ELECTION COMMITTEE -- Mr. Gallagher reporting.
No report.

LIBRARY COMMITTEE REPORT – Mr. Viola reporting.
The library may have access to \$250,000 in reimbursement funding by way of unexpended Bond Bill funds. Messrs. Viola and Appleby and Library Director Julie Kirk have met with their State contact person to go over projects the library wants to finish. Ms. Ross asked about window painting currently taking place. Mr. Viola said they are painting the sashes; the adhesion of the primer to the windows was poor and refinishing the windows was unavoidable. One-third of the funds to do this work will come from retainage from the general contractor with the difference funded in this year's budget.

OPEN SPACE COMMITTEE REPORT – Ms. Fiske reporting.
No new chairman has been elected to date.

BYLAW COMMITTEE REPORT – Mr. Gallagher reporting.
The committee will be meeting over the summer and will be sending information out to the Board.

BATTERY PARK COMMITTEE REPORT – Mr. Castagno reporting.
Nothing to report.

OTHER COMMITTEES
None.

COMMUNICATIONS
A 'thank you' note from a recent graduate of Goldey Beacom College was received. The student has been a recipient of assistance from the Trustees' scholarship fund.

At 8:55 p.m. Mr. Wilson moved and Ms. Fiske seconded that the Board enter Executive Session to discuss matters of real estate.

The Board reconvened in regular session at 9:55 p.m. Mr. Wilson made a motion that the Property Development Committee be authorized to negotiate with Carriage Realty (t/a Gambacorta Pre-Owned) to finalize a lease renewal option based upon the terms of the current lease. Mr. Castagno seconded the motion. Motion carried unanimously.

There being no further business, the meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Deborah Turner
Stenographer

Trustees of the New Castle Common
Meeting Minutes
September 11, 2012

Present: Messrs. Alfree, Appleby, Clayton, DeAscanis, Gallagher, Meek, Viola, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., Ms. MacDonough, Executive Secretary, Ms. Turner, Stenographer. Also present: Mrs. Mimi Carpenter of the *New Castle Weekly*. Absent: Messrs. Castago, Gambacorta, Wilson

The monthly meeting of the Trustees was held on Tuesday, September 11, 2012, at 7 p.m. in the Trustees Room of the Old Town Hall. Mr. Alfree called the meeting to order followed by a moment of silence.

Public Input:

Mr. Alfree started by informing the public in attendance that every issue that comes before the Trustees is decided on with the best interest of the people of the City of New Castle and the money and land we are charged to oversee. This matter was assigned to the Outreach Committee. On 7/26/12 Mr. Alfree notified Mr. Hemphill that no trimming will be performed along the river front land in question for fiscal year 2012. The City Manager has informed the Trustees that we must check with DNREC to see if we have the authority to perform trimming. A letter will be sent to DNREC this week to determine what we are permitted to do and who we contact at the Corps of Engineers. Their response will be provided to residents once it is received.

Mr. Hemphill spoke on behalf of residents in favor of trimming. He provided a history to date of the weeds and undergrowth in question. He maintains the Trust should pay to have the trimming done.

Those in favor of having the shrubbery cut: Vaniela Biscaro, 4th Street; Scott Holy, 4th Street; Bob Coates, Bull Hill; Diane Coates, 242 East 2nd Street; Karen Velitskakis and her husband, 234 East 2nd Street; Sally Denton, 209 2nd Street; Walter Reed, 11th Street, representing Jan Churchill, 262 East 2nd Street; George Velitskakis, 236 East 2nd Street; Matthew Tseronis, 114 The Strand; Keith Adams, 110 Delaware Street; and Mark Hilberg, 223 East 2nd Street. Valerie Windle, formerly of 213 East 2nd Street and now 201 Harmony Street, is in favor of trimming and burning for re-growth of the land.

Bernadette Ruf, Second Street, said six of her neighbors that have a river view do not think the plants and undergrowth need to be cut down. The reason was to provide habitat for wildlife and help guard against flooding and storm run off.

Additional residents in attendance who are not in favor of cutting the shrubbery: Paul Guttenplan, 167 East 2nd Street; Sara Hutchinson, West 4th Street. Residents who are not in favor of trimming and sent emails to the Trustees office include Don and Kerstin Almquist, 103 The Strand; Sandy and Binney Beale, 26 The Strand; Dorothy Colburn, 153 East 2nd Street, Mary Davis, 24 East 3rd Street, Bob and Jackie DiGiallonardo, 69 West 5th Street; Tom Geraghty, 45 West 4th Street, Michael Heyman, 207 East 2nd Street, Karen Hurley-Heyman, 207 East 2nd Street, Melissa Pavone, 158 East 2nd Street.

Keith Adams, 110 Delaware Street, citing the work being done at Penn Farm, suggested this is an opportunity for a repair and restoration project. Lisa Muldoon, 26 East 4th Street, wants to see what DNREC's ruling will be. Jim Whisman, 411 Delaware Street, does not have enough of the facts to make a decision.

Ms. Fiske will provide an explanation on the Outreach Committee's decision not to trim in *New Castle Weekly* and *The Cobblestone*. Discussion on the matter closed.

Mr. Alfree recognized lifetime Board members: Messrs. Gambacorta, DeAscanis and Appleby. Mr. Clayton was recognized for his one year of service as a Trustee.

Mr. Viola thanked Ms. MacDonough for the summer update sent over the summer.

Monthly Calendar: A Property Management Committee meeting took place on 9/10/12.

Minutes: Mr. Meek made a motion to accept the minutes of the 5/30/12 Penn Farm meeting as submitted. Mr. Appleby seconded and the minutes were approved. Corrections were noted for the Board Meeting minutes of 6/5/12. A motion was made by Mr. Clayton to approve the 6/5/12 Trustee Meeting minutes as corrected. Mr. Gallagher seconded the motion and the minutes were approved.

Executive Secretary's Report: Ms. MacDonough reported. City of New Castle property taxes were due 8/31/12 (to get 2% discount); County taxes are due 10/1/12. The Trustees pay all taxes up front and collect from tenants afterwards. Third quarter sewer taxes were paid by 8/31/12. A report from the Scholarship Committee was distributed to the Board and briefly reviewed.

Treasurer's Report: Mr. Gallagher reported. Mr. Alfree made a motion to accept the 6/30/12 cash flow report as submitted; Ms. Fiske seconded. The motion carried. Mr. Gallagher made a motion to accept the 7/31/12 cash flow report as submitted; seconded by Mr. Viola. The motion carried.

One entry in the August cash flow report was questioned. The entry involved two strips of land (Evans and Baldini) that the City agreed to quick claim to the Trust. Mr. Gallagher made a motion to accept the 8/31/12 cash flow report as submitted; Mr. Viola seconded the motion. The motion carried.

Mr. Alfree acknowledged all the work performed on the cash flow reports.

Approved budget versus drawdown -- Mr. Gallagher noted the Trust approved to increase Administrative, Scholarship to \$75,000 at its 6/5/12 meeting. The adjustment will appear next month.

PROPERTY DEVELOPMENT COMMITTEE REPORT – Messrs. Taylor & Clayton reporting.
Penn Farm Delmarva Easement – Delmarva is sending the final plan and we will re-verify the route where the electric will be buried.

Encroachment Letters/Hazardous Materials Letters – Revisions and updates to the hazardous materials questionnaire have been made and are being provided to our commercial tenants.

Friends of Bellanca Model Airplane Request – Further discussion is needed and the committee will be looking at whether a 50 ft. tower can be erected.

Gordy Management-Additional Parcel (AT&T Hut) – Vandemark & Lynch has submitted a proposal for surveying this property and the fence in the area. A proper survey has never been performed and will address many questions.

Mr. Clayton made a motion to approve Vandemark & Lynch to perform a survey in the sum of \$6,800 for the Gordy property, AT&T Hut and the fence area. Mr. Gallagher seconded the motion. The motion was approved.

Washington Street Sidewalk Improvement Project – DelDOT continues their work on this project. The 50 ft. X 100 ft. parcel near 7th Street is owned by the City.

Carriage Realty and Milex Properties – Working on documentation to memorialize our extension of these.

M&T Bank – The committee still has questions about the lighting around their ATM machine and wants to look at other locations where this lighting is installed.

Mr. Clayton made a motion to give the Property Development Committee authority to give approval once all questions have been satisfied. Mr. Viola seconded the motion. The motion was approved.

Amazon.com – Lease renewed with ground tenant. Renewal comes up in January 2013 with rent based on the CPI increase. The next five years will be based on an appraisal.

Miscellaneous – Ms. MacDonough continues to work with Comcast to clarify work, lines running to M&T property and finalizing items at Farmers Market, and Penn Mart Shopping Center code violations. The transaction was completed with the Evans/Baldini property.

OUTREACH COMMITTEE REPORT – Ms. Ross reporting.

The Board's visit to State Archives is planned for October/November. The committee will follow up on janitorial services concerns for this building.

Mr. Meek has been requested by Cindy Snyder at the Court House to talk about the Trustees and our history on William Penn Day, October 27th. He asked for, and was granted, approval to use some of the Trust's replica documentation for display.

Mr. Viola reported that conditions in the vault are satisfactory but a dry system for fire suppression needs to be looked into before returning the charter and other period documents.

PROPERTY MAINTENANCE COMMITTEE – Mr. Viola reporting.

Guardian Construction was awarded the contract (\$93,000) for the sanitary system at Penn Farm. Work should begin this week and take about 25 days. Trenching for water and electricity for the barn should begin soon to ensure it is ready for the October event. The condition of the farm road is being evaluated.

Sidewalks will be removed and replaced and a handicap ramp installed at the medical center. Cost is projected at \$7,000. Ms. MacDonough is coordinating with Dr. James to determine when the work will be done.

The committee looked at the property along Basin Road and agreed it needs attention and is more than the Public Works Department can handle. The committee has received a proposal from Cirillo Brothers to clear debris and under brush and grade the roadside area for \$8,550 (unbudgeted).

A motion was made by Mr. Clayton to approve the proposal of Cirillo Brothers to do the work at the Basin Road property at a cost of \$8,550. Mr. Appleby seconded the motion. The motion was approved. (The Board set aside \$5,000 for this project.)

Mr. Thatcher hopes to remove the encroaching fences and miscellaneous debris in Second Street Park later this week (Thursday). Two adjacent property owners are concerned with the ultimate use of the area and are erecting fences to retain privacy.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

The committee met with PNC and Nicholson Associates on 7/25/12. For the month of August the return from Nicholson was 1.6% and PNC was 2.0%. Year to date the return from Nicholson is 7.6% and PNC is 10.2%. Investments are healthy.

The final draft of the audit was approved by the committee in June. A hard copy will be distributed next month.

The Board previously approved \$140,000 for the stimulus program to help the City pay for principal and interest. Ms. MacDonough reported a bill for \$49,000 has been paid towards principal and interest. The City must bill us by 12/31/12 at which time our commitment expires.

Tours of the two storm water ponds on Trust property will take place soon to look at engineering and vegetation. Participants include tenants and The Conservation District. Interested Board members are to contact Ms. MacDonough.

ELECTION COMMITTEE -- Mr. Gallagher reporting.
No report.

LIBRARY COMMITTEE REPORT – Mr. Viola reporting.

Restoration of the windows – Exterior refinishing is about 75%-80% complete. We budgeted \$20,000 for maintenance that includes the windows. We used \$5,700 from capital funds. Approximately \$17,500 has been expended in Trust funds. The Delaware Street elevation remains to be completed (approximately \$10,000-\$12,000). Mr. Viola is exploring financial relief through a performance bond and unexpended bond bill funds from the State of Delaware, Division of Libraries.

OPEN SPACE COMMITTEE REPORT – Ms. Fiske reporting.

The Board was given a map supplied by Mr. Meek and the response from Sue Barton at the University of Delaware concerning the riverfront land. A letter and the map will be sent to DNREC asking for guidance going forward. Concerning Second Street Park and Bull Hill field Ms. Barton recommended speaking with Professor of Landscape Design Jules Bruck at the University of Delaware. Plans and ideas will be prepared by students and Board input is welcome. Ms. Fiske has met with Andrew Hayes of Forsythe Associates about the riverfront land and Bull Hill field where we are interested in planting groves of trees. Mr. Hayes has offered his services pro bono.

Following up on the Historic Alliance of New Castle’s intent of adopting Second Street Park, Mr. Viola asked how the Board wants to handle management of the park once the legal portion is satisfied. Mr. Alfree will be the contact person going forward concerning plans for the park and will provide information to the Board accordingly. This is a joint operation between the Property Maintenance Committee and Open Space Committee.

BYLAW COMMITTEE REPORT – Mr. Gallagher reporting.

Proposed changes to the bylaws were provided by mail to the Board.

ARTICLE III, BANK ACCOUNTS AND SAFE DEPOSIT BOXES

Paragraph 1, Line 1 – Change “deposited in bank accounts” to “deposited in financial accounts.” Mr. Gallagher made a motion to approve the change. Ms. Fiske seconded the motion and the motion was approved.

Lines 2-3 – Change “All checks shall be signed by two (2) Trustees, as designated by the Board.” to “All checks shall be signed by two (2) officers of the Board.” (This is what we are doing.)

Mr. Gallagher made a motion to change Article III, paragraph 1, lines 2 and 3. Mr. Appleby seconded and the motion was approved.

Paragraph 2, Line 3 – Delete “approved by appropriate resolution.” As it relates to safe deposit boxes. (We don’t do this.)

Mr. Gallagher made a motion to delete this sentence. Mr. Yaccucci seconded the motion and the motion was approved.

ARTICLE XVI, TRUSTEES COMMITTEES:

Section 3, C. Property Maintenance Committee

Line 3: “maintenance and upkeep;” delete “and upkeep;”.

Mr. Gallagher made a motion to change text to read “maintenance;”. Ms. Ross seconded and the motion was approved.

Section 3, D. Election Committee

Paragraph 2, Lines 2-4 – Change “election; a member of the Election Committee may not contribute money or property to any candidate and may not actively or openly campaign for any candidate.” to “No trustee may contribute money or property to any candidate; neither may a Trustee actively or openly campaign for any other candidate.”

There is concern about conflict of interest between serving as Mayor, City Council, or Municipal Services Commission member and Trustee. The issue was tabled until October.

Section 3, F. Outreach Committee

Paragraph beginning “Request for grants of funds...”

Line 3 – Change “Upon receipt of such a request, the Board secretary...” to “Upon receipt of such a request, the Executive Secretary...”

Mr. Gallagher made a motion to approve the text change. Ms. Fiske seconded and the motion was approved.

Mr. Gallagher made a motion to change the Property Development Committee to the Trust Property Management Committee. In the absence of Mr. Wilson this item will be revisited at the next meeting.

Per Ms. Fiske, as updates of bylaws are made, dates will appear electronically on each page.

BATTERY PARK COMMITTEE REPORT – Mr. Yaccucci reporting.

Boy Scout John Hollingsworth is awaiting approval for his project from the Delmarva Board. He anticipates starting work the end of October/early November.

OTHER COMMITTEES

Penn Farm – The event in October is scheduled for October 17-19 with different events taking place each day/evening. On Friday students from each Delaware high school will come to the barn and learn about sustainable food while Saturday events include a lecture and a dance. Mr. Meek mentioned the Friends of Penn Farm Board is small and is looking for interested parties who may like to serve.

Archives – Ms. Fiske and Mr. Meek have been working on our plans and maps, putting them in folders and the map case and identifying parcel numbers, which are shared with Ms.

MacDonough. They have a hydrometer that is helping with humidity control. Ms. MacDonough said the Trustees belong to the Center for Conservation of Art and Historic Artifacts and she, Ms. Fiske and Mr. Meek are considering attending a seminar in October on preservation of documents.

COMMUNICATIONS

Thank you notes were received from scholarship recipients Abigail Schmidt and Eric Ziminsky.

A letter was received from the Mayor and Council to the Trustees informing of properties at 924 Young Street and 708 Clark Street being transferred to City ownership. In accordance with City

Code the City is offering the Trustees and Municipal Services Commission the opportunity to acquire one or both of these properties. The matter will be assigned to the Property Development Committee for review.

A letter was received from the U.S. Department of Homeland Security, U.S. Coast Guard seeking to renew their lease of the bulk head range light (Sailing Club) for the period 10/1/12 to 9/30/13. A payment of \$50 annually will be remitted.

Mike Connolly has been contacted by Marlon Fitzwater, President Reagan's press secretary, who is interested in replicating the library for an annex of President Reagan's presidential library. He will be instructed to send a letter to the Trustees of his intentions.

A celebration of the work of architect Frank Furness is being planned and a University of Pennsylvania professor who is a scholar and enthusiast of Mr. Furness would like to have the library represented as part of the work of this architect. Updates will be provided as they are known.

Miscellaneous – Mrs. Turner will be assembling a motion log dating back to January 2012 that may be cross referenced by parcel number when applicable.

Board Room – The meeting table will be moved so it is situated beneath the lighting in the room. We should secure a supply of stackable-type chairs to accommodate larger audiences that may attend meetings.

At 9:05 p.m. Ms. Ross moved and Ms. Fiske seconded that the Board enter Executive Session to discuss matters of real estate. The motion was approved.

The Board reconvened in regular session at 9:18 p.m. There being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Deborah Turner
Stenographer

Trustees of the New Castle Common
Meeting Minutes
October 2, 2012

Present: Messrs. Alfree, Appleby, Clayton, DeAscanis, Gallagher, Meek, Viola, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., Ms. MacDonough, Executive Secretary, Ms. Turner, Stenographer. Also present: Mrs. Mimi Carpenter of the *New Castle Weekly*. Absent: Messrs. Castago, Gambacorta, Wilson

The monthly meeting of the Trustees was held on Tuesday, October 2, 2012, at 7 p.m. in the Trustees Room of the Old Town Hall. Mr. Alfree called the meeting to order followed by a moment of silence.

Board members received an ear of corn representing their yearly payment for service to the Trustees.

Events scheduled for Penn Farm from October 19-20, 2012 was announced. A picture of the Trustees from 1964 or 1965 provided by Mr. Appleby was given to all Board members. Mrs. (Barbara) Quillen will be moving to Cokesbury this month.

Public Input:

None.

Monthly Calendar: An Outreach Committee meeting will be scheduled to discuss grants. Ms. Fiske reported Professor of Landscape Design Jules Bruck of the University of Delaware would be bringing a class to the park on October 3, 2012, 4:15 p.m. William Penn Landing Day will take place on October 27, 2012 at the court house. The next Board meeting falls on Election Day, November 6, 2012.

Minutes: Corrections were noted for the Board Meeting minutes of 9/11/12. **A motion was made by Mr. Clayton to approve the 6/5/12 Trustee Meeting minutes as amended. Mr. Gallagher seconded the motion and the minutes were approved.**

Executive Secretary's Report: Ms. MacDonough reported.

New Castle County property taxes (\$577,000) were paid; \$345,000 represents the Farmer's Market complex; \$200,000 represents all other tenants combined; \$90,000 is Penn Mart and \$33,000 for various parcels the Trust owns. We have approximately 12 parcels that are tax exempt. A history of the mini park was provided to all Board members.

Treasurer's Report: Mr. Gallagher reported.

Mr. Alfree questioned the expenditure of \$11,316.04 in equipment repairs against a budget of \$2,500. Ms. MacDonough will provide details to Messrs. Alfree and Gallagher. Brief discussion about whether a repair is warranted or buy new followed.

Drawdown report – The scholarship amount and Basin Road amount will increase to show previously approved increases.

Mr. Gallagher made a motion to approve the September Treasurer's Report as amended. Ms. Fiske seconded the motion. Motion was approved.

PROPERTY MANAGEMENT COMMITTEE REPORT – Messrs. Taylor & Clayton reporting.
Delaware River & Bay Authority – A representative from the DRBA was at their meeting. They have offered \$70,000 to cover any obstacle in the flight path to the airport. Mr. Taylor said we will need to work with each tenant because it is a condemnation of air space and is reviewing same.

Penn Farm Delmarva Easement – The document is ready for signature tonight. Mr. Castagno will look at the final plan showing the final path when it is received.

Encroachment Letters/Hazardous Materials Letters – Letters will be done the week of October 8, 2012.

Friends of Bellanca Model Airplane Request – **Mr. Clayton made a motion to approve flying the model airplanes with the provision if any complaints are received by the community they will cease operations until further review. Mr. Meek seconded the motion. The motion was approved.**

Mr. Clayton made a motion to approve the building of a concrete handicap ramp at the Bellanca hanger. Mr. Meek seconded the motion. The motion carried. Hot mix was strongly recommended and will be conveyed to DNREC.

Friends of Bellanca Airfield wants to dig down six feet (6') and put footings in for a 50 ft. tall steel tower in a questionable location on the east side of the hangar. The committee has safety concerns and other questions and will revisit next month.

Gordy Management-Additional Parcel (AT&T Hut) – A property survey was done and it appears our fence is fine. We will be talking to Gordy Realty about renovation work they are currently performing that is unknown to us.

Milex Properties – Mr. Taylor reported receiving the amended lease with rent increases approved at a previous meeting. An aviation easement was included in the lease directing those monies to the Trustees. The amended lease is ready to be executed.

M&T Bank – **A motion was made by Mr. Clayton to approve the installation of new lights at the ATM machine at the bank on ferry cut-off based on drawings and research. Ms. Fiske seconded the motion. The motion was carried.**

Mr. Clayton made a motion to approve commissioning Gary Parker of Advisory and Appraisal Co. to appraise the Alpha Real Estate lease (Dunkin Donuts-parcel number 1001900016 and Tremont Hotel-parcel number 1001900036). The end of the term is February 28 and the lease does not contain a nine-month clause. Mr. Appleby seconded the motion. The motion was approved.

Burger King – Plans were presented illustrating two designs being considered by Burger King/Odyssey Foods.

Mr. Clayton made a motion to approve the renovations plans presented for the Burger King restaurant on Trust property based on the plans presented. Mr. Gallagher seconded the motion. Motion was approved.

924 Young Street and 708 Clark Street (City-owned properties) – The Property Management Committee is not recommending the purchase of these properties. It is not the Board’s practice to renovate properties for resale; however, Ms. Ross suggested considering the revitalization value of the affected areas. The Board may consider renovations if approached by a person/contractor willing to perform said renovations but the Board would not initiate the work.

Mr. Clayton made a motion not to purchase 924 Young Street or 708 Clark Street. Ms. Fiske seconded the motion and the motion was approved.

Penn Farm Easement Request from MSC – **Mr. Clayton made a motion to approve the right of way for New Castle County for the Penn Farm easement for the sewer. Mr. Appleby seconded the motion. The motion was approved.** Mr. Meek suggested forwarding this information to Kathryn Panula and the folks at Penn Farm.

Good Will Fire Co. Memorial Proposal – Ms. MacDonough has sent a letter informing them they need to contact DeDOT because of the right of way the Board has signed.

Storm Water Ponds – Ms. MacDonough said site visits have been secured involving The Conservation District and tenants from the Farmer’s Market and Amazon.com. The Conservation District has provided us with maintenance manuals and plans. A full set of plans has been provided to each respective tenant. Tenants will be reporting their maintenance to the Trustees on an annual basis. Ms. MacDonough will provide appropriate paperwork to Mr. Gallagher who will have PNC liquidate funds and wire directly to The Conservation District.

OUTREACH COMMITTEE REPORT – Ms. Ross reporting.

A meeting to review documents for the grant application process will be scheduled soon. An email letter was sent to recurring applicants and Ms. Ross put together a letter for prospective applicants. Mrs. Carpenter will put a notice in the *New Castle Weekly* advertising the process is beginning for 2013.

PROPERTY MAINTENANCE COMMITTEE – Mr. Viola reporting.

There is a City ordinance requiring property owners of one acre in size to be mowed annually. Mr. Thatcher needs guidance on how to handle those parcels designated for minimal mowing. He takes direction from the Property Maintenance Committee. Ms. Fiske reported the ordinance was changed last year from mowing once annually to three times per year. The Property Maintenance Committee and Open Space Committee are working together on this. Ms. Fiske said the intent of letting the grass grow at the property at Bull Hill is to let it transition to a meadow rather than a lawn. Mr. Clayton stated the area is a breeding ground for mosquitoes and the snake population is greater when mowing is not performed.

The area has a history of water problems and Mr. Viola noted the need to clean out an adjacent ditch.

Mr. Alfree will send an email to all Board members informing that a vote will be taken at the November meeting whether this Board supports minimal mowing. We can revisit the issue should Property Maintenance and Open Space decide a different course of action. Mr. Viola asked for a decision sooner than November to make mowing easier if that is the Board's desire.

Mr. Clayton made a motion to allow Mr. Thatcher mow when he deems necessary following the City ordinance as it relates to the three properties for minimal mowing for the rest of this season and remove signage. Mr. Appleby seconded the motion.

Roll call vote as follows:

Mr. Appleby – yes

Mr. Alfree – yes

Mr. DeAscanis – yes

Dr. Yacucci – yes

Mr. Gallagher – yes

Ms. Fiske – yes

Mr. Clayton – yes

Mr. Viola – yes

Ms. Ross – yes

Mr. Meek – yes

The motion carried.

Penn Farm -- Most of the piping is complete from School Lane to the various buildings. The trench under the barn foundation to bring water and power to the barn is the next step. Arrangements will be made with the electrician to make final connections.

Medical Center – Sidewalk drawings have been revised slightly but work is complete.

Basin Road Property – The contract to Cirillo Brothers was signed and sent. When their schedule permits work will begin.

Erosion Along Battery -- Photos were circulated showing the current state of erosion along the Battery. Once again sink holes are developing along the walk and the walk is being undermined badly. Mr. Viola said this area warrants constant monitoring attention.

Mr. Alfree suggested referring this issue to the Battery Park Committee and let them work with City and State legislators to develop real solutions. A substantial amount of funding will be needed to address the problem in the future.

Mr. Thatcher and his crew have removed portions of fences on three properties along our property line; two of the houses now have makeshift fences the owners put up for privacy.

Mr. Viola suggested the Board consider installing an alley on Trust land along the boundary with the four adjacent properties making that alley available for the purpose of allowing access to those properties. A fence could be erected adjacent to the sidewalk that would ensure that people using the mini park would be seeing a well-maintained fence while also acknowledging the history of alleys in the City of New Castle. A meeting is scheduled for October 3, 2012 at 4:15 p.m. to discuss design ideas for the park.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

The final audit dated March 31, 2012 was distributed to Board members. It is hoped the summary that goes with the MSC bill will be sent next month.

For the month of September PNC and Nicholson Associates both increased 1.8%. A quarterly meeting with both will take place on October 24, 2012 at 5 p.m.

ELECTION COMMITTEE -- Mr. Gallagher reporting.

No report.

LIBRARY COMMITTEE REPORT – Mr. Viola reporting.

A document was circulated recognizing three City of New Castle library workers for their special service to the New Castle County library system. Elaine Quirco is leaving the library and a Certificate of Appreciation for her 22 years of service will be presented to her by Mr. Viola on behalf of the Trustees.

OPEN SPACE COMMITTEE REPORT – Ms. Fiske reporting.

Matters involving the Open Space Committee have been discussed throughout the meeting.

BYLAW COMMITTEE REPORT – Mr. Gallagher reporting.

All Board members received a three-ring binder containing the bylaws and instructed to discard previous editions. As changes are made Ms. MacDonough will provide new cover sheets and pages that are updated so all members can update their respective binders.

Mr. Gallagher made a motion to approve the bylaw amendment presented last month as written updating Article VII, Section 4. Mr. Clayton seconded the motion. The motion was approved. (The bylaw amendment is filed with the official record of the minutes.)

In an effort to provide more than ten days notice Mr. Gallagher distributed proposed bylaw changes for discussion this month and to be voted on in November. Board members were asked to email any input they have to all Board members to ensure everyone has the information.

BATTERY PARK COMMITTEE REPORT – Mr. Yaccucci reporting.

Nothing to report.

OTHER COMMITTEES

Penn Farm – Mr. Meek urged the Board to attend the various events planned at Penn Farm from October 19-20. Invitations have been sent to all Board members.

COMMUNICATIONS

Nothing to report.

At 9:05 p.m. Ms. Ross moved and Ms. Fiske seconded that the Board enter Executive Session to discuss matters of real estate. The motion was approved.

The Board reconvened in regular session at 9:18 p.m. There being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Deborah Turner
Stenographer

Trustees of the New Castle Common
Meeting Minutes
November 6, 2012

Present: Messrs. Alfree, Appleby, Castago, Clayton, DeAscanis, Gallagher, Meek, Viola, Yacucci, Wilson; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., Ms. MacDonough, Executive Secretary, Ms. Turner, Stenographer. Absent: Messr. Gambacorta

The monthly meeting of the Trustees was held on Tuesday, November 6, 2012, at 7 p.m. in the Trustees Room of the Old Town Hall. Mr. Alfree called the meeting to order followed by a moment of silence.

Public Input:

None.

Monthly Calendar: Nov. 7 at 4 p.m. University of Delaware students will be at the library presenting their park designs. Mr. DeAscanis was recognized for his 48 years of service; Mr. Viola for nine years; and Mr. Meek for his three years on the Board. The Property Management Committee has decided to begin their meetings at 5:30 p.m. effective immediately.

Minutes: Corrections were noted for the Board Meeting minutes of 10/2/12. **A motion was made by Mr. Viola to approve the 10/2/12 Trustee Meeting minutes as amended. Mr. Clayton seconded the motion and the minutes were approved.**

Executive Secretary's Report: Ms. MacDonough reported.

The Friends of Bellanca newsletter was distributed to the Board. Ms. MacDonough was recognized by Messrs. Alfree and Wilson for the work she has been doing on behalf of the Board addressing storm-related matters and managing Trust properties.

Treasurer's Report: Mr. Gallagher reported.

Tree maintenance done in Battery Park is not included in the Battery Park budget. Corrections will be made to reflect tree work done in Battery Park. Expenditures associated with the current storm will not be reflected in this month's report.

Mr. Gallagher made a motion to approve the October 31, 2012 Treasurer's Report as amended. Mr. Appleby seconded the motion. Motion was approved.

PROPERTY MANAGEMENT COMMITTEE REPORT – Mr. Wilson reporting.

Mr. Wilson suggested tabling any discussion about the weeds along the river and whether they should be cut. No opposition was expressed.

Mr. Wilson made a motion to change the name of the Property Management Committee to the Land Management Committee. Ms. Fiske seconded the motion. The motion was approved.

Delaware River & Bay Authority – Aviation easement agreements (4) with DRBA are ready to sign (\$70,400). The compensation is a one-time payment. Mr. Taylor explained that tenants may be entitled to a portion of the compensation as a result of the "taking of a right to develop above a certain height." Tenants will need to provide their consent. (*Discussion.*)

A motion was made by Mr. Wilson to approve the agreements once Mr. Taylor indicates it is appropriate to sign. Ms. Fiske seconded the motion. The motion carried.

Gordy Management – No update on the survey from Vandemark & Lynch. The unapproved construction on the site was stopped upon our notification to Gordy and their lessee, a Mexican restaurant. The restaurant wants to erect a detached walk-in freezer and drawings of the structure were presented for Board approval. The tenant will be responsible for acquiring the necessary permits. Concern was expressed that a copy of the permit(s) be sent to the Board.

A motion was made by Mr. Wilson to approve the drawing of the building to house the walk-in freezer pending receipt of an official permit from New Castle County. The motion was seconded by Mr. Clayton and approved.

Farmer's Market Complex – Due to a legality, the red roof on the former Pizza Hut building must be painted. Mr. Stat has submitted colors to repaint the roof, is requesting to install new lighting in one section of the parking lot and has requested to replace the sidewalk at the West Marine building and paint the building the same color. According to Mr. Taylor, Pizza Hut claims "trade dress" of the red roof for their business.

Mr. Wilson made a motion to approve the request to paint the Pizza Hut roof, the request to install additional lighting in the parking lot that was approved by the City, the request to improve the sidewalk and paint the West Marine building. (There was brief discussion about exterior color of buildings.) Mr. Clayton seconded. Motion approved.

Ms. Ross asked if the Board has any control over trucks that park at the Farmer's Market during the week. Mr. Alfree will speak with Mr. Stat about this concern. The Board will monitor but does not believe it is a problem at this time.

Medical Center – Status of rental – Mr. Taylor reported the tenant (Dr. James) has communicated with the Trust that she would be seeking a sub-tenant for the other half of the building. She indicated a new tenant has been identified, but has not provided details and has not agreed to us working with that person directly at this time.

Mr. Viola said the Property Maintenance Committee has put a hold on exterior work (handicap ramp and sidewalk) at the medical center until we know who the tenant(s) will be. Mr. Taylor reminded that building upgrades are common when leases are up for renewal.

Dialysis Center – They have exercised the option to extend their contract for another five years. They have returned with a counter offer citing the rental market being down and questions a rate increase. Discussion about rates/percentages followed. The tenant has requested a 30-90 day extension and the committee suggests giving them 90 days to begin the process. The contract begins in May 2013.

Mr. Wilson made a motion to form a negotiating team comprised of Messrs. Alfree, Wilson and Taylor to negotiate an extended contract with the Dialysis Center and approve the 90-day extension (November 1, 2012-February 1, 2013). Mr. Clayton seconded the motion. The motion was approved.

Storm Water Ponds – The commitment of \$194,000 has been paid to The Conservation District and responsibility has been transferred to the Property Maintenance Committee to oversee annual inspections.

OUTREACH COMMITTEE REPORT – Ms. Ross reporting.

St. Anthony's has submitted an application for funding. Ms. Ross suggested reviewing applications in small quantities. Mr. Alfree informed he extended the deadline for City Council due to the volume of work they are involved with at present.

Ms. Ross will provide some dates to consider for a visit to the State Archives. Mr. Viola said the lease with Friends of Bellanca indicates the Board would not provide funding. The lease contains a 50-year preservation easement stating that the Board will maintain the building. The Dept. of the Interior contributed \$300,000 to the preservation effort. He thinks the Trust should contribute some financial support to the group to avoid any neglect issue being raised by the Dept. of the Interior. Mr. Viola detailed some of the work needed on the building. Exploratory work on the tower continues.

Mr. Wilson believes it is the Trust's responsibility to maintain our properties. The process the Friends of Bellanca should use was discussed. The group will be asked to submit an application for consideration of funding.

PROPERTY MAINTENANCE COMMITTEE – Mr. Viola reporting.

No meeting held this month. Updates on several properties were provided.

Penn Farm – Most of the work on the sanitary sewer system has been done. Messrs. Wilson, Castagno, and Viola met with Guardian today to go through items that are incomplete or unacceptable. No invoice will be submitted for 30-60 days or until all work is satisfactorily completed.

Medical Center – Will revisit the sidewalk work when the tenant issue is settled.

Basin Road Property – Due to last week's storm work on this project will be delayed and subject to the availability of Cirillo Brothers.

Library – Refinishing of the windows is now complete. No invoice has been received to date. Mr. Taylor researched the performance bond and there is no time limit, but we need to submit a claim. Mr. Meek asked about a reported leak in the library during the storm. Brief discussion revealed uncertainties of what this entailed. Mr. Meek will follow up with Mr. Connolly.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

The quarterly meeting with our investment firms will be rescheduled. For the third quarter PNC 3.3% and Nicholson 3.8%. The audit was sent out with the MSC billing and is up to date. Mr. Gallagher was commended for his work on the audit.

ELECTION COMMITTEE -- Mr. Gallagher reporting.

No report.

LIBRARY COMMITTEE REPORT – Mr. Viola reporting.

Nothing additional to report.

OPEN SPACE COMMITTEE REPORT – Ms. Fiske reporting.

Drew Hayes took photographs and measurements at the river and is working on identifying what plantings would be appropriate. Mr. Hayes is a volunteer who is looking at the Bull Hill and riverfront areas and providing suggestions. Mr. Wilson questioned if the Board had approved his involvement and if residents who live on the river had been asked for input. Ms. Fiske said it was a matter for the Open Space and Property Maintenance Committees. Input from residents will take place later.

Mr. Alfree reported that DNREC has informed we can trim but not uproot or use machinery that would destroy the land as it exists along the riverfront. Mr. Gallagher said signage about minimal mowing have not been removed yet. Mr. Thatcher will be instructed to remove the signs.

BYLAW COMMITTEE REPORT – Mr. Gallagher reporting.

Article VII, Section 4 pertaining to the Mayor, City Council member, or member of the Municipal Services Commission shall be eligible to file for election as a Trustee was raised due to a bylaw amendment discovered and determined to have been adopted by the Trust in 2004. Due to a clerical oversight the language was not incorporated into the current bylaws. The language adopted in 2004 does not impact the intent of the motion approved at the October 2012 meeting.

Mr. Gallagher made a motion to amend the bylaws by changing the wording of the amendment passed on January 6, 2004 with new wording (Article IX, Section 2). Ms. Fiske seconded the motion. Lengthy discussion followed. The motion was approved.

Proposed amendments to discuss tonight and to be voted on at the December meeting impact Article X, Failure to Attend Meetings. The committee had different suggestions, but agreed on changing the language “twelve consecutive meetings” to “six consecutive meetings.” Ms. Ross suggested the wording that “it be the duty of the officers of the Board to review the circumstances surrounding the Board member’s absences then make a recommendation of action to be taken to the whole Board in executive session within one month of the completion of their review and if deemed necessary it shall be the duty of the Board to declare the office vacant and at once call for an election to fill the vacancy.” The process shall not apply to Trustees elected to a lifetime term.

Mr. Appleby asked that language be added to address that Board members can participate in a meeting via conference call. Mr. Taylor confirmed this is acceptable protocol per the Corporate Code.

Mr. Gallagher's version suggested the reason for a Trustee not attending meetings should be addressed by the officers. The difference between his version and Mrs. Ross' version was a level of confidentiality afforded Board members. Discussion followed about "consecutive" meetings and the impact extended absences would have on a Board member.

BATTERY PARK COMMITTEE REPORT – Mr. Castagno reporting.

Mr. Alfree reported on a meeting between City Council President Bill Barthel, City Administrator Cathie Thomas, Ms. MacDonough, Messrs. Alfree and Castagno about storm-related issues in the City. Lack of funds is an issue for the City and New Castle County must document a minimum of \$1.8 million in order to be considered for reimbursement of expenditures by FEMA. Mr. Alfree said the City would need to pay for repairs and the Trustees would set aside \$50,000 to reimburse them. The Trust would get reimbursed once federal assistance is received by the City.

Mr. Castagno made a motion as a standing resolution to authorize the Executive Committee, described as the slate of all the officers, and directed by the President, to use reserve funds up to \$50,000 for emergency management purposes affecting Trust-controlled property and the City of New Castle. No second received.

The amount of monies was discussed and considered to be low. Mr. Wilson asked if this is an opportunity to use restricted funds and set aside more than \$50,000 to help get the City back to pre-storm condition. The walkway needs to be blocked off for public safety. The dikes may be in questionable shape as well.

Mr. Wilson made a motion that we put the \$50,000 in the sinking building fund and have the committee use those funds for this resolution. Discussion followed about the amount of the loan and how to track the loan. No second received.

Mr. Taylor questioned whether the City would document that monies received from the Trust will be repaid if the City is reimbursed by FEMA.

Battery Park is Trust property and reserve funds must be used for Trust property. Mr. Gallagher asked if this qualifies for use of restricted funds. Mr. Taylor will research. Unrestricted funds can be used.

Mr. Castagno amended the main motion. **He made a motion as a standing resolution to authorize the Executive Committee, described as the slate of all the officers, and directed by the President, to use reserve funds up to \$100,000 for emergency management purposes affecting Trust-controlled property and the City of New Castle. Ms. Fiske seconded the motion and the motion was approved.**

Ms. MacDonough identified the three items of immediate importance. They are chain link fencing/gates along the walkway and associated signage, and an attachment to the skid steer to help with clean up efforts.

Mr. Taylor suggested the Trust express its concern with enforcing signage at the walkway and those who violate marked boundaries. Brief discussion confirmed the City has been given the authority to cite violations on Trust property. Mr. Alfree will reiterate this with the City.

OTHER COMMITTEES

Mr. Wilson has been approached by the Board of Buttonwood Museum requesting talking to the Trust about taking ownership of their building and property at some point in the future. A committee comprised of himself, Ms. Ross (Outreach), and Ms. Fiske (Open Space) was established to look at the feasibility of ownership and bring suggestions/comments to the Board. Mr. Alfree approved establishment of the Buttonwood Museum Committee.

COMMUNICATIONS

Mr. Viola reported receipt of two letters. One was from the Knights of Columbus seeking financial support for repairs to the heating system in a monastery in the area. The other was a 'thank you' letter received from Fred Kirschenmann at the Leopold Center for Sustainable Agriculture regarding the recent Penn Farm event (October 20).

There being no further business, the meeting was adjourned at 9 p.m.

Respectfully submitted,

Deborah Turner
Stenographer

Trustees of the New Castle Common
Meeting Minutes
December 4, 2012

Present: Messrs. Alfree, Appleby*, Castagno, Clayton, DeAscanis, Gallagher*, Meek, Viola, Wilson; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., Ms. MacDonough*, Executive Secretary, Ms. Turner, Stenographer. Also present: Mrs. Mimi Carpenter of the *New Castle Weekly*.

Absent: Messrs. Gambacorta and Yacucci

*joined meeting at 7:10 p.m.

The monthly meeting of the Trustees was held on Tuesday, December 4, 2012, at 7 p.m. in the Trustees Room of the Old Town Hall. Mr. Alfree called the meeting to order followed by a moment of silence.

Public Input:

None.

Monthly Calendar: Mr. Alfree noted a bylaw provision stating in the months of January and September regular meetings shall be held either the first or second Tuesday as agreed upon in order to avoid conflicts with New Years Day and Labor Day respectively. **A motion was made by Mr. Wilson to hold the monthly January meeting on January 8, 2013 at 7 p.m. in accordance with the bylaws. Mr. Clayton seconded the motion. Motion carried.**

All meetings of the Land Management Committee will begin at 5:30 p.m. going forward. Due to the New Year holiday, the Property Maintenance Committee will determine the date of their January meeting and inform accordingly. The Outreach Committee hopes to have a meeting in December and will inform when a date is scheduled.

Mr. Alfree reminded everyone to be acknowledged before speaking during the meeting.

Minutes: Corrections were noted for the Board Meeting minutes of 11/6/12. **A motion was made by Mr. Appleby to approve the 11/6/12 Trustee Meeting minutes as amended. Mr. DeAscanis seconded the motion. The minutes were approved.**

Executive Secretary's Report: Ms. MacDonough reported.

The timer on the elevator is not functioning properly and the elevator company is addressing. There is a meeting to discuss the dikes on Wednesday, 12/5/12, and on Friday, 12/7/12, with the City. Ms. MacDonough and Administrator Thomas will work to determine what the Trustees will pay for.

The 12/5/12 meeting will address who owns what and help determine what will be included in application(s). Deadline for Federal Emergency Management Agency (FEMA) applications is 12/16/12. As the owner of record of Gambacorta marsh parcels the Trustees may be party to the City's application. The City is getting bids on temporary fencing and is required to take the low bid. Ms. MacDonough will attend as many storm-related meetings as possible, but enlisted the help of other Board members.

The Scholarship Committee has sent notices to high school guidance counselors to remind them about our scholarships. At this time approximately three students have dropped from the program putting us under the \$75,000 budgeted for scholarships.

Ms. MacDonough reported that a new cleaning company that is sensitive to historic buildings has been retained for Old Town Hall. She is requesting the Property Maintenance Committee approve the contract for monthly cleaning.

Quarterly sewer bills have been paid.

Messrs. Wilson and Viola attended the 11/30/12 meeting with the Delaware Emergency Management Agency (DEMA) to discuss storm damage. Mr. Wilson reported that significant funding is involved. New Castle County will submit applications and the City and non-profit agencies (covers parks and places the public utilizes) will also complete applications. The maximum amount FEMA reimburses is 75%.

Mr. Gallagher noted there was a plan approved before the storm to shore up the dikes and wondered if we can tie in the dikes to get funding that was originally available for the dikes. Mr. Wilson said the dikes were not part of the conversation. The kick-off meeting for the City of New Castle is 12/5/12 but he thinks the Trustees may separate from the City because of our ownership of private property like the dikes. Mr. Gallagher raised the issue of applying for government monies and how this would impact the Trustees' Freedom of Information (FOIA) status if we accepted federal funding. Mr. Taylor was asked to research and report his findings. The Board will decide how to proceed thereafter. Once applications are submitted a kick-off meeting will then be scheduled. FEMA determines what will qualify for funding.

Work must begin within six months of the kick-off meeting. FEMA will need to take into consideration historic areas which may effect when work begins. Plans and scope of work to repair and improve the dikes started two years ago and continue to move forward. Areas the Trust owns that may qualify for FEMA assistance include Dobbinsville, Gambacorta dike, and the dike at the end of Second Street (Bull Hill). Discussion turned to ownership of dikes in the City. The Trustees are a party to a maintenance agreement at the Broad Dike (State maintains water level and the Trustees maintain it), but clarification is needed to learn what the Trustees own.

Mr. Viola reported at the Property Maintenance Committee meeting this past week they discussed reaching out to Dave Carter, formerly the lead on the dike project with the State, with the dike situation. Mr. Carter is willing to explain what needs to be done. The design for dike repairs (north and south of city) have been done and Mr. Carter recommended going forward with that while making sure the City gets the dike funds through the State (Bond Bill) and perhaps tie it in with FEMA. He emphasized making sure the City gets the money originally planned for repairs to dikes to restore and raise them to the proper elevation.

Ms. MacDonough asked Mr. Appleby when the extension to the Battery Park walking path was initially built. He said the Trustees built it with financial assistance from local politicians (Connor and Mack). The City had nothing to do with the project.

Mr. Gallagher asked Mr. Taylor if any legal instruments had been developed to ensure monies the Trustees loan to the City are repaid. Mr. Taylor has not heard anything further on the process to be followed. He will work with the City Solicitor on appropriate documents.

Board members who attend the meetings were advised to be diligent with attending meetings and be mindful of deadlines and FEMA timelines.

Treasurer's Report: Mr. Gallagher reported.

Fifty percent (50%) has been paid on the sewer project at Penn Farm. Mr. Alfree questioned what the National HVAC item covers and was informed it is the geothermal system for the new library.

Mr. Gallagher made a motion to approve the November 30, 2012 Treasurer's Report. Mr. Viola seconded the motion. Motion was approved.

LAND MANAGEMENT COMMITTEE REPORT – Mr. Wilson reporting.

Delaware River & Bay Authority – Mr. Taylor is reviewing aviation easement agreements (4) and will be speaking with tenants to secure their consent and is in the process at this time. Permission to sign was approved at the November 2012 meeting.

A motion was made by Mr. Wilson to approve the agreements once Mr. Taylor indicates it is appropriate to sign. Ms. Fiske seconded the motion. The motion carried.

Hazardous Materials Letters – Letters are now being sent to all tenants. Tenants will be required to have MSDS sheets available on the property.

Friends of Bellanca – Installation of the 50 foot tower is pending further review. They have submitted a grant application to the Outreach Committee. They have asked to install a small decorative light on top of the tower. The environmental issues have been settled and DNREC has provided written documentation. Permit documentation would need to contain language that if complaints are received from residents the Friends of Bellanca would address accordingly.

A motion was made by Mr. Wilson to allow the tower to be installed pending proper approval of permits, the light at the top of the tower be approved once the Land Management Committee feels the appropriate light is being installed, and our insurance carrier agrees that everything is in order. DNREC has given clearance on environmental issues. Mr. Clayton seconded the motion. The motion carried 10-1 (Mr. Appleby). Mr. Appleby expressed concern with reading the documentation letter from DNREC concerning environmental issues and clearance.

Carriage Realty – The Trust has signed the lease and Ms. MacDonough will secure the tenant's signature.

Milex – The Trust has signed the amended lease. Ms. MacDonough will secure the tenant's signature.

Alpha Real Estate Lease – The appraisal by Gary Parker of Advisory and Appraisal Co. has been completed and there are concerns about the principle of the lease. Alpha's president sold/gave

shares to another individual. The committee will sort this out in the lease and move forward with a letter informing Alpha's lease is up for renewal. *(To be further addressed in executive session.)*

Medical Center – *To be addressed in executive session.*

Dialysis Center – Negotiations will begin with the tenant.

Airbase Carpet Mart – Tenant has exercised their 10-year option. The lease is old, thus the 10-year option versus the 5-year option on newer leases. The committee will schedule an appraisal.

OUTREACH COMMITTEE REPORT – Ms. Ross reporting.

Grant requests will be reviewed at a meeting to be scheduled in December and a report provided in January. Ms. Ross will report on a visit to State Archives at the January 2013 meeting.

PROPERTY MAINTENANCE COMMITTEE – Mr. Viola reporting.

Library – Mr. Taylor is drafting a letter that will attempt to recover the cost of the refinishing work on the windows from the contractor. Electrician Bill Preis is retiring and he has identified someone he believes is a qualified replacement. Messrs. Viola and Clayton will meet with that individual tomorrow.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

The committee met with both investment firms. PNC and Nicholson reported 10.4% year-to-date returns. Nicholson proposed moving 20% of Trust funds from Selected American Shares to Gabelli Equity Income. That recommendation was supported by the committee.

ELECTION COMMITTEE -- Mr. Gallagher reporting.

No report.

LIBRARY COMMITTEE REPORT – Mr. Viola reporting.

Two (2) new library board members were announced. They are Ms. Roberta Smith and Ms. Janice Henshaw.

OPEN SPACE COMMITTEE REPORT – Ms. Fiske reporting.

Messrs. Viola, Gallagher, Alfree, Meek, and Ms. Fiske and Ms. MacDonough attended the presentation of Second Street Park designs by University of Delaware (UD) students on 11/7/12 at the library. The presentation was well attended. Design concepts will be made available electronically to Board members. UD Professor of Landscape Design Jules Bruck will give the designs to more advanced students to prepare additional designs. Input is welcome from Trustees and citizens.

BYLAW COMMITTEE REPORT – Mr. Gallagher reporting.

Proposed amendments to Article X, Failure to Attend Meetings -- The committee agreed on changing the language “twelve consecutive meetings” to “six consecutive meetings.” Both versions were read aloud and discussed.

Shorter version: In the event a Trustee fails to participate in six consecutive regularly scheduled meetings of the Board it shall be the duty of the officers to review the circumstances causing the missed participation. If there are no extenuating circumstances, i.e., health or work-related issues, then the officers shall bring it to the Board to declare the office vacant to fill the vacancy thus made according to the election bylaws. However, the provision does not apply to life Trustees.

Longer version: In the event a Trustee fails to participate in six consecutive Board meetings within the Board’s annual schedule of meetings, the following process should be implemented:
1. It shall be the duty of the officers of the Board to review the circumstances surrounding the Trustee’s absence. 2. The officers of the Board will make a recommendation of the action to be taken to the entire Board of Trustees in executive session within one month of the completion of their review. 3. If deemed necessary it shall be the duty of the Board to declare the office vacant and at once to issue a call for an election to the vacancy thus made according to the bylaws. However, this process shall not apply to Trustees serving a life term.

Interpretation of “six consecutive Board meetings” was discussed.

The shorter version will be provided to the Board and any comments are to be submitted to Mr. Gallagher. This version will be voted on in January 2013.

Section 6, Board Secretary – Proposed changes were distributed to the Board and reviewed. Discussion centered on recordings of meetings. Mr. Taylor said if there is litigation tapes can be used and he prefers the official minutes be used. Once minutes are approved the recording would be destroyed. Mr. Taylor suggested a written document retention policy including a timeline would support destroying recordings. Once a lawsuit is filed recordings cannot be destroyed. Based on current bylaws, after the minutes are approved the recording is to be destroyed and the minutes become the official record. After discussion it was agreed that all recordings of previously approved minutes are to be destroyed in accordance with the bylaws.

Ms. MacDonough will provide cover sheet updates and replacement pages for the bylaws to Board members.

BATTERY PARK COMMITTEE REPORT – Mr. Castagno reporting.

No report.

Mr. Viola reported that John Lloyd of the Tree Commission has expressed concern with the condition of an elm tree at the intersection of Battery Walk and Delaware Street as well as the rest of the City's elm trees. Half of the elm trees are on Trust property. Mr. Lloyd would like to pursue examining the elm trees and care for them appropriately.

OTHER COMMITTEES

Buttonwood School Museum Committee -- Mr. Wilson attended a recent museum board meeting to inform them of our position and learned that not all museum board members were aware of any proposal involving the Trustees taking ownership of their building and property. They will discuss our position and the matter is now on hold.

COMMUNICATIONS

Mr. Viola said a 'thank you' letter had been received from the New Castle City police department for our support in buying a patrol vehicle. The police car was selected as the best police car on the East Coast for small departments in *Law and Order* magazine.

Farmer's Market Complex – Mr. Alfree followed up with Mr. Stat about trucks parked at the Farmer's Market during the week. The trucks belong to the organizations who rent from him and he allows them to park in an open area to avoid vandalism.

New Election Process – The form of interest to serve as an officer for the coming year has been redone and will be distributed at the January 2013 Board meeting. The form is to be returned to Ms. MacDonough by the third Tuesday in January. At the February Board meeting an election ballot will be provided to cast your vote. At the March Board meeting election results will be announced with the effective date of April 1.

Holiday Gathering – Mr. Alfree is not in favor of a gathering citing the work involved on Ms. MacDonough's part and spending Trust money for such a gathering. Private gatherings are acceptable. Mr. Wilson and Ms. Ross said there are benefits to having social gatherings and some past events were detailed. Past gatherings included City Council, Municipal Services Commission (MSC) and the Trustees with a short program on Trust activities followed by a social gathering. The events were funded by City Council, MSC and the Trustees. (*Discussion followed.*) Ms. Ross suggested recognizing our 250th year of incorporation in 2014. The event could combine with a dedication of Second Street Park and possibly renaming the park.

Mr. Viola suggested putting together a history of the Trustees of the New Castle Common working with the New Castle Historical Society in recognition of our 250th year in 2014.

At 9 p.m. Mr. Wilson requested going into executive session to discuss matters of real estate negotiations.

The Board reconvened in regular session at 9:13 p.m.

Mr. Wilson made a motion to authorize a committee composed of himself, Mr. Alfree and Mr. Taylor to begin negotiations regarding the upcoming lease term at the Medical Center building, including negotiating terms of an agreement with a real estate broker, if appropriate. Ms. Fiske seconded. Motion carried with one abstention (Mr. Castagno).

Mr. Castagno said that he has a professional relationship with one of the involved parties and will recuse himself from any actions pertaining to the potential tenant.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Deborah Turner
Stenographer