

Special Meeting  
Trustees of the New Castle Common  
Meeting Minutes  
January 3, 2019

Present: Messrs. T. Wilson (*President*), T. Clayton (*Vice President*), M. Alfree (*Secretary*), T. Episcopo (*Asst. Secretary*), C. Castagno (*Treasurer*), F. Gallagher (*Asst. Treasurer*), C. DeAscanis, H. Gambacorta, J. Meek, C. Viola, G. Yacucci, Mrs. B. Ross and Mr. A. Taylor, Esq. Also present: M. Marinelli, Property Manager and D. Turner, Stenographer

A special meeting of the Trustees was held on Thursday, January 3, 2019, in the Trustees Room of Old Town Hall. Mr. Wilson called the meeting to order at 7:10 p.m. A moment of silence was called.

The purpose of the meeting is to review changes to the Bylaws Procedures, Section VII, Absentee Registration, Voting, and Ballots as written to the procedure currently being used. (*Mr. Wilson distributed a copy of the procedures being used for Trust elections to the Trustees.*) The Election Committee feels it is important that the Procedures reflect exactly what we do.

Mr. Wilson thanked the Bylaws Committee and Election Committee for the time they spent during the holidays in reviewing the procedure. He said the Bylaws Committee approved the procedure to be presented to the full Board.

Mr. Wilson said there are three components to the election process: request for absentee ballot, affidavit for an absentee ballot, and the ballot.

Several changes were suggested by Board members. Changes will be incorporated and an updated document will be distributed to Trustees.

Posters for the election contain incorrect information. The Board agreed that dates outlined on the poster and the Trust website should be followed as stated for this election.

**Mr. Gallagher made a motion to utilize the dates we have publicized and to follow the procedures as we have done in the past while recognizing the procedures are not up-to-date and will be changed at the earliest opportunity. The motion was seconded and approved.**

Bylaws Committee – Due to changes made to the Bylaws Procedures, Section VII, Absentee Registration, Voting, and Ballots, a vote for approval will be delayed until the next Board meeting.

Outreach Committee (City of New Castle Grants) -- The Board discussed a possible grant request from the City of New Castle and how it might be addressed.

**At 8:33 p.m. a motion was made by Mr. Episcopo and seconded by Mr. Clayton to enter executive session to discuss matters of real estate.**

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The Board returned to regular session at 9:00 p.m.

**With no further business before the Board, the meeting adjourned at 9:01 p.m.**

Deborah P. Turner  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
January 8, 2019

Present: Messrs. T. Wilson (*President*), T. Clayton (*Vice President*), M. Alfree (*Secretary*), T. Episcopo (*Asst. Secretary*), C. Castagno (*Treasurer*), F. Gallagher (*Asst. Treasurer*), C. DeAscanis, H. Gambacorta, J. Meek, C. Viola, G. Yacucci, Mrs. B. Ross and Mr. A. Taylor, Esq. Also present: M. Marinelli, Property Manager, D. Turner, Stenographer

The monthly meeting of the Trustees was held on Tuesday, January 8, 2019, in the Trustees Room of Old Town Hall. Mr. Wilson called the meeting to order at 7 p.m. A moment of silence was called.

Monthly Calendar – Property Maintenance – 2/1/19, 4 p.m.; Land Management – 1/31/19, 5 p.m.; Outreach – 2/11/19, 7 p.m.; Election Committee – to be announced; TNCC Board Meeting—2/5/19, 7 p.m.

Public Comment: Resident Gail Levinson submitted a petition with 50 residents' signatures in opposition of the pending parking lot on West Third Street. (*Petition given to the Trust Office.*)

Resident Dorsey Fiske asked when the Trustee Bylaws and Procedures would be put on the Trust website. She asked if the Trustees propose changing the bylaws before the 1/26/19 election, noting this would be a violation of the bylaws. Ms. Fiske referenced the 12/4/18 Board meeting where Mr. Wilson stated that any change in procedure for absentee ballots will not effect this election.

Resident William Boyle is a candidate for Trustee. He said the current absentee ballot voting procedure is fine, except it was not followed during the last election. He hopes all candidates will join him in demanding that this coming election be conducted exactly as the absentee voting procedure specifies. This means the envelopes containing the affidavit and sealed ballots remain sealed until they are opened in front of the candidates. Only then can the voucher envelopes with sealed ballot be put in the ballot box. Towards the close of the election the ballot box is opened, the voucher envelopes are opened and the absentee ballots are counted aloud. Mr. Boyle noted these procedures were revised and approved by the Trustees fourteen months ago and should be followed.

Minutes

12/4/18 Minutes – Corrections were noted. **Mr. Alfree made a motion to approve the 12/4/18 meeting minutes as amended. Mr. DeAscanis seconded the motion. The motion was approved.**

Mrs. Ross asked when Action Items will be discussed. Mr. Wilson said the item will be put on the agenda after Communications going forward.

Treasurer's Report – Mr. Castagno reporting.

*Treasurer's Report for 12/31/18 was sent out electronically prior to the meeting.*

**Mr. Alfree made a motion to approve the Treasurer's Report for 12/31/18 as distributed. Mr. Clayton seconded the motion. The motion was approved.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Gallagher reporting.

- The licensing agreement with the Lion’s Club is ready; they will be contacted.
- 326 Associates Agreement – We are now receiving revenue (quarterly); Planet Fitness opened on 12/30/18.

Mr. Gallagher requested an executive session to discuss matters of real estate.

OUTREACH COMMITTEE REPORT – Mr. Meek reporting.

Grants – Mr. Meek reported the committee received grant requests by the deadline of 12/31/18. The total number is about the same as in 2017.

PROPERTY MAINTENANCE COMMITTEE – Mr. Clayton reporting.

*(Property Maintenance Update provided to the Board.)*

- Battery Park Walkway – The current erosion problem was repaired. The path needs to be moved back to help lessen erosion problems.
- Dobbinsville – Mr. Wilson received a complaint from a resident of Dobbinsville that trucks going in/out of the mulch area have worn out most of the gravel in the area causing muddy conditions. Mr. Clayton said a gate has been purchased to block normal traffic (City would have access) and he plans to have the area redone with crush and run.
- Professional Center Railing – Mr. DeAscanis informed that painting of the ramp railing is planned for the spring. The committee suggested that the parking lot be repaved, but it was turned down by the tenant since the lease terms require the tenant to pay a percentage of the costs. The parking lot will be sealed and restriped in the spring.

FINANCE COMMITTEE REPORT – Mr. Castagno reporting.

*The operating budget, capital budget, and revenue sheets were distributed to the Board.*

Mrs. Ross asked that Mr. Taylor’s legal fees associated with the proposed West Third Street parking lot should be a separate item on the budget. It is currently included with other legal fees and appears under one line item.

Mr. Castagno said the committee will meet with the Trust’s investment advisors soon to review the fourth quarter of 2018.

OTHER COMMITTEES

Encroachment Committee – Mr. Wilson has the letter previously sent to area residents, including the two properties in Jefferson Farms. Mr. Taylor will review the letter before they are sent.

Election Committee – Mr. Wilson said the Board held a special meeting on 1/3/19 to discuss the absentee ballot process. He said the Board agreed to handle absentee ballots exactly as we have been doing. Messrs. Alfree and Marinelli worked on incorporating input from the Board to the procedure. Mr. Wilson gave the procedure to the Election Committee tonight and it will be given to the candidates at a meeting on 1/10/19 to make sure there is a clear understanding of the process. The Board will receive the procedure tomorrow morning. Mr. Wilson reminded that the election is 1/26/19, 10 a.m. to 6 p.m. Workers are needed.

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Mr. Alfree informed that absentee ballots are now available in the Trust Office. They can be picked up or mailed.

Mrs. Ross asked that the record show that when a change to a policy or procedure is discussed we should be given the current policy or procedure to reference. She said this procedure did not happen when considering a change(s). Mrs. Ross asked if the procedure will be voted on later. Mr. Wilson said the Board voted unanimously on 1/3/19 to continue using the process that has been used. Copies of the procedure will be given to the Board tomorrow morning. That procedure will be reviewed at the next Board meeting.

Mr. Alfree reminded that the Annual Audit was put in Board mailboxes and uploaded to the website.

COMMUNICATIONS – Mr. Alfree reporting.

- We received ‘thank you’ notes/email from our staff for their holiday bonus.
- Officer Interest documents were distributed to the Board. The envelope and document is to be submitted to the Trust Office by 1/22/19. Ballots with candidates for offices will be distributed at the February meeting and are due at the end of February. Ballots will be counted by Messrs. Meek, DeAscanis, Gallagher, and Clayton. Results will be announced at the April meeting. In accordance with the Bylaws, Mr. Clayton is not available for the office of Vice President and Mr. Wilson’s term as President will expire. The successful candidate for Trustee will receive the ballot.

Action Items

- Trustee Trifold -- Mr. Wilson will assign an ad hoc committee to determine a path forward and bring to the full Board for discussion. (12/4/18) Mrs. Ross mentioned that MSC provides updates; she suggested the Board consider this. (1/8/19)
- Election Committee -- Look into hiring the American Arbitration Association, a not-for-profit organization, to oversee Trustee elections. (12/4/18)
- Property Maintenance Committee and Battery Park Committee to address residents’ concerns with the West Third Street parking lot (cost, flooding). (12/4/18)
- Bylaws Committee to review creating a Standing Bylaws Committee. (12/4/18) Mr. Wilson said this will be addressed before next month’s meeting. (1/8/19)
- Public Comment – A resident asked about the Trustees having a “point person” as it relates to the West Third Street parking lot, Mr. Castagno was identified as the point person. (12/4/18) Mr. Castagno welcomes questions via email at any time. Mrs. Ross would like updates at future meetings and between meetings if there is anything important the Board should know. (1/8/19)

**At 7:39 p.m. a motion was made by Mr. Gallagher and seconded by Mr. DeAscanis to enter executive session to discuss matters of real estate. The motion was approved.**

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The Board returned to regular session at 8:15 p.m.

**A motion was made to authorize the Land Management Committee to enter into lease agreements with Hunter Marie Farms, William Penn High School and Against the Grain Farm using the current lease terms used by Delaware Greenways Initiative for use of the farmland at Penn Farm. The motion was second and approved by unanimous vote.**

**A motion was made to authorize the Land Management Committee to enter into a lease agreement with Wheelys to rent the Penn Farm farm stand for the next five (5) years based on the proposal submitted by Wheelys in December 2018. The lease will allow for an extension for an additional five (5) year period. The motion was seconded and approved unanimously by a roll call vote.**

With no further business before the Board, the meeting adjourned at 8:19 p.m.

Deborah P. Turner  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
February 5, 2019

Present: Messrs. T. Wilson (*President*), T. Clayton (*Vice President*), M. Alfree (*Secretary*), T. Episcopo (*Asst. Secretary*), C. Castagno (*Treasurer*), F. Gallagher (*Asst. Treasurer*), C. DeAscanis, H. Gambacorta, J. Meek, P. Toner, C. Viola, G. Yacucci and Mr. A. Taylor, Esq. Also present: M. Marinelli, Property Manager, D. Turner, Stenographer

Absent: Mrs. B. Ross

The monthly meeting of the Trustees was held on Tuesday, February 5, 2019, in the Trustees Room of Old Town Hall. Mr. Wilson called the meeting to order at 7 p.m. A moment of silence was called.

Mr. Wilson's term as a Trustee finishes the end of the month. He read a letter informing of his intention to file for the vacancy when is it announced. (*Letter attached.*)

Mr. Wilson welcomed new Trustee Pete Toner to the Board.

Monthly Calendar – Property Maintenance – 3/1/19, 4 p.m.; Property Maintenance meeting with the Meadows Group (Foresite Engineering and Antonio's) – 2/12/19, 4 p.m.; Land Management – 2/28/10, 5 p.m.; Outreach – 2/11/19, 7 p.m.; TNCC Board Meeting—3/5/19, 7 p.m.

Public Comment: Resident Dorsey Fiske said the Trustees' Bylaws state that a Trustee can serve no more than three consecutive years as Treasurer. At the January (2019) Trustee meeting Mr. Wilson announced that Mr. Castagno was treasurer for three years and is free to run for the office immediately. Because Mr. Castagno's term had ended on 6/10/18 he was considered a new Trustee when reelected. The minutes of 9/4/18 make it clear Mr. Castagno will finish his third term as treasurer on 4/1/19; therefore there is no justification that he is a new Trustee with respect to serving as an officer. A motion was made, seconded and approved to nominate Mr. Castagno to Treasurer to complete his term. She called on Mr. Taylor, as Trustee counsel, to insist that the Trustee Bylaws be followed.

Resident Binnie Beale identified himself as representing a group of residents that want to know the Trustees' position on the Third Street parking lot. He asked who the Trustees' point person is who is responsible for informing residents on the Trustees' position. Mr. Beale's inquiry was assigned to the Property Maintenance Committee for response.

Resident Sandy Beale revisited an issue she brought before the Trustees several years ago concerning providing posts with bags and a container for dog feces in certain areas around the City. She said it is a health issue and everyone will benefit by putting the posts and bags up again. Mrs. Beale spoke about an aggressive invasive plant threatening the meadows in the Bull Hill area. She would like the Trustees to address getting it under control.

Minutes

1/3/19 Special Meeting Minutes – **Mr. Clayton made a motion to approve the 1/3/19 Special Meeting minutes as distributed. Mr. Yacucci seconded the motion. The motion was approved.**

1/8/19 Minutes – Corrections noted. **Mr. Meek made a motion to approve the 1/8/19 Board Meeting minutes as amended. Mr. Gambacorta seconded the motion. The motion was approved.**

Treasurer's Report – Mr. Castagno reporting.

*Treasurer's Report for 1/31/19 was sent out electronically prior to the meeting.*

**Mr. Castagno made a motion to approve the Treasurer's Report for 1/31/19 as distributed. Mr. Clayton seconded the motion. The motion was approved.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Gallagher reporting.

- Signage – The Trust is required to approve signage changes. We have been asked to approve a change to signage of a tenant (TGI Friday's) at 326 Associates (*Copies of signage change distributed to the Board.*) The size of the sign is slightly larger than the former sign. The Land Management Committee recommends approval. **Mr. Gallagher made a motion to approve the new signage requested by our tenant at 326 Associates as submitted. Mr. Clayton seconded the motion. The motion was approved.**
- Mr. Taylor has finished the non-disclosure agreement for Plant Fitness. We can now begin collecting option payments against Planet Fitness.
- The new licensing agreement for the Lions Club was delivered to them today for their review. If they have no problems with it, we have the opportunity to identify that parcel as tax free.
- The licensing agreement for the *New Castle Weekly* was delivered today for their review.
- The tenant of the Checkered Flag property on du Pont Highway has moved out. Mr. Marinelli has contacted interest parties about leasing the property. Mr. Marinelli is contacting the Delaware Department of Transportation about selling the strip of land connected to the Checkered Flag property to expand the parcel.

Mr. Gallagher requested an executive session to discuss matters of real estate.

OUTREACH COMMITTEE REPORT – Mr. Meek reporting.

Hermitage Nature Area – Antonio has done another clearing of a part of the area.

Community Grants – Mr. Meek reported that the committee will meet on 2/11/19 to discuss the community grant requests. Mr. Meek asked if the full Board should receive all of the grant requests and offer comments to the committee for their review. After a brief discussion it was decided that if a Board member wants to view the grant requests they can contact Mr. Meek.

PROPERTY MAINTENANCE COMMITTEE – Mr. Clayton reporting.

*(Property Maintenance Update provided to the Board.)*

- Cupola – The contractor will be scheduled for the March Historic Area Commission (HAC) meeting.
- Triangle (at the used car lot) – Mr. Wilson asked to have a crew clean up the area, including the rear of the property. Mr. Clayton said the building is being boarded up. He is unclear where property lines are situated and stressed the need to put survey points on all of our properties. The property in the rear belongs to DelDOT. Mr. Wilson asked about the status of the box trailer. Mr. Castagno said a lock has been put on the trailer and suggested it be

left in place and offered to the next tenant for storage. It would be removed if the tenant does not want it. Mr. Wilson prefers removing the trailer now. Mr. Clayton will look into the matter further.

- Mr. Castagno said the City wants to do some test borings in the area of Battery Park at the end of The Strand to analyze the best storm water management. This is part of the City's rebuild of Delaware Street, much of it has to do with storm water management and drainage. Mr. Castagno stated there would be no damage to Battery Park. There were no objections from the Board.

(Handouts distributed to the Board.)

**Mr. Castagno made a motion to expand the capital budget by \$250,000 to enable PMC to complete the approved Bowling Alley lot project. Mr. Clayton seconded the motion.**

Mr. Castagno reviewed the history of parking lot and reviewed the handouts that included a 1974 site plan developed by the Trust for 73 parking spaces on the Bowling Alley site. Through the City grant process the Board previously approved capital to install a City parking lot. Ordinance 510 was implemented. The original request for a simple lot that was to mirror next to it behind the bank and all the other Trustee lot. Ordinance 510 suggested and required Planning Commission and HAC review, BOA approval that the actual design of the lot, approved by the Board in March 2016. As part of the city grant process. It was to mirror the parking lot next to it, the bank parking lot. Since that adoption and funding allocation, Ordinance 510 was implemented. The project has been through all the PC and HAC w/recommendations. The BOA approved as a special use exception with conditions of reduction in space and reduction in footprint. Those conditions are being factored into construction documents. Working through our engineer the construction estimate, we find there is a significant difference in cost. The additional cost (\$250,000) is for material uses and engineering. The project will go through a permitting process, starting with The Conservation District (TCD). The City Planner wanted to have construction documents from our engineer go to TCD first. Mr. Castagno feels optimistic there will be no issues with storm water management. Additionally, it requires the City Engineer's final review and Planning Commission confirmation TCD has approved the plans. The permitting process then begins simultaneously to the PMC securing quotes based off the final approved plan.

Mr. Meek said the Trustees never gave approval for a need of the lot and never had the opportunity to participate in the design of the parking lot. We have heard from residents of Third and Fourth Streets who do not want the parking lot and it was never discussed by the Trustees. He said we do not know how good the estimate is (\$350,000 before landscaping; \$175,000 already approved) since quotes have not been secured yet. He would like to see more information on how good that estimate is and perhaps wait to make a decision after quotes are received. Mr. Castagno is also suspect of engineer quotes. However, a particular contractor looked at the construction plans that are nearly completed (99% subject to The Conservation District approval) to verify that it is something that can be built within the budget. All of our capital requests we have done the past five years have been done using estimates based on the best information we received. Mr. Castagno is confident with the motion on the floor.

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Roll call vote taken.

Mr. DeAscanis – no.

Mr. Gambacorta – no.

Mr. Yacucci – yes

Mr. Gallagher – no. City Council came to the Trust saying we need a parking lot. We budgeted \$175,000 for the parking lot, which we thought was an appropriate amount based on a larger parking lot than what we are talking about today. City Council then picked a location that happened to be Trust property. We agreed, tending to go along with the understanding that City Council represents the community's wishes. Everyone on this Board is trying to help the community thinking that is what City Council wants. Mr. Gallagher said it has been over two years, the price is now 2.5 times what we originally thought it would be. Maybe we need to step back and ask if City Council making the best decision. We tend to support them and want to do what is best for the community. Right now we have only committed about \$60,000 without putting a shovel in the ground. But, it is smaller at 32 spaces and estimated to cost \$425,000 for a parking lot.

Mr. Toner – yes. The \$175,000 was for blacktop; it started out as asphalt. It could have matched the lot across from the tennis courts. Now it has concrete, landscaping and lighting. He said it will be every bit of the budget.

Mr. Clayton – yes.

Mr. Castagno – yes.

Mr. Alfree – yes.

Mr. Viola – yes.

Mr. Meek – no. We do not truly know how much it will cost. And an overwhelming reason for him is that a very large number of the citizens of the town are not in favor of putting it there.

Mr. Episcopo – yes.

Mr. Wilson – yes. The original estimate does not concern him because it came from the City. The City came to us wanting to put a parking lot on the Bowling Alley lot. They estimated the cost and we put it in our budget. As Mr. Toner said there have been many changes to make it the ultimate parking lot.

**The motion was approved by a vote of 8 in favor and 4 against.**

Mr. Clayton reported that access to Battery Park at the bottom of the swale (low spot between houses on Third Street and garage) is almost impassable to do maintenance. Crush and run is being put in temporarily to avoid creating ruts.

FINANCE COMMITTEE REPORT – Mr. Castagno reporting.

*The operating budget, capital budget, and revenue sheets were distributed to the Board.*

The committee met with the Trust's investment advisors to review performance for calendar year 2018. Net of expenses invested capital portion of our asset portfolio is down 4.5% for the calendar year 2018. Each investment manager has advised us to continue with the current strategy and make no changes.

Mr. Castagno informed we are about 74% of our spending for operating items. Capital budget – we have about \$224,000 remaining in approved budget for the draw down for capital. We have

more than \$1.5 million in completed capital projects over the last few years. Each investment adds to our asset valuation.

Mr. Castagno said that revenue is tracked monthly. Mr. Marinelli is at about 87% in collecting rents, taxes, and sewer payments. Mr. Marinelli will review the leases to develop a revenue forecast in advance of the coming fiscal year beginning 4/1/19.

Mr. Alfree noted that 9 of 25 of our properties (under Property Maintenance) have exceeded the budget. The amounts are large enough to warrant looking at the reason. While not disagreeing, Mr. Castagno said a large part of our maintenance has to do with landscaping and grass that do not exist in the winter. One property had some unforeseen issues. Further, he said the Property Maintenance Committee goes through every asset line by line with scope of work needed to maintain those properties.

#### OTHER COMMITTEES

Encroachment Committee – Mr. Meek said that he and Mr. Wilson are waiting for the letter previously sent to area residents, including the two properties in Jefferson Farms. Mr. Wilson will follow up with Mary Fontinha in the Trust Office.

Mr. Meek asked Mr. Taylor if the Trust owns the road leading to the Hermitage property. Mr. Taylor said the Trust owns the right side and the school owns the left side. He will confirm the width of what the Trust owns. Mr. Meek said that parents come to the rear of the building to park for about an hour until students get there. They are blocking a fire lane and obstructing the entrance to the Hermitage property. Mr. Clayton reported he contacted the fire chief who has no issues with parking in the area for a short time. He reiterated the need for property surveys.

#### Election Committee – Mr. Episcopo reporting

Mr. Episcopo informed there will be three (3) vacancies this year into next year. The committee met last Thursday to talk about the most recent election. He thanked Ms. Fontinha and Mr. Marinelli for their work. Election Committee members are Messrs. Yacucci, Clayton, Toner and Chairman Episcopo. Mr. Episcopo said no date has been set for the next election, but two voting machines are reserved for May 2019. Another election will take place in the fall and again in early 2020.

#### Scholarship Committee – Mr. Alfree reporting

Twenty (20) students received scholarships in the most recent payout. Two of the students were notified that since they had a private scholarship paying their full tuition that their respective schools would be returning scholarship monies to the Trust. Eleven (11) out of 18 students also received a bonus. The Scholarship Committee informed the Board that the current allocation for scholarships is sufficient for next year.

Mr. Alfree passed out officer ballots. They are to be returned to the Trust Office by 2/22/19. He will get Mrs. Ross her ballot.

COMMUNICATIONS – Mr. Alfree reporting.

- Thank you note from Richard Stat on the passing of his father and the Trust’s contribution to his request.
- Letter from the person opening Lenora (at the David Finney Inn) about their application for a liquor license. It is the standard notification letter; comments must be received on or before 2/22/19.
- Thank you from Fire Chief Dave Majewski and Police Chief Richard McCabe for the Board’s contribution and support of the Christmas Party for City children in December.

Mr. Alfree will be sending out an email to Trust officers (Messrs. Wilson, Clayton, Castagno, Alfree) and Mr. Gambacorta as the senior Trustee to confirm Mr. Toner’s assignments to three committees as they discussed. The committees are the Outreach, Election, and Land Management Committees. Recipients are to vote ‘yes’ or ‘no’ for each committee. It was noted that currently there are five members serving on the Land Management committee, which is the number mandated by the Bylaws. Mr. Alfree suggested sending the email with the stipulation that Mr. Toner will become a voting member when the first vacancy on the Land Maintenance Committee is realized. In the meantime, Mr. Toner is encouraged to attend Land Management Committee meetings.

Action Items

- Trustee Trifold -- Mr. Wilson will assign an ad hoc committee to determine a path forward and bring to the full Board for discussion. (12/4/18) Mrs. Ross mentioned that MSC provides updates; she suggested the Board consider this. (1/8/19)
- Election Committee -- Look into hiring the American Arbitration Association, a not-for-profit organization, to oversee Trustee elections. (12/4/18)
- Property Maintenance Committee and Battery Park Committee to address residents’ concerns with the West Third Street parking lot (cost, flooding). (12/4/18)
- Bylaws Committee to review creating a Standing Bylaws Committee. (12/4/18) Mr. Wilson said this will be addressed before next month’s meeting. (1/8/19)
- Public Comment – A resident asked about the Trustees having a “point person” as it relates to the West Third Street parking lot, Mr. Castagno was identified as the point person. (12/4/18) Mr. Castagno welcomes questions via email at any time. Mrs. Ross would like updates at future meetings and between meetings if there is anything important the Board should know. (1/8/19)

**At 8:20 p.m. a motion was made by Mr. Gallagher and seconded by Mr. Episcopo to enter executive session to discuss matters of real estate. The motion was approved.**

The Board returned to regular session at 8:35 p.m.

**Mr. Gallagher made a motion that the Land Management Committee (LMC) proposes that if the tenant at 211 North du Pont Highway (Milex) in New Castle can provide the funds that are currently in arrears, plus the February rent by February 15<sup>th</sup>, that the Trust give the tenant an additional four (4) months lease ending June 30, 2019. Depending on the outcome, the LMC will evaluate a longer commitment. If the tenant does not comply by the 15<sup>th</sup>, the lease will expire on February 28, 2019 and will not be renewed. The motion was seconded and approved by the Board.**

Mr. Wilson created a Bylaws Committee comprised of Messrs. Gallagher, DeAscanis and Toner. The committee was charged with making a recommendation for the Board to consider “should the Board have a permanent Bylaws Committee rather than the current status – Bylaws Committee is considered an Ad-Hoc Committee.

There was an update by the Ad-Hoc “Tri-Fold” Committee. The committee requested Board member comments via email as to the necessity of the tri-fold document and the actual content. The current opinion of the Committee is an annual tri-fold mailing is not necessary because the pertinent information on the last tri-fold (2014) is now on the Trust website. The decision to eliminate the annual tri-fold was made by the Board once the information contained in the tri-fold was posted on the website.

With no further business before the Board, the meeting adjourned at 8:49 p.m.

Deborah P. Turner  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
March 5, 2019

Present: Messrs. T. Clayton (*Acting President*), M. Alfree (*Secretary*), T. Episcopo (*Asst. Secretary*), C. Castagno (*Treasurer*), F. Gallagher (*Asst. Treasurer*), C. DeAscanis, H. Gambacorta, J. Meek, P. Toner, C. Viola, G. Yacucci, Mrs. B. Ross and Mr. A. Taylor, Esq.  
Also present: M. Marinelli, Property Manager, D. Turner, Stenographer

The monthly meeting of the Trustees was held on Tuesday, March 5, 2019, in the Trustees Room of Old Town Hall. Mr. Clayton called the meeting to order at 7 p.m. A moment of silence was called.

Monthly Calendar – Property Maintenance – 3/29/19, 4 p.m.; Land Management – 3/28/19, 5 p.m.; TNCC Board Meeting 4/2/19, 7 p.m.; Budget Meeting -- TBD

Public Comment: Resident Sally Denton spoke about a discussion she had with Mr. Clayton. Mr. Clayton said the matter is a personal issue.

Resident Ann Dorsey Fiske followed up on her request for a response from Mr. Taylor, Trustee counsel, to the bylaws violation allowing Mr. Castagno to run for Treasurer for six (6) consecutive years. She believes several other bylaws violations have occurred over the past several years. She spoke of impolite communications she has received from several Board members that she considers being a violation of the Trustees' Code of Conduct.

Resident Bernadette Ruf revisited an issue she presented to the Board concerning flooding concerns in the City and what the Trustees are doing about those concerns. She recently read a newspaper article that more funding has been approved for the (Third Street) parking lot. Mr. Clayton said the City conducted a comprehensive plan over a year ago about flooding and suggested Ms. Ruf contact the City.

Resident Toby Hagerott, Colonial School District Farm to School Manager at Penn Farm, announced plans to plant 40 fruit trees on lands the school leases at Penn Farm. He formally invited the Board to attend the event to be held on 4/17/19.

Resident Tom Wilson disputed a recent newspaper article concerning the legality of the Board's handling of the City grant for infrastructure. He stated that nothing was done illegally. Further, Mr. Wilson informed that a roll call vote was taken and the majority of the Board voted to approve. Additionally, he said that when a vacancy on the Board is announced he intends to apply.

Minutes

2/5/19 Meeting Minutes – One correction was made. **Mr. Alfree made a motion to approve the 2/5/19 meeting minutes as amended. Mr. Gallagher seconded the motion. The motion was approved.**

Treasurer's Report – Mr. Castagno reporting.

*Treasurer's Report for 2/28/19 was sent out electronically prior to the meeting.*

**Mr. Castagno made a motion to approve the Treasurer's Report for 2/28/19 as distributed. Mr. Yacucci seconded the motion. The motion was approved.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Gallagher reporting.

- Checkered Flag property – The property is vacant; there are several parties interested in leasing the property. The Delaware Department of Transportation has refused to sell the small strip of land that connects to the property to the Trust.
- Non-disclosure Agreement with Planet Fitness – The agreement has been completed; Richard Stat has begun making option payments.
- Lions Club licensing agreement -- The agreement is complete. Mr. Marinelli has submitted the exemption application requesting relief from taxes on the parcel.
- Historical Society license – The license is finished and has been returned to them. The license should be signed soon.
- Farm leases are still being worked on, but are expected to be completed soon.

Mr. Gallagher requested an executive session to discuss matters of real estate.

OUTREACH COMMITTEE REPORT – Mr. Meek reporting.

Community Grants – Mr. Meek reported that the committee met to review \$250,000 in community grant requests to be considered at the Budget Meeting later this month. He will send the requests to all Board members.

In addition, Mr. Meek said that committee members believe an itemized list of what community requests are funded, void of the amount, should be sent to the *New Castle Weekly*. This does not include the \$100,000 for scholarships or the City's grant request. Mr. Meek will provide that information to the Board prior to submitting to the *New Castle Weekly*.

PROPERTY MAINTENANCE COMMITTEE – Mr. Episcopo reporting.

*(Property Maintenance Update provided to the Board.)*

No progress on several items until the weather improves.

- Third Street parking lot -- There are no updates to report.
- Cupola – The contractor has been selected. Once the City gives the contractor a permit, scaffolding will be put up at Old Town Hall and will remain in place until work is completed on the cupola and roof. Brick pointing will be done off a high reach.

FINANCE COMMITTEE REPORT – Mr. Castagno reporting.

*The operating budget, capital budget, and revenue sheets were distributed to the Board.*

The committee is assembling information for the budget in preparation for the upcoming Budget Meeting. Community grant information will be included.

Mrs. Ross asked if Mr. Taylor has submitted his legal fees associated with the Third Street parking lot. Mr. Taylor will be submitting his bills this week.

OTHER COMMITTEES

Bylaws Committee – Mr. Gallagher reporting

The committee is comprised of Messrs. Gallagher, DeAscanis, and Toner.

Mr. Gallagher reminded the Board that former President Tom Wilson created an Ad Hoc Bylaws Committee charged with making a recommendation as to whether the Bylaws Committee should be an Ad Hoc Committee or a Standing Committee. The Ad Hoc Bylaws Committee is recommending that the Bylaws Committee should be a Standing Committee. Mr. Gallagher explained the committee's rationale. He said there are areas in the bylaws that are incorrect and need to be addressed. Additionally, if there are questions/concerns during a meeting a committee member could address the issue.

Mr. Castagno reminded that the Ad Hoc Bylaws Committee's recommendation is a bylaws change and the committee should follow the procedure used to consider changes to the bylaws. He encouraged the committee to draft the language and distribute to the full Board ten days before the next meeting. Mr. Alfree will work with Mary Fontinha and Mr. Marinelli to get draft language distributed to the Board in the aforementioned ten days before the next meeting for discussion.

Change to election procedures – (part of Election Committee report)

Election Committee – Mr. Episcopo reporting

Mr. Episcopo said the Board was sent a pack of the proposed changes (revised 3/1/19 with no substantive changes) to the Voting Process, Section VI, Election of Board Members. Mr. Episcopo did not receive any comments from the Board. The Bylaws Committee has approved the proposed changes. The proposed changes will be discussed and voted on at next month's Board meeting.

Mr. Episcopo declared a Board vacancy. Interested parties can file in the Trust Office starting tomorrow. Mr. Episcopo said that the next Trustee election will be 5/11/19, 8 a.m. to 4 p.m. In the event of a runoff it will be 6/22/19, 8 a.m. to 4 p.m.

Mr. Alfree reported on election results from the 1/26/19 Trustee election as follows:

A total of 646 votes were cast.

Peter J. Toner received 410 votes

Suzanne Souder received 140 votes

William Boyle received 96 votes

Encroachment Committee – Mr. Meek reporting.

Mr. Taylor will forward copies of various forms of the encroachment letter to the committee for review. Mr. Clayton asked that any Board member interested in serving on this committee to inform the incoming President.

COMMUNICATIONS – Mr. Alfree reporting.

- Library Friends Newsletter – The newsletter is sent via email to membership five times a year. Each issue features someone involved with the library. For the June 2019 issue Miss Eileen Burke is seeking the Board’s approval to feature Mrs. Barbara Alfree and her work at the library, including her work with the Trust archives. The Board had no objections to Mrs. Alfree’s interview. Mrs. Ross asked that the interview include that Mrs. Alfree is paid for her work and is not a volunteer. Mr. Alfree will forward her comment to Ms. Burke.
- Mr. Meek has been contacted by resident Alice Jarvis on behalf of a Day in Old New Castle. Ms. Jarvis thinks people would be interested in visiting Old Town Hall and to understand what the Trust does. He said that Ms. Jarvis would have docents at the building. Mr. Meek volunteered to open the building and invites others to join him in providing information about the Trust and to describe various pictures and documents on the walls. Mr. Clayton reminded there will be scaffolding around the building. Mr. Gallagher has no problem with the visits, but wants to ensure there are no safety concerns. He added that the building will be more attractive next year. Mr. Meek will communicate the comments to Ms. Jarvis.
- Mrs. Ross understands that Mr. Wilson plans on running for his own seat on the Board at the next election. If Mr. Wilson is re-elected, she plans on calling for sanctions against him based on violations of the Trustees’ Code of Conduct constituting actions “Unbecoming a Trustee.”
- Mr. Alfree reported on the results of Board officer voting. The chairmen of the Finance Committee, Land Management Committee, Property Maintenance Committee and Outreach Committee met to count the ballots. Board officers for the term 4/1/2019 through 3/31/2020 are as follows:  
President – Fred G. Gallagher, Jr.  
Vice President – Thomas A. Episcopo  
Secretary – Michael J. Alfree, Sr.  
Assistant Secretary – Thomas L. Clayton, Sr.  
Treasurer -- Christopher J. Castagno  
Assistant Treasurer – Henry F. Gambacorta

Action Items

- Trustee Trifold -- Mr. Wilson will assign an ad hoc committee to determine a path forward and bring to the full Board for discussion. (12/4/18) Mrs. Ross mentioned that MSC provides updates; she suggested the Board consider this. (1/8/19) Mr. Alfree reported last month the committee does not believe it is necessary to continue producing the trifold. All info that appeared in the last trifold mailed in 2014 is now on the Trust website and is available in the Trust Office. The Trifold Committee recommended not proceeding with a trifold. (2/5/19)
- Election Committee -- Look into hiring the American Arbitration Association, a not-for-profit organization, to oversee Trustee elections. (12/4/18) Mr. Alfree said the committee is waiting for a call from the organization to get specific information and make a presentation to the Election Committee. (3/5/19)
- Public Comment – A resident asked about the Trustees having a “point person” as it relates to the West Third Street parking lot, Mr. Castagno was identified as the point person. (12/4/18) Mr. Castagno welcomes questions via email at any time. Mrs. Ross would like updates at future meetings and between meetings if there is anything important the Board should know. (1/8/19)

Trustees of the New Castle Common  
Minutes of March 5, 2019

According to Mr. Taylor, the Board is waiting for feedback from the New Castle Conservation District's final review of the final plans. Once final plans are received it will go to the Planning Commission. (3/5/19)

**At 7:46 p.m. a motion was made by Mr. Gallagher and seconded by Mr. Episcopo to enter executive session to discuss matters of real estate. The motion was approved.**

The Board returned to regular session at 8:00 p.m.

With no further business before the Board, the meeting adjourned at 8:01 p.m.

Deborah P. Turner  
Stenographer

Trustees of the New Castle Common  
Budget Meeting Minutes - March 18, 2019

Present: Messrs. Alfree (Secretary), Castagno (Treasurer), Gallagher, Meek, Gambacorta, DeAscanis, Episcopo, Toner, Viola, Yacucci, and Mrs. Ross. Also present Michael Marinelli, Property Manager and Andy Taylor, Esq.

The meeting took place on March 18, 2019, in the Trustees' Board Room, in Old Town Hall, for the purpose of reviewing, discussing and adopting the proposed operating budget for 2019-2020 (fiscal year 2020). Secretary Alfree presided due to the vacancy in the President's position and the absence of Vice President Thomas Clayton. Mr. Alfree called the meeting to order at 6 PM. After introductory remarks, Mr. Alfree turned over the floor to Treasurer Castagno who led discussion of the proposed operating budget. The Board discussed and voted upon the following categories:

**Personnel – Total: \$89,817**

Mr. Castagno made a motion to approve the proposed operating budget for Personnel. Mr. Gallagher seconded the motion and it passed unanimously.

**Administration – Total: \$309,500**

Mr. Castagno made a motion to approve the proposed operating budget for Administration. Mr. Gallagher seconded the motion and it passed unanimously.

**Debt Service – Total: \$102,000**

Mr. Castagno made a motion to approve the proposed operating budget for Debt Service. Mr. Yacucci seconded the motion and it passed unanimously.

**Community Grant Contributions – Total: \$351,900**

Mr. Meek provided a detailed report on the community grant requests received for FY2020, including request versus recommendation of the Outreach Committee. Outreach recommended approval of the requests from the following organizations:

Arasapha	New Castle Police Dept.
Separation Day	Beautification Committee
NC Senior Center	Friends of Bellanca
St. Anthony's Society	New Castle Crier
College Tuition Support	Good Will Fire Company
College Scholarship Bonus	New Castle Public Library
New Castle Historical Society	New Castle Community Partnership

Mr. Castagno made a motion to approve the Community Grant Contributions; Mr. Yacucci seconded the motion and it passed unanimously.

**Government Grants – Total \$288,000**

In addition to the proposal of \$288,000 Government Grant to the City of New Castle, there was a separate request for \$675,000 from the City of New Castle per City Resolution 2019-005. It was discussed at length. Mr. Castagno made a motion to approve the request from the City for \$675,000, with the condition that it was specific to roadwork from Third Street to Sixth Street; and, only for back up to any State Funding that they may get. The motion was not seconded therefore no vote was taken.

**Property Maintenance – Total: \$372,225 (Reduced by \$500 from original proposal of \$372,725)**

Mr. Castagno made a motion to approve the proposed operating budget for Property Maintenance. It was seconded by Mr. Gambacorta and it passed unanimously.

With no further business, Mr. Gambacorta made a motion to adjourn, seconded by Mrs. Ross, which passed unanimously. The meeting concluded at 7:32 PM.

Trustees of the New Castle Common  
Meeting Minutes  
April 2, 2019

Present: Messrs. F. Gallagher (*President*), T. Episcopo (*Vice President*), M. Alfree (*Secretary*), T. Clayton (*Asst. Secretary*), C. Castagno (*Treasurer*), H. Gambacorta (*Asst. Treasurer*), J. Meek, P. Toner, C. Viola, G. Yacucci, Mrs. B. Ross and Mr. A. Taylor, Esq.

Also present: M. Marinelli, Property Manager, D. Turner, Stenographer

Absent: C. DeAscanis

The monthly meeting of the Trustees was held on Tuesday, April 2, 2019, in the Trustees Room of Old Town Hall. Mr. Gallagher called the meeting to order at 7 p.m. A moment of silence was called.

Mr. Gallagher began by asking that all questions from the public assigned to a committee be answered in writing, go to the Board Secretary, and responses will be sent out from the Trust Office. This will provide documentation that inquiries have been answered. There is concern about personal attacks in meetings. This is a land trust and operates as a business. He asked members of the Trust if they have issues with another Trustee to take it up outside the meeting. These meetings are to discuss and provide decisions on Trust matters to sustain and grow the Trust for the benefit of the citizens of New Castle. If an individual or Trustee has an issue with the Trust we will hear it and try to resolve it. He reminded that under Bylaws Article 15, Code of Conduct, Actions Unbecoming of a Trustee is defined as among other things as "Public defamation of Members of the Board, past or present". Additionally, Procedure #2 -- All charges, hearings, discussions and actions involving Bylaws violations will be heard in executive session. He said the Trust is trying to do what is best for the Trust and for the people of New Castle. How it is accomplished is up for debate. He hopes things will become more productive and efficient.

Monthly Calendar – Property Maintenance – 5/3/19, 4 p.m.; Land Management – 5/2/19, 5 p.m.; TNCC Board Meeting 5/7/19, 7 p.m.; Invested Capital Review Meeting -- TBD

Public Comment: Resident William Boyle congratulated Mr. Gallagher on his election as President of the Board.

Resident Binnie Beale does not believe some of the Trustees understand the role of the Trust and their positions as Trustees. Fiscal responsibility – he questioned the City's reliance on the Trust that leads residents to question where the City and Trust obligations start and stop. Capital and large maintenance projects in excess of the City's capabilities are automatically directed to the Trust. The Delaware Street Improvements Project and Third Street parking lot will tax cash flow. He thinks that costs should be shared with the City, adding the City can raise needed revenue through taxes or turn down projects.

Resident Karen Whalen asked for a copy of the engineer's estimate the Board used to increase the budget for the West Third Street parking lot. She believes more monies will be needed for this parking lot and there are other things in the City needing maintenance. Mr. Gallagher clarified the Trust provided a grant to the City and if more funds are needed that will require another vote by the entire Board. Mr. Gallagher informed Ms. Whalen the Property Maintenance Committee would be tasked with responding to her inquiry.

Trustees of the New Castle Common  
Minutes of April 2, 2019

Resident Bernadette Ruf asked for a response to concerns she raised in the 3/5/19 Trustee meeting about putting money into infrastructure to a parking lot when we should be focused on flooding. Mr. Alfree said that he and Mr. Marinelli are working on a response to Ms. Ruf's concerns.

Resident Ann Dorsey Fiske informed that she has filed to be a candidate for Trustee.

Resident Tom Wilson and Mrs. Ross are at odds over a recent verbal exchange. Mr. Gallagher reiterated that any problem with a Trustee should be taken to that person for resolution. He stressed the importance of being respectful and listening to opinions to address the business at hand.

Resident Sally Denton expressed her concern with disrespectful behavior by some Trustees.

Resident Roderick Gillespie said when the parking lot is built there is a large public entrance at the east end of the park and when the lot is built pedestrians will have to go through a parking lot. He stated that most pedestrian accidents occur in parking lots. Mr. Gillespie added that the land where the parking lot is planned has value in building houses and there will still be frontage on West Third Street where the public can go through the park.

Resident Judy Baldini congratulated Mr. Gallagher on his position as President and congratulated the Trustees for the wonderful job they have been doing for the City.

Minutes

3/5/19 Meeting Minutes – Corrections were made. **Mr. Gambacorta made a motion to approve the 3/5/19 meeting minutes as amended. Mr. Yacucci seconded the motion. The motion was approved.**

3/18/19 Budget Meeting Minutes – A correction was made. Mr. Meek has a revised version of the Community Grant recipients that will be published in next week's *New Castle Crier*. **Mr. Alfree made a motion to approve the 3/18/19 Budget Meeting minutes as amended. Mr. Clayton seconded the motion. The motion was approved.**

Treasurer's Report – Mr. Castagno reporting.

*Treasurer's Report for 3/31/19 was sent out electronically prior to the meeting.*

The Treasurer's Report is through 3/27/19. The final three days of March will be reflected in next month's figures.

**Mr. Castagno made a motion to approve the Treasurer's Report for 3/31/19 as distributed. Mr. Gambacorta seconded the motion. The motion was approved.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Marinelli reporting.

- Delaware Greenways Initiative (DGI) -- They will be vacating their lease as soon as the other leases are in place. Mr. Taylor has the leases for the current tenants that we intend to execute with them.

- Former Checkered Flag property – There is a potential tenant for this site.  
**Mrs. Ross made a motion to authorize the Land Management Committee to negotiate lease terms for a potential tenant for 216 North du Pont Highway, the former Checkered Flag property. Mr. Gallagher seconded the motion. The motion was approved.**
- Former Tremont Site – We have a broker agreement.
- Rent, tax and sewer receivables are current.
- 198 North du Pont Property (former DD) – Pusan Investments has a lease with the Trust. The broker has informed that the Delaware Department of Transportation (DelDOT) plans to make improvements to Route 13 that will affect the entrance to the site. DelDOT has asked for some cooperation from Pusan Investments as it relates to the entrance to the site.
- Dunkin Donuts and Perkins – Site plans are complete; both are waiting for approval from their headquarters.
- Archives – This project is almost complete.

OUTREACH COMMITTEE REPORT – Mr. Meek reporting.  
Nothing to report.

PROPERTY MAINTENANCE COMMITTEE – Mr. Clayton reporting.  
(*Property Maintenance Update provided to the Board.*)

- Third Street parking lot – Mr. Taylor reported that plans have been approved from the New Castle Conservation District. The engineer is finalizing the submission for the Planning Commission. Mr. Taylor projects the plans will be addressed at the Planning Commission's May meeting.
- Mrs. Ross talked about Big Belly Trash Cans, a solar-run trash compacter service that is currently being used successfully in Newark, Delaware. She has information about the trash service for the Property Maintenance Committee's review. She has someone who can give a presentation to the Board.
- The Little League backstop may not be installed in time for Opening Day. The road going into the Little League will not be done by Opening Day.
- Dewey Park – The committee just received three quotes for tree trimming.
- Fifth Street Library – Two trees in the front of the building are causing damage to the building and sidewalk and will be removed; one tree will be replaced.

FINANCE COMMITTEE REPORT – Mr. Castagno reporting.

*The operating budget, capital budget, and revenue sheets were distributed to the Board.*

Mr. Castagno informed that operating budget information is reflected through 3/27/19. The final three days of March will be reflected in next month's figures. He congratulated the Board on accomplishing almost \$1.6 million in capital improvements.

Mrs. Ross noticed that Mr. Taylor's legal fees associated with the Third Street parking lot are not included in the information distributed.

OTHER COMMITTEES

Bylaws Committee – Mr. Gallagher reporting.

It was reported at the March Board meeting that the Ad Hoc Bylaws Committee (comprised of Messrs. Gallagher, DeAscanis, and Toner) recommended that the Bylaws Committee should be established as a standing committee. Mr. Alfree worked with administrative staff to provide Section IX, Ad Hoc Committees and Appointments, to the Board (distributed to the Board) for review and voting next month. He said that one sentence was added that states, “The President will appoint three (3) Board members annually at the May Board Meeting to serve as an Ad Hoc Bylaws Committee”. The Committee will review/evaluate the Bylaws to make recommendations to the Board. Mr. Gallagher suggested adding verbiage that “the committee will accept responsibility to advise the Board at any time if they see the Board is deviating from the Bylaws”. He said this was a concern of the Ad Hoc Bylaws Committee. In addition, he thinks the Board should follow the Bylaws. Mr. Alfree asked Mr. Gallagher to submit his verbiage to the Trust Office to be included in the proposed Section IX. A revised document will be distributed to the Board with voting at the May Board meeting. Mr. Gallagher asked that Board members wishing to serve on the Bylaws Committee inform him.

Election Committee – Mr. Episcopo reporting.

Mr. Episcopo reported the next Trustee election is set for 5/11/19, 8 a.m. to 4 p.m. Two candidates have filed to date. He referred to a document showing Bylaws Procedures, Section VI, Election of Board Members, revised 3/1/19 that was distributed at the March meeting.

**Mr. Episcopo made a motion to approve Bylaws Procedures, Section VI, Election of Board Members, as distributed at the March meeting. Mr. Gambacorta seconded the motion. The motion was approved.**

Election Services – Mr. Alfree distributed information dated 3/26/19 concerning having an outside firm handle Trustee elections. (At the 12/4/18 Board meeting a Board member requested looking into having the American Arbitration Association [AAA] oversee Trustee elections.) The document explains the services they provide. Currently the most popular type of service is a combination of online voting and/or automatic telephone voting. We would provide AAA with an authorized voter list and they would create letters with ballots that would be distributed to everyone on the authorized voter list. The service is fee-based at a cost of \$4 per eligible voter. Mr. Alfree informed there are about 2,200 people currently on the list. The Board decided not to pursue having AAA handle Trustee elections.

Encroachment Committee – Mr. Meek reporting.

Mr. Meek will meet with Mr. Taylor to review encroachment files and letters sent to residents. Mr. Castagno noted that funds have been budgeted for the upcoming fiscal year for land surveys. He noted that not all of the Trust’s properties will be surveyed in one year.

Mr. Castagno said some surveys may directly relate to work being done by the Encroachment Committee.

Trustees of the New Castle Common  
Minutes of April 2, 2019

Mr. Gallagher called for an Ad-Hoc Committee made up of a representative from the Encroachment Committee, Land Management Committee and Property Maintenance Committee. The committee is charged with identifying priorities of properties to be surveyed. Mrs. Ross volunteered to represent the Land Management Committee. Mr. Taylor will participate in the Ad-Hoc meetings.

City of New Castle Library Board -- **Mr. Gallagher made a motion to nominate Thomas L. Clayton, Sr. and Carlos Viola to be the Trustee representatives on the City of New Castle Library Board. The motion was seconded and approved.**

COMMUNICATIONS – Mr. Alfree reporting.

No communications were received.

Mr. Yacucci said his term as a Trustee will end on 4/27/19. When a vacancy is declared he plans to seek another term.

Action Items

- Leases documenting insurance -- Mrs. Ross said the Land Management Committee talked about having leases documenting insurances.
- Proposed Bylaws Section IX, Ad Hoc Committees and Appointments – Board vote at 5/7/19 Board Meeting.
- Ad Hoc Bylaws Committee – President to appoint three (3) Board members to serve on the committee. (Pending approval of Proposed Bylaws Section IX, Ad Hoc Committees and Appointments.)

With no further business before the Board, the meeting adjourned at 8:10 p.m.

Deborah P. Turner  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
May 7, 2019

Present: Messrs. F. Gallagher (*President*), T. Episcopo (*Vice President*), M. Alfree (*Secretary*), T. Clayton (*Asst. Secretary*), C. DeAscanis, H. Gambacorta (*Asst. Treasurer*), J. Meek, P. Toner, C. Viola, Mrs. B. Ross and Mr. A. Taylor, Esq.

Also present: D. Turner, Stenographer

Absent: C. Castagno (*Treasurer*)

The monthly meeting of the Trustees was held on Tuesday, May 7, 2019, in the Trustees Room of Old Town Hall. Mr. Gallagher called the meeting to order at 7 p.m. A moment of silence was called.

Bylaws Committee – Mr. Gallagher appointed Messrs. Castagno, Meek and Toner to the committee.

Encroachment Committee – Mr. Gallagher said the committee will be comprised of Messrs. Clayton and Meek, and Mrs. Ross.

Both committees will be supported by Mr. Taylor and Property Manager Mike Marinelli.

Mr. Gallagher informed that all questions presented during last month's Public Comment have been responded to.

Trustee Election – The Election Committee decided that a license or State I.D. with a New Castle address is required to vote in the 5/11/19 Trustee election. This is a change from what was printed in the newspaper.

Monthly Calendar – Property Maintenance – 5/31/19, 4 p.m.; Land Management – 5/30/19, 5 p.m.; Bylaws Committee – 5/21/19, 5 p.m.; TNCC Board Meeting 6/4/19, 7 p.m.

Public Comment

Resident Roderick Gillespie asked about the bid process for the West Third Street parking lot. Mr. Gallagher said there will be multiple bids; the Property Maintenance Committee will have more details. Mr. Gillespie requested more information when it is available.

New Castle Little League – Joe DiStefano, President of the New Castle Little League, thanked the Trustees for their help with the baseball complex. They have received positive comments about the backstop, roadway, walkway, scoreboard, and lighting. For the first time the complex will host the State Little League tournament for 11-12 year olds (July) to determine the team that will represent Delaware at the regional tournament leading to the Little League World Series. Mr. Alfree asked Mr. DiStefano for a timeline on activities for the July tournament. Mr. Episcopo plans to attend the Little League's next Board/committee meeting to start looking at next year.

Minutes

4/2/19 Meeting Minutes – **Mr. Alfree made a motion to approve the 4/2/19 meeting minutes as distributed. Mr. Clayton seconded the motion. The motion was approved.**

Treasurer's Report – Mr. Alfree reporting.

*Treasurer's Report for 4/30/19 and Final Drawdown Report for 2018-2019 was sent out electronically prior to the meeting.*

**Mr. Alfree made a motion to approve the Treasurer's Report for 4/30/19 as distributed. Mr. Clayton seconded the motion. The motion was approved.**

Mrs. Ross stated the total of Mr. Taylor's legal fees related to the West Third Street parking lot is \$28,668 over two fiscal years.

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

Mr. Alfree is acting chairman of the committee on a temporary basis.

- Receivables are current.
- Former Checkered Flag property – The committee is working on a new lease; the new tenant has committed funds to renovate the building. The new tenant will work on the building for a couple of months at which time no lease monies will be received.
- Former Tremont Site – The committee is working to finalize the Emory Hill broker agreement.
- Delaware Korean Baptist Church – Their lease expires on 11/30/19. They have indicated their desire to renew their lease. The committee has asked Gary Parker to do an appraisal on the property so negotiations can begin.
- Litigation -- Legal paperwork has been filed (P. McConnell); we are waiting to hear when to appear in Justice of the Peace court.
- Penn Farm/Delaware Greenways Initiative (DGI) – DGI has requested to be removed from the lease as soon as possible. Final leases (4) are close to being signed to function at Penn Farm. The committee is working on finding someone to take possession of the green roof (and entire structure that is over the farm stand). DGI owns it at this time. This needs to be done before DGI is removed from the lease for the farm and a new lease holder is in position. It was offered to the Municipal Services Commission, but they are not interested. The committee is looking at legal ramifications connected to funding sources for the green roof.
- Mr. Marinelli has been working with Gregory Automotive and Verizon. When the soda house was there an agreement was in place between the two tenants agreeing the parking lot would be common. Now there are issues with Verizon customers using the parking lot through the auto business. Both leases say if the problem cannot be resolved by the tenants then the Land Management Committee is charged with making a decision.
- 198 North du Pont Property (Perkins Restaurant and former Dunkin Donut) – Mr. Taylor reported that paperwork has been signed for the minor land development plan to be submitted to New Castle County. The former Dunkin Donut site will become a Perkins restaurant with an addition to the building. There will be a new Dunkin Donut site with a drive-in format. In the middle there is a reserved 55 foot wide easement for access to the rear of the property (where hotel used to be). Mr. Taylor informed their legal structure has changed. The lease between the Trustees and ground tenant was signed in the name of Pusan Investments. They want to assign that to a new LLC formed, Pusan GLM New Castle LLC. There will be two subleases from that entity – one assigned to an LLC for the Dunkin

Donuts site and one LLC for the Perkins site. Mr. Taylor explained they are seeking the Trust's consent to those assignments because terms of the ground lease do require them to come to the Trust for consent. He noted the leases are subject to getting appropriate approvals through New Castle County and the Delaware Department of Transportation. **Mr. Alfree made a motion to change the current approval from Pusan Investments to Pusan GLM New Castle LLC and sub-lease to two separate entities: Aark New Castle LLC for Dunkin Donuts and another LLC to be formed for the Perkins site. Mr. Toner seconded the motion. The motion was approved.**

OUTREACH COMMITTEE REPORT – Mr. Meek reporting.

Mr. Meek revisited a project started 3-4 years ago relating to at-risk housing in the City. The concept was for the Trust to take possession of a house sold at sheriff's sale and then turn the house over to the New Castle County Neighborhood Stabilization Program that would renovate the property and sell it. If the City decides against taking the property, City Code requires the property to be offered to the Trustees and the Municipal Services Commission first. Mr. Meek informed that 615 Clymer Street went to sheriff's sale, but has not yet been transferred to the City. Further, Mr. Meek has learned the City is considering assigning the title of this property to a contractor. There is a contractor trying to acquire and renovate the property (and another property in Dobbinsville), but there is no guarantee they would find homeowners. Mr. Meek asked the Board how important it is for renovated homes to have homeowner occupancy at the end of the process. If not we can let the City sell it and let the contractor sell to a non-homeowner. He said this presents problems such as absentee landlords.

Mr. Taylor said the City can assign their sheriff's sale bid to anyone. Messrs. Gallagher and Alfree prefer owner-occupied homes. Further, Mr. Taylor advised the New Castle County Neighborhood Stabilization Program requires 10 years of owner occupancy. If the City shares the Trust's vision for owner-occupancy, Mr. Gallagher prefers they handle getting renovations done.

By a show of hands, the Board is in favor of moving forward with an owner-occupied goal. Mr. Meek will convey the Board's desire for owner-occupancy before City Council at their upcoming meeting and see if the City would assign the house to a contractor who would agree to deed restrictions calling for the property to be owner-occupied for a period of time. This would remove the Board from any involvement.

PROPERTY MAINTENANCE COMMITTEE – Mr. Clayton reporting.

*(Property Maintenance Update provided to the Board.)*

- Cupola – Scaffolding will be erected by the end of May. Old Town Hall will be accessible while work is being done.

FINANCE COMMITTEE REPORT – Mr. Alfree reporting.

*The operating budget, capital budget, and revenue sheets were distributed to the Board.*

The committee met with the Trust's investors. Both informed that Trust investments are keeping pace with the market. The committee discussed and will proceed with evaluating moving to a new bank. Once all information is received the committee will speak with office

staff Mary Fontinha, Mike Marinelli, and Mark Zitz to ensure there are no adverse difficulties created with changing banks. The Board will be kept informed.

#### OTHER COMMITTEES

Bylaws Committee – Mr. Toner reporting.

Mr. Toner was elected chairman. He reported the committee will meet on 5/21/19, 5 p.m. Subsequent meetings will take place monthly on the third Tuesday at 5 p.m. He reminded Board members to review page 7 of Policies, Amending, Changing, Adding or Removing a Bylaw.

Section IX, Ad Hoc Committees and Appointments (distributed at March meeting) – Mr. Toner reminded that verbiage was added last month and a revised document was distributed to the Board in preparation for a vote at the May meeting.

**Mr. Afree made a motion to approve the document as written. Mr. Toner seconded the motion. The motion was approved.**

Encroachment Committee – Mr. Meek reporting.

Mr. Meek is Chairman of the committee. The committee met with Messrs. Taylor and Gallagher (Mr. Clayton and Mrs. Ross were unable to attend.) They reviewed aerial images of Trust properties to identify encroachments in Jefferson Farm on properties that extend back to marsh. It was decided not to get a survey company to delineate the lines. Mr. Taylor suggested drafting a letter and Mr. Marinelli would personally deliver the letter to homeowners and discuss with them the encroachment. This would be done in order to preserve the Trust's ownership of the properties.

Mr. Meek reported they had identified places where it would be worthwhile to have surveying done and have monuments set. One property is the 600 block of Clark Street near the river in Dobbinsville. According to New Castle County tax maps the property is actually an Abex property. Mr. Meek noticed Antonio mowing the lawn and said we need to look into ownership. Mr. Gallagher cautioned about using old county maps. He said the Trust has contacted people in that area in the past about encroachments. Mr. Gallagher asked Mr. Meek to continue working with Mr. Marinelli.

Mr. Meek talked about the issue of dog waste in Battery Park. He noted the Board has received numerous complaints about this issue over the years. Mr. Meek proposed a resolution that reads, "The Trust will suggest to City Council a joint project to simplify the dog waste situation in Battery Park. The Trust will install near the boat house one (1) dispenser for waste bags that has a lockable, easily emptied receptacle. We will periodically refill the dispenser. The City will empty the receptacle once or twice per week."

The resolution would be done on a trial basis. Mr. Meek said the Trust would assume the cost of installing the poles and receptacles and waste bags.

**Mr. Meek made a motion to accept the resolution.** After further discussion Mr. Meek agreed to withdraw the motion and table the issue until June. Mr. Meek will speak with City Council about documentation providing that the City will commit to empty the dog waste containers.

Election Committee – Mr. Episcopo reporting.

Mr. Episcopo reported the next Trustee election is 5/11/19, 8 a.m. to 4 p.m. Two candidates have filed for the seat. He announced the Trust Office will be open every day this week until 3 p.m. and 2 p.m. on Friday for anyone wishing to vote absentee.

Mr. Episcopo declared a vacancy on the Board. An election will not take place until after summer.

COMMUNICATIONS – Mr. Alfree reporting.

- New Castle Senior Center – ‘Thank you’ for their grant this year.
- Letter from Judy Baldini – Mrs. Baldini indicated two areas in need of garden maintenance.
  - \* Shrubs around the tennis court are putting out new growth beyond the desired space.
  - \* Bicentennial Park – Ivy is encroaching and becoming an issue and weeding is needed.

Action Items

- Leases documenting insurance -- Mrs. Ross said the Land Management Committee talked about having leases documenting insurances.
- Big Belly Trash Cans – (4/2/19) A solar-run trash compacter service currently being used successfully in Newark, Delaware. Information about the trash service was given to the Property Maintenance Committee for review.
- Dog Waste – (5/7/19) Mr. Meek will speak with City Council concerning documentation stating the City will commit to empty the containers.

**At 7:58 p.m. Mr. Toner made a motion to enter executive session to address matters of real estate. The motion was seconded.**

The Board returned to regular session at 8:10 p.m. With no further business before the Board, the meeting was adjourned at 8:11 p.m.

Deborah P. Turner  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
June 4, 2019

Present: Messrs. F. Gallagher (*President*), T. Episcopo (*Vice President*), M. Alfree (*Secretary*), T. Clayton (*Asst. Secretary*), C. Castagno (*Treasurer*), H. Gambacorta (*Asst. Treasurer*), C. DeAscanis, J. Meek, P. Toner, C. Viola, T. Wilson, Mrs. B. Ross and Mr. A. Taylor, Esq.  
Also present: M. Marinelli, Property Manager, D. Turner, Stenographer

The monthly meeting of the Trustees was held on Tuesday, June 4, 2019, in the Trustees Room of Old Town Hall. Mr. Gallagher called the meeting to order at 7 p.m. A moment of silence was called.

Mr. Gallagher informed that all questions presented during last month's Public Comment have been addressed.

Mr. Gallagher reported the Executive Committee met to discuss several topics including meeting decorum. Copies of *Modern Rules of Order* (adopted years ago by the Board) were provided to all Trustees. Mr. Gallagher asked the Board to review the document. Mr. Gallagher said the Executive Committee assigned Mr. Wilson to the Finance, Outreach and Encroachment Committees.

Mr. Gallagher declared a quorum to be present.

Mr. Gallagher thanked the Election Committee for conducting a smooth and efficient election. The Ad Hoc Election Committee is now dissolved. Mr. Gallagher appointed a new Ad Hoc Election Committee comprised of Messrs. Clayton, DeAscanis, Meek and Toner for the next Trustee election.

Monthly Calendar – Property Maintenance Committee – TBD; Land Management Committee – TBD; Bylaws Committee -- 6/18/19, 5 p.m. (Mr. Toner will confirm date); TNCC Board Meeting 9/3/19, 7 p.m.

Committees that schedule meetings over the summer are to inform Board members accordingly.

Public Comment

With Mr. Wilson's re-election to the Board, resident and former Trustee Dorsey Fiske called on the Board to implement a Bylaw violation dated September 2017 against Mr. Wilson and his defamation of Ms. Fiske in an email from December 2018. Ms. Fiske requested that President Gallagher inform her of actions taken.

Allen Hansen, Trustee representative on the Municipal Services Commission (MSC), gave the Board an overview of activities at the MSC the past year.

Minutes

5/7/19 Meeting Minutes – Correction noted. **Mr. Alfree made a motion to approve the 5/7/19 meeting minutes as amended. Mr. Clayton seconded the motion. The motion was approved.**

Treasurer's Report – Mr. Castagno reporting.

*Treasurer's Report for 5/31/19 and Drawdown Report for 2019-2020 Year to Date was sent out electronically prior to the meeting.*

**Mr. Castagno made a motion to approve the Treasurer's Report for 5/31/19 as distributed.**

**Mr. Clayton seconded the motion. The motion was approved.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree (acting chairman) reporting.

- Lease finalized for Glacier Auto LLC (former Checkered Flag property) and forwarded to respective parties for signature.
- Former Tremont Site – Placed on the Trustee website and advertised as available for lease.
- Ferry Cut-Off Site – Placed on the Trustee website and advertised as available for lease.
- Delaware Korean Baptist Church – Gary Parker has started appraisal of the property.
- Litigation -- Legal paperwork has been filed (P. McConnell). Nothing to report at this time.
- Penn Farm/Delaware Greenways Initiative (DGI) – The committee is working to execute the four (4) leases we have at Penn Farm. The committee continues to work on finding someone to take possession of the green roof (and entire structure that is over the farm stand). Mr. Marinelli is coordinating with the Municipal Services Commission to ensure a smooth transition once the green roof matter is resolved.
- Property Surveys – Mr. Marinelli will speak with Vandemark and Lynch to get a quote on surveys at Checkered Flag, Tremont, the Hermitage (area between Trust property and City property and along the lane behind the school building). Depending on funds remaining after quotes are secured the committee will go back to the Encroachment Committee and/or look at surveying another property/properties. Mr. Gallagher asked Mr. Meek to inform Mr. Marinelli of properties he would like to have surveyed to ensure the list is inclusive.

OUTREACH COMMITTEE REPORT – Mr. Meek reporting.

At-Risk Housing (615 Clymer Street) – Mr. Meek has received no information about this property from City Administrator Bill Barthel. Mr. Meek will speak with the City about their position on owner-occupied houses and report back to the Board.

Hermitage – Mr. Meek emailed a lengthy progress report on activities at the Hermitage. No questions were raised.

Dog Waste – Mr. Meek revisited the issue of dog waste in Battery Park (tabled in May). Mr. Castagno said the Board voted on this issue previously. He suggested any new information should be submitted to the Battery Park Committee and the Property Maintenance Committee for evaluation. Mr. Meek is seeking confirmation and agreement that the Board will proceed with placing the dog waste containers and members of the Trust, Property Maintenance Committee, City Public Works and Battery Park Commission (if they want to participate) will decide where to put them. Mr. Meek said that City Council unanimously agreed to participate with this program. Mr. Wilson noted the Board is a committee-based organization and the appropriate procedure was not followed in this matter.

**Mr. Castagno made a motion to assign the matter to the Battery Park Committee and Property Maintenance Committee to evaluate and make a recommendation to the Board. Mr. Toner seconded the motion.**

Mrs. Ross questioned why the Property Maintenance Committee did not express any concerns with the issue at the May meeting.

**Roll call vote was taken.**

**Mr. DeAscanis – yes**

**Mr. Gambacorta – no**

**Mr. Wilson – yes**

**Mr. Toner – yes**

**Mr. Clayton – yes**

**Mr. Castagno – yes**

**Mr. Alfree – yes**

**Mr. Viola – yes**

**Mrs. Ross – no**

**Mr. Meek – no**

**Mr. Episcopo – yes**

**Mr. Gallagher – yes. He agrees to what Mr. Meek is trying to do. However, allowing this issue to go forward without going through a committee is not how we operate.**

**The motion was approved by a vote of 9 in favor and 3 against.**

PROPERTY MAINTENANCE COMMITTEE – Mr. Clayton reporting.

*(Property Maintenance Update provided to the Board.)*

- Big Belly Trash Containers – The cost is \$4,600 per trash container. The committee believes this is a City matter.
- Cupola – Work is scheduled to begin on 6/10/19. Old Town Hall will be accessible while work is being done.
- Geese droppings – Mr. Clayton informed there is a spray that will be applied to the grass in Battery Park to deter geese, but that rainy weather has delayed spraying. He said the spray is very effective and will be applied when the grass dries out. It will be sprayed on the grass near the walkways. The spray is non-toxic and does not harm the geese. The spray does not affect dogs.

FINANCE COMMITTEE REPORT – Mr. Castagno reporting.

*The operating budget, capital budget, and revenue sheets were distributed to the Board.*

- The audit began today. The committee expects to have an approved audit ready for review at the September Board meeting.
- The committee is nearing completion of paperwork concerning the Trust's banking.

OTHER COMMITTEES

Bylaws Committee – Mr. Toner reporting.

Mr. Alfree distributed the most recent bylaws approved by the Board (Section IX, Ad Hoc Committees and the Procedure for Counting Absentee Ballots; Disposition of Challenges). Board members were instructed to replace appropriate page(s) in their books.

Election Committee – Mr. Alfree reporting.

Mr. Alfree reported the results of the Trustee election on 5/11/19 as follows:  
Dorsey Fiske received 237 votes.  
Thomas Wilson received 325 votes.

Mr. Wilson was sworn in as a Trustee on 5/11/19 by President Gallagher.

Encroachment Committee – Mr. Meek reporting.

Three properties in Jefferson Farms area -- Mr. Meek said the committee plans to have Mr. Marinelli deliver a letter modified for each homeowner describing the encroachment on Trust property. He has provided parcel numbers of the subject properties to Mr. Marinelli. Mr. Meek also provided Mr. Marinelli with parcel numbers for places he suggests need surveys (discussed at the last committee meeting).

600 block of Clark Street – Mr. Meek has learned that Abex owns lands on the north side of the road and Trust property is on the south side of the road.

Mr. Gallagher spoke of returning to a more standard letter like what has been used in the past that recognizes encroachment issues and gives a date when the encroachment is to be cleaned up. Mr. Castagno added the purpose of the letter is to protect this Board against adverse possession by residents claiming ownership of Trust holdings. He suggested returning to issuing the letter to memorialize the Trust's position as the equitable owner of a given property.

Battery Park Committee – Mr. Castagno reporting.

Mr. Castagno said the committee has met with City organizers for Separation Day, the single biggest one-day use of the park. Organizers made some modifications of the layout last year to address issues involving parking. The Battery Park Committee looked at the layout and its impact on neighboring residents and feel it is satisfactory.

COMMUNICATIONS – Mr. Alfree reporting.

- 'Thank you' note from the family of former Mayor Don Reese for flowers sent on behalf of the Trust.
- 'Thank you' letter from New Castle City Police Captain Tina Shughart for funds for the Anti-Drug Addiction Awareness event.

Action Items

- Leases documenting insurance -- Land Management Committee talked about having leases documenting insurances.

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- Dog Waste – (5/7/19) Mr. Meek will speak with City Council concerning documentation stating the City will commit to empty the containers. (6/4/19) Property Maintenance Committee and Battery Park Committee to make recommendation to the Board.

**At 7:59 p.m. a motion was made to enter executive session to address matters of human resources. The motion was seconded.**

The Board returned to regular session at 8:16 p.m. With no further business before the Board, the meeting was adjourned at 8:17 p.m.

Deborah P. Turner  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
September 3, 2019

Present: Messrs. F. Gallagher (*President*), T. Episcopo (*Vice President*), M. Alfree (*Secretary*), T. Clayton (*Asst. Secretary*), C. Castagno (*Treasurer*), H. Gambacorta (*Asst. Treasurer*), C. DeAscanis, J. Meek, P. Toner, C. Viola, T. Wilson, Mrs. B. Ross and Mr. A. Taylor, Esq.  
Also present: M. Marinelli, Property Manager, D. Turner, Stenographer

The monthly meeting of the Trustees was held on Tuesday, September 3, 2019, in the Trustees Room of Old Town Hall. Mr. Gallagher called the meeting to order at 7 p.m. A moment of silence was called.

Mr. Gallagher said the question presented during last month's Public Comment has been addressed in writing. He then declared a quorum to be present.

Monthly Calendar – Property Maintenance Committee – 9/25/19, 4 p.m.; Land Management Committee – 9/26/19, 5 p.m.; Bylaws Committee -- 9/17/19, 5 p.m.; TNCC Board Meeting 10/1/19, 7 p.m.

Public Comment

Resident Dorsey Fiske said she received a letter from President Gallagher informing her that bylaws violations are addressed in executive session in accordance with Trustee Bylaws. Since she is no longer a Trustee the information Ms. Fiske requested cannot be provided.

Ms. Fiske stated the Board agreed to a lease with the *New Castle Weekly* in October 2014 to occupy space in Old Town Hall for five (5) years at \$5/year. Further, Ms. Fiske said it was agreed that the rent would be adjusted after five (5) years to a flat business rental fee. She asked if the new lease to be drawn up in October 2019 with the *New Castle Weekly* will be commensurate with other business rentals in the City, whether the property has been appraised for its use, and will the Board provide that information to the public.

Resident Judy Baldini raised concern with archery equipment in Battery Park. She was advised to contact New Castle City Police if she sees the equipment in the park again. Concerning the goose problem in Battery Park, she has learned the Wildlife Bird Sanctuary could potentially lend assistance without harming the geese. She thanked those Trustees who worked over the summer dealing with summer storms resulting in tree damage. Ms. Baldini said that bicycle traffic on the walking path has become problematic. She cited the need for education and/or signage noting bicycle etiquette.

Resident Roderick J. Gillespie raised a number of questions concerning public competitive bidding on the Bowling Alley Parking parcel. In addition, Mr. Gillespie expressed concern with large parties assembling in Battery Park in early evening.

Minutes

6/4/19 Meeting Minutes – **Mr. Alfree made a motion to approve the 6/4/19 meeting minutes a distributed. Mr. Clayton seconded the motion. The motion was approved.**

Treasurer's Report – Mr. Castagno reporting.

*Treasurer's Reports for 6/30/19, 7/31/19, and 8/31/19 and Drawdown Report for 2019-2020 Year to Date was sent out electronically prior to the meeting.*

**Mr. Castagno made a motion to approve the Treasurer's Reports for 6/30/19, 7/31/19, and 8/31/19 as distributed. Mr. Clayton seconded the motion. The motion was approved.**

Mr. Toner asked if the payment on the City's loan is the first payment. Mr. Castagno replied there have been several payments.

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree (acting chairman) reporting.

- Broker agreement with Mr. O'Hara for the Tremont site has been signed.
- Glacier Auto LLC (former Checkered Flag property) is doing work on the building.
- Messrs. Alfree and Castagno met with Senator Nicole Poore about the homeless population under the bridge. They are hopeful the Delaware Department of Transportation will trim the trees for better visibility under the bridge and Senator Poore is handling social service work to address relocation of the homeless population.
- Delaware Korean Baptist Church – Lease expires on 12/1/19. The appraisal has been completed and forwarded to the church for review. We are waiting their response.
- Litigation – We have settled out of court with Mr. P. McConnell. Mr. McConnell will pay the Trust the fee he owes the Trust. The Trust will pay our attorney's fee. The Trust will net about 33%, or about \$1,000.
- Penn Farm/Delaware Greenways Initiative (DGI) – Members of the committee met with DGI. Messrs. Taylor and Walsh from DGI will present a letter allowing the Trust to take over ownership of the structure at Penn Farm that was built with the live roof and includes the people managing the farm.
- Property Surveys – Three (3) surveys have been completed (Hermitage, Glacier, Tremont). Mr. Alfree anticipates three (3) more properties (West Third Street, Bull Hill, behind the Bellanca parking lot at Centerpoint) to be surveyed before the October Board meeting. Vandemark and Lynch are performing the surveys. Surveys include installation of land markers.
- Mr. Marinelli has mailed all the tax and sewer bills.
- Red Ink – The committee is working on a lease. Information will be provided to the Board later.

OUTREACH COMMITTEE REPORT – Mr. Meek reporting.

Mr. Meek received a request from the New Castle Historical Society (NCHS) to do archeological work under the Bull Hill property partially owned by the Trustees and partially owned by the City (Fort Casimir). Their work includes tearing up part of the Bull Hill parking lot. The NCHS thinks the parking lot may be repaved by the City. Mr. Clayton said the parking lot is still in the planning stage. Mr. Taylor noted if any survey markers are disturbed they must be fixed; he suggested it be made a condition. Mr. Gallagher suggested collaborating with the NCHS to see if there is an opportunity for the Trust to make parking lot repairs more seamless. Mr. Meek will follow up with the NCHS.

At-Risk Housing (615 Clymer Street) – Mr. Meek plans on following up on this matter.

Hermitage – Mr. Meek provided the Board a lengthy report on the Hermitage in advance of the meeting. The Board had no questions. Mr. Meek requested help from Trustee members to develop a plan for path forward for portions of the property. Further, Mr. Meek informed that officials of New Castle Elementary have expressed interest in having classes in the outdoor classroom. They would like to double the size of the current outdoor classroom to accommodate more students. Concern about student safety was raised by the school. Mr. Meek informed them there is no way to make the area totally secure.

Mr. Wilson agrees there should be oversight by Trustees for the meadows. Further, Mr. Wilson would like permission to talk with the City about getting Trust property on the riverfront cleared of overgrowth and the possibility of spraying phragmites. Mr. Taylor reminded that Foresite Associates did a living shoreline report years ago that offered suggestions. Their report covers the riverfront area and might be helpful.

PROPERTY MAINTENANCE COMMITTEE – Mr. Clayton reporting.

*(Property Maintenance Update provided to the Board.)*

- Geese droppings – Mr. Clayton informed they are spraying product, but rainy conditions are hampering its effectiveness.
- Battery Park -- Mr. Meek received a citizen complaint that the door to the women's restroom was broke. Mr. Clayton said the door will be repaired.
- Bicycles – Mrs. Ross suggested signage at the beginning of the bicycle trails to help educate bicyclists and pedestrians. Mr. Castagno said the same issues are being experienced elsewhere in the state and the committee will look into signage.
- Capital Request – Mr. Castagno informed there is an opportunity to engineer a solution to the deteriorating bulkhead. He is seeking to apply for a \$75,000 grant to pay for engineering only. The grant requires a 50% match. Mr. Castagno reported the current balance in the line item is about \$10,000. The City will be the grantee for a Delaware Department of Natural Resources and Environmental Control (DNREC) surface water planning/matching grant; 50% match from the Trust. The grant will fund creation of engineering and construction drawings for 100 ft. of shoreline from the wharf south (wooden bulkhead to where the old pier was located). The committee requests expanding the budget to \$40,000 (adding \$30,300 as a match). Mr. Castagno noted the funds will not be used if we do not get the match.

**Mr. Castagno made a motion to increase the budget to \$40,000 for the Battery Park living shoreline for 100 ft. as defined. Mr. Clayton seconded the motion. The motion was approved.**

Mrs. Ross inquired about making the parking area surface to the fishing area better. She was informed the City owns that property; DNREC is looking at the fishing pier. Mr. Alfree said the City needs to provide the Trust with what City property the pier will be built on. He said the City plans to ask the Trust for an easement to cross Trust property. Mr. Alfree recommends the Board issue the easement to the City rather than with the State of Delaware.

FINANCE COMMITTEE REPORT – Mr. Castagno reporting.

*The operating budget, capital budget, and revenue sheets were distributed to the Board.*

The Committee and Mr. Marinelli worked on adding PNC Bank to handle the Trust's retail banking services. Mr. Castagno thanked Mr. Marinelli for his work. In October there will be an investment advisor review meeting. The date will be provided at a later date.

OTHER COMMITTEES

Battery Park Committee – Mr. Castagno reporting.

Several major events have taken place at the park. The use calendar is up to date. The committee is receiving inquiries about beach cleanups in Battery Park. Mr. Castagno said those groups are being encouraged to consider cleaning the fishing pier area (south of Dobbinsville) and other Trust properties in addition to Battery Park. Mr. Castagno stated that rules for the park are posted and issues with night use have been reported to the police.

Bylaws Committee – Mr. Toner reporting.

No report.

Election Committee – Mr. Toner reporting.

Mr. Toner reported the next election will be 11/9/19. The public was noticed on 8/7/19. Voting machines have been ordered and confirmed with the Department of Elections. The last date to file for candidacy is 10/10/19. The deadline to register to vote is 11/4/19. At present there are two candidates: Antonio Rispoli and Dr. Gregory Yacucci. The next Election Committee Meeting should be 10/7/19, 5 p.m.

Encroachment Committee – Mr. Meek reporting.

Three properties in Jefferson Farms area -- Mr. Marinelli went to each property and knocked on doors. No response. He followed with registered letters that were returned to the Trust Office. Next steps are being explored.

Mr. Wilson has noted areas needing to be cleaned up in Dobbinsville. He and Mr. Clayton looked at maintenance needed around the walkway. He plans to work with Messrs. Meek and Taylor to make up letters for those who are encroaching in Dobbinsville.

COMMUNICATIONS – Mr. Alfree reporting.

- 'Thank you' note from St. Anthony's Day Celebration Committee for the grant they received for their annual celebration.

ACTION ITEMS

- Leases documenting insurance -- Land Management Committee talked about having leases documenting insurances.
- Dog Waste – (5/7/19) Mr. Meek will speak with City Council concerning documentation stating the City will commit to empty the containers. (6/4/19) Property Maintenance Committee and Battery Park Committee to make recommendation to the Board.

Trustees of the New Castle Common  
Minutes of September 3, 2019

**At 8:00 p.m. Mr. Castagno made a motion to enter executive session to address a matter of human resources. The motion was seconded.**

The Board returned to regular session at 8:40 p.m. With no further business before the Board, the meeting was adjourned at 8:43 p.m.

Deborah P. Turner  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
October 1, 2019

Present: Messrs. F. Gallagher (*President*), T. Episcopo (*Vice President*), M. Alfree (*Secretary*), T. Clayton (*Asst. Secretary*), C. Castagno (*Treasurer*), H. Gambacorta (*Asst. Treasurer*), J. Meek, P. Toner, C. Viola, T. Wilson, Mrs. B. Ross and Mr. A. Taylor, Esq.

Also present: D. Turner, Stenographer

Absent: C. DeAscanis

The monthly meeting of the Trustees was held on Tuesday, October 1, 2019, in the Trustees Room of Old Town Hall. Mr. Gallagher called the meeting to order at 7 p.m. A moment of silence was called.

President's Communication

Mr. Gallagher declared a quorum to be present. He has addressed all questions in writing presented during last month's Public Comment.

Trustee Beverly Ross brought charges against Trustee Thomas H. Wilson, Jr. Certain charges were substantiated. The Board decided these actions by Trustee Wilson constituted conduct "Unbecoming a Trustee" under the Code of Conduct in Article XV of the Bylaws and Trustee Wilson was disciplined.

Mr. Gallagher reminded Trustees of the Trustee election on 11/9/19 and that the Election Committee will need help and support.

Mr. Gallagher spoke about a few negative incidents on Trust properties. He reminded everyone to contact police if they see anything inappropriate.

Monthly Calendar – Property Maintenance Committee – 11/1/19, 4 p.m.; Land Management Committee – 10/31/19, 5 p.m.; Finance Committee – 11/9/19, 3 p.m.; Election Committee – 10/18/19, 6 p.m.; TNCC Board Meeting -- 11/5/19, 7 p.m.

10/19/19, 12-2 p.m. – Meadows Open House – Mr. Wilson said that Foresite Engineering and Donna Shobert will be at the Bull Hill meadow to talk about the benefits of meadows in a community.

Public Comment

Resident Gail Levinson referenced certain infrastructure work being done in the City and resident frustration at not being able to fund work at the wharf like adding parking spots closer to town. She suggested using monies being planned for the Bowling Alley parking lot to help with those costs.

Resident Dorsey Fiske reiterated her request for appraisal information related to space the *New Castle Weekly* leases in Old Town Hall and the rental amount. She revisited her request to pursue bylaws violation charges in executive session as a former Trustee.

City Councilman Michael Platt informed that City Council has approved funding for a "little free library" (library) and are seeking a location for it. He said City Council discussed Pocket Park

Trustees of the New Castle Common  
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(Trust property) as one possible location. City resident Andrea Lang described the library as a free book exchange for adults and children. She will monitor the box on a daily basis. Concern was expressed with the library's close proximity to the New Castle Library. Mr. Gallagher assigned the matter to the Property Maintenance Committee for review and recommendation to the Board.

Minutes

9/3/19 Meeting Minutes – Several amendments were made. **Mr. Clayton made a motion to approve the 9/3/19 meeting minutes as amended. Mrs. Ross seconded the motion. The motion was approved.**

Treasurer's Report – Mr. Castagno reporting.

*Treasurer's Report for 9/30/19 and Drawdown Report for 2019-2020 Year to Date was sent out electronically prior to the meeting.*

**Mr. Alfree made a motion to approve the Treasurer's Report dated 9/30/19 as distributed. Mr. Toner seconded the motion. The motion was approved.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree (acting chairman) reporting.

- Property Surveys – Three (3) surveys have been completed (West Third Street, Bull Hill, behind the Bellanca parking lot at Centerpoint). Three more properties are in the process of being surveyed.
- Red Ink, LLC – Mr. Alfree requested an executive session to discuss specifics of the lease.
- Mylex – Remains in good standing. We are near deciding whether to do a formal lease.
- Delaware Korean Baptist Church – Lease expires on 12/1/19. The appraisal has been completed and forwarded to the church for review. We are waiting their response.
- Glacier Auto LLC (former Checkered Flag property) – They are doing substantial work on the building. Issues continue with a homeless population living under the bridge. The committee has reached out again to the State of Delaware to trim/remove trees under the bridge and address relocation of the homeless population. The owner of Glacier has reported some break ins believed to be associated with the homeless.
- Property insurance renewals for most of our properties have been received. Mr. Marinelli is working on a couple other properties.
- The Land Management Committee discussed several paper streets near Second and Chestnut Streets and the committee plans to work with the City to see if they want to give up those streets.

OUTREACH COMMITTEE REPORT – Mr. Meek reporting.

Mr. Meek will request an executive session to discuss security.

PROPERTY MAINTENANCE COMMITTEE – Mr. Clayton reporting.

*(Property Maintenance Update provided to the Board.)*

- Old Town Hall – Removal of scaffolding begins tomorrow. Mr. Clayton anticipates removal to take about three days. A total of 21 broken windows were replaced on the building, all

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with antique glass. Mr. Clayton asked for a quote to redo shutters for the first floor. They are in poor condition and need to be replicated.

- Bike Signage – Mr. Gallagher asked for an update on signage. Mr. Castagno said Bike Delaware sent five signs for the committee to review. The committee will make a recommendation soon.
- Geese Chasers began a three-month trial at Battery Park today. Geese Chasers uses a dog to chase the geese, but do not harm the geese. The dog will be brought to the park at differing times daily over three months. In addition, Mr. Clayton said the spray previously considered should be used to help keep the geese off the path.

Penn Farm – House Engineering (proposals forthcoming) – Mrs. Ross asked about the proposals. Mr. Alfree said there is about \$50,000 remaining in the budget from the estimate for a total renovation (couple years ago). The committee is revisiting options for the farmhouse using the funds to get a second set of ideas (new house, save part of the house, renovate another part of the house). He said the committee is working with the same firm to keep costs down. It is not feasible to restore the farmhouse because of its poor condition and we cannot totally renovate the structure. Mr. Alfree anticipates having more information to present by end of the year.

Meadows and Shoreline – Messrs. Wilson and Marinelli walked the shoreline with City Administrator Bill Barthel to see what is needed to clean up the overgrowth obscuring the river. Several contractors are being considered. Mr. Wilson will talk more about this issue at the November meeting.

Meadows – Mr. Wilson is putting together proposals for the March 2020 budget to continue the meadows program.

Mr. Clayton reported that Delaware Greenways Initiative (DGI) donated a bike repair station. It is installed where the bike racks are situated. Landscaping will be done in the area. Mr. Castagno added we donated \$1,500 to the New Castle City Partnership to go towards landscaping.

Grass Roof at Penn Farm – Mrs. Ross asked if any progress has been made. Mr. Clayton said the roof has been cleaned once, but the grass is getting high again. Mr. Alfree said we are waiting for the official legal notice that gives the Trust authority over the structure and relieves DGI.

FINANCE COMMITTEE REPORT – Mr. Castagno reporting.

*The operating budget, capital budget, and revenue sheets were distributed to the Board.*

Mr. Castagno recognized Mr. Marinelli for his work in the collection of taxes.

OTHER COMMITTEES

Battery Park Committee – Mr. Castagno reporting.

One of four major events (non-profit events) took place over the weekend and went well. The calendar is updated and the park can be reserved online. Mr. Meek wondered about costs incurred by the Trust during these events. Mr. Castagno said the fee is waived for local non-

Trustees of the New Castle Common  
Minutes of October 1, 2019

profits. They do not generate a huge maintenance issue. Each of the non-profits is responsible and clean up after themselves. Mr. Castagno informed the new drainage system in the park is working well.

Mr. Meek asked about drainage problems at West Third Street. Mr. Castagno said after 25 years the problem has been fixed. He called it a major City advancement and thanked the State of Delaware and Senator Nicole Poore for their financial assistance, and City Council who agreed to fund the project. It ties into our underground infrastructure and is working as designed.

Mrs. Ross was contacted by a resident who is concerned with activities after hours in the park. She asked if the Trust has a contact with the police to be informed of the types of activities occurring and how often they are occurring after the park closes. Mr. Castagno said that City Police give an outline of all criminal activity at City Council meetings. Mrs. Ross thinks the Trust needs to show residents we are actively involved with issues in the park. She wondered if private security can be considered temporarily as a deterrent. Mr. Clayton informed that previous security officers left the park at 9 p.m. and had no arrest power. Mr. Gallagher reiterated residents should call police ("911") and not get involved.

Bylaws Committee – Mr. Toner reporting.

Two changes proposed by Messrs. Toner, Meek, and Taylor were sent electronically to the Board. Voting on the proposed changes will take place next month. Mr. Toner welcomes feedback.

- Page 9 of Bylaws to Article VIII – more of an addition than a change.
- Page 1 of Procedures, Article II, Disciplinary Actions – changes proposed.

Election Committee – Mr. Toner reporting.

Mr. Toner reported there will be an Election Committee Meeting on 10/18/19. The committee will meet with the candidates on 10/21/19. Two candidates have filed for the Trustee vacancy: Antonio Rispoli and Dr. Gregory Yacucci.

Mrs. Ross asked Mr. Toner to explain absentee voting. He said absentee voting begins on 10/23/19. Also, Mr. Toner said nothing has changed from the last election. She thinks the terms 'absentee voting' and 'early voting' is confusing. She suggested using one process. Mr. Toner prefers keeping both processes and explained his position. He agreed to clarify the wording before the committee meets with the candidates.

Encroachment Committee – Mr. Meek reporting.

Mr. Wilson will have pictures of encroachments on Trust property at the November meeting. He would like to send encroachment letters by the end of next month. Mr. Wilson will schedule an Encroachment Meeting before the next Board meeting. Mr. Marinelli will be invited to the meeting.

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COMMUNICATIONS – Mr. Alfree reporting.

No communications were received.

ACTION ITEMS

- Leases documenting insurance -- Land Management Committee talked about having leases documenting insurances.
- Dog Waste – (5/7/19) Mr. Meek will speak with City Council concerning documentation stating the City will commit to empty the containers. (6/4/19) Property Maintenance Committee and Battery Park Committee to make recommendation to the Board.

**At 8:01 p.m. the Board voted to enter executive session to discuss a lease and security. The motion was seconded and approved.**

The Board returned to regular session at 8:18 p.m.

**A motion was made to approve a five (5) year lease extension to Red Ink, LLC in the amount and terms derived from a professional appraisal for the office space at 203 Delaware Street, New Castle, Delaware 19720. The motion was approved by unanimous vote.**

With no further business before the Board, the meeting was adjourned at 8:19 p.m.

Deborah P. Turner  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
November 5, 2019

Present: Messrs. F. Gallagher (*President*), T. Episcopo (*Vice President*), T. Clayton (*Asst. Secretary*), C. DeAscanis, J. Meek, P. Toner, C. Viola, T. Wilson, Mrs. B. Ross and Mr. A. Taylor, Esq.

Also present: M. Marinelli, Property Manager, D. Turner, Stenographer

Absent: M. Alfree (*Secretary*), C. Castagno (*Treasurer*), H. Gambacorta (*Asst. Treasurer*)

The monthly meeting of the Trustees was held on Tuesday, November 5, 2019, in the Trustees Room of Old Town Hall. Mr. Gallagher called the meeting to order at 7 p.m. A moment of silence was called.

President's Communication

Mr. Gallagher declared a quorum to be present. He has addressed all questions in writing presented during last month's Public Comment.

Mr. Gallagher reminded Trustees of the Trustee election on 11/9/19 and that the Election Committee will need help and support.

Mr. Gallagher has been made aware there have been some accusations of unethical behavior by members of this Board on social media. If anyone has any proof to back up these claims they are to provide that proof to Mr. Gallagher. The Trust is more than willing to investigate any solid evidence, but will not spend time or effort to pursue unsubstantiated claims.

Monthly Calendar – Property Maintenance Committee – (*tentatively*) 11/29/19, 4 p.m.; Land Management Committee – (*to be announced*); Finance Committee -- (*to be announced*); Outreach Committee -- (*to be announced*); Trustee Election – 11/9/19, 6 p.m.; TNCC Board Meeting – 12/3/19, 7 p.m.

*Committee meetings will be announced to the full Board when dates are determined.*

Presentation about boat ramp (at base of Third Street) – (packets distributed to the Board) – Good Will Fire Company Fire Chief Dave Majewski and Firefighter/EMT Tim Moore talked about the condition of the boat ramp and their plans to upgrade/rebuild the ramp. The boat ramp was constructed in the late 1970s with modifications in 2009. Good Will Fire Co. (Good Will) employed Duffield Associates for a proposal that included engineering, grant recommendations and permits. Funding – Good Will contacted the Delaware River and Bay Authority to discuss funding and received \$100,000 from the 2019 Bond Bill. Good Will has reached out to local businesses for possible funding assistance. Several local fire companies plan to assist with grant-in-aid funding for this project. Good Will has received three (3) bids from firms specializing in marine work. An early estimate for the project is about \$600,000.

Public Comment

Resident Dorsey Fiske thanked Mr. Gallagher for his letter responding to her concerns from last month's meeting. She expressed disappointment that the Trustees have not used an official appraisal for Old Town Hall when reviewing the *New Castle Weekly's* lease. Ms. Fiske would like to know when their current financials were examined. She wonders if the Trustees are

planning on using an official appraisal for the farm stand lease that she understands was renewed by Red Ink, which also holds the lease for the *New Castle Weekly*. Further, Ms. Fiske is disappointed the Trustees are refusing to acknowledge their responsibility to adhere to the Freedom of Information Act. Ms. Fiske does not believe both charges against Mr. Wilson have been addressed. She cited the Bylaws Procedure that states that "actions by the Board will be made public and the result of the Board's actions will be entered into the minutes." Simply announcing that disciplinary action has been taken is not sufficient. Ms. Fiske questioned why no minutes have been uploaded to the Trustee website since January 31, 2019 and when will they be available. Ms. Fiske noted the method for conducting Trustee elections is still unavailable on the Trust website.

Terri Gormley, *New Castle Weekly*, clarified Ms. Fiske's comments concerning lease space in Old Town Hall and the farm stand. She was assured the property being leased for the *New Castle Weekly* was appraised by three (3) different real estate companies before a rent amount was determined. Mrs. Gormley said they agreed and started paying last month. The newspaper is now billing the Trust for notices and advertisements when we previously did not charge. The farm stand property is not being rented by Red Ink and will not be rented by Red Ink.

#### Minutes

10/1/19 Meeting Minutes – **Mr. Episcopo made a motion to approve the 10/1/19 meeting minutes as distributed. Mr. Clayton seconded the motion. The motion was approved.**

Treasurer's Report – Mr. Wilson reporting.

*Treasurer's Report for 10/31/19 and Drawdown Report for 2019-2020 Year to Date was sent out electronically prior to the meeting.*

**Mr. Wilson made a motion to approve the Treasurer's Report dated 10/31/19 as distributed. Mr. Toner seconded the motion. The motion was approved.**

LAND MANAGEMENT COMMITTEE REPORT – Mrs. Ross reporting

- Friends of Bellanca (FOB) Airfield – The FOB were granted approval to install a natural gas line and to do roof improvements to the hangar as part of the HVAC installation. Further approvals for this project will be on a step-by-step basis as FOB secures funds (letter attached). FOB is paying for the work. Mr. Gallagher added the Trust is fine with the concept, but noted full installation of the HVAC system will cost \$1m. The Trustees have approved the first two phases.
- Red Ink, LLC (*New Castle Weekly*) – The agreement was signed by Red Ink and is ready for Mr. Gallagher's signature.
- Insurance – General liability, workers compensation, comprehensive, and directors insurance was renewed for another year effective 10/21/19. Mrs. Ross thanked Mr. Clayton and New Castle Insurance for assistance in lowering premiums through insurance inspections of Trust properties.
- The Trust was approached by St. Matthews Apostolic Gospel Church about their interest in leasing five (5) acres of the vacant 16-acre parcel at Ferry Cut-Off next to the Dialysis Center. The committee met with Pastor Smith who indicated they are interested in 5 acres now with an option for more acreage later.

Trustees of the New Castle Common  
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- Several properties with trees infested with Spotted Lanternfly were sprayed by the State Department of Agriculture. The Property Maintenance Committee had no problem with the spraying.
- Glacier Auto LLC (former Checkered Flag property) – Glacier Auto requested permission to erect a fence along the rear of the property citing a stolen car and vandalism.  
**Mrs. Ross made a motion that Glacier Auto LLC be permitted to put up a fence behind the property to secure it. Mr. Toner seconded the motion. Motion was approved.**
- Property Surveys – Surveys have been completed on six (6) Trust properties and markers placed in the ground. The properties surveyed:
  - Hermitage
  - 196 North du Pont Highway (former Tremont site)
  - Glacier Auto LLC (formerly Checkered Flag Auto Sales)
  - Broad Dike meadow (east side of East Third Street)
  - Vacant field behind Bellanca parking lot at Centerpoint
  - Small parcel on West Third Street behind the Marini property (separate parcel belonging to the Trust)
- Mylex – Remains in good standing. The committee has been working on an informal agreement for the last two (2) years. The committee recommends a lease term of three (3) more years at the current rate as we have already spent two years of the typical five-year lease term in negotiations.
- Delaware Korean Baptist Church – Lease expires on 12/1/19. The appraisal has been completed and forwarded to the church for review. We are awaiting their response.

OUTREACH COMMITTEE REPORT – Mr. Meek reporting.

Mr. Meek informed that Mary Fontinha has put forms for the grant request on the Trust website. Letters will be sent to previous applicants and the Outreach Committee will meet in early December to discuss proactive ways to involve other appropriate applicants.

Hermitage Nature Area – Mr. Meek requested permission to grow corn from the Trustees' annual corn payment in the nature area if they wish.

PROPERTY MAINTENANCE COMMITTEE – Mr. Clayton reporting.

*(Property Maintenance Update provided to the Board.)*

- Deer population – Mr. Episcopo asked about ways to thin the deer population in the City.
- Meadows and Shoreline – Mr. Wilson said the Meadows Open House on 10/19/19 was well received. Handouts from the event were distributed to the Board.
- Phragmites – Mr. Wilson reported the Department of Natural Resources and Environmental Control (DNREC) started spraying phragmites along the river on the north side of the shoreline. Further, he said the State will spray phragmites for a fee. Mr. Marinelli is working on getting the fee. New Castle County has a program that compensates property owners that spray phragmites. Mr. Wilson said the committee plans to work with City Administrator Bill Barthel to continue spraying. Combining City and Trust properties will allow us to get a better price. Mr. Wilson estimated the cost to spray the entire swamp next year to be about \$1,200.

FINANCE COMMITTEE REPORT – Mr. Wilson reporting.

*The operating budget, capital budget, and revenue sheets were distributed to the Board.*

Mr. Wilson reported the committee had a conference call with the Trust's auditor and reviewed the audit with no issues. The auditor is finalizing the audit report and will send the report to us when finished.

OTHER COMMITTEES

Battery Park Committee – Mr. Wilson reporting.

Mr. Wilson informed that DNREC will be spraying phragmites along the river walkway.

Bylaws Committee – Mr. Toner reporting.

Mr. Toner provided copies of proposed changes to Bylaws (page 9), Article VIII, Disciplinary Actions and Article II, Disciplinary Actions to the Board at last month's meeting in preparation for voting tonight.

Bylaws, Article VIII, Disciplinary Actions – Additional text proposed. No opposition from the Board.

**Mr. Toner made a motion to approve the proposed change to Article VIII as presented. Mr. Episcopo seconded the motion. Roll call vote called.**

**Mr. DeAscanis – yes**

**Mr. Wilson – yes**

**Mr. Toner – yes**

**Mr. Clayton – yes**

**Mr. Viola – yes**

**Mrs. Ross – yes**

**Mr. Meek – yes**

**Mr. Episcopo – yes**

**Mr. Gallagher – yes**

**The motion was approved by unanimous vote.**

Procedures (page 1), Article II, Disciplinary Actions – Mrs. Ross wants to add the word “specific” to the sentence, “A result of the Board’s *specific* actions will be entered in the minutes of the next regular meeting.” She thinks it is important to state the “specific” disciplinary action(s) taken by the Board rather than stating the Board member “was disciplined.” Mr. Meek agreed. Mr. Toner feels that charge(s) should be presented in executive session with all Board members witnessing it. Mrs. Ross said she has received several inquiries asking what discipline was taken. Her response was that the disciplinary action taken was very serious.

**Mr. Toner made a motion to approve Article II, Disciplinary Actions, as distributed. Mr. Episcopo seconded the motion.**

**Mrs. Ross made a motion to amend the Procedure to include the Board's specific actions taken in the discipline. Mr. Meek seconded the motion. A roll call vote was taken.**

**Mr. DeAscanis – no**

**Mr. Wilson – no**

**Mr. Toner -- no**  
**Mr. Clayton – no**  
**Mr. Viola – no**  
**Mrs. Ross – yes**  
**Mr. Meek – yes**  
**Mr. Episcopo – no**  
**Mr. Gallagher – no**

**The motion failed by a vote of 7 against and 2 in favor.**

Mr. Meek wonders why the Board does not like specific actions being made public. Mr. Gallagher believes most Trustees do not think it is appropriate to announce disciplinary actions to the public. Further, Mr. Gallagher said as long as Board members are held accountable to the Trustees' rules and regulations the Board has the right to handle the issue as we feel appropriate.

**Mr. Toner made a motion to approve Article II, Disciplinary Actions, as distributed. Mr. DeAscanis seconded the motion. A roll call vote was taken.**

**Mr. DeAscanis – yes**  
**Mr. Wilson – yes**  
**Mr. Toner – yes**  
**Mr. Clayton – yes**  
**Mr. Viola – yes**  
**Mrs. Ross – no**  
**Mr. Meek – yes**  
**Mr. Episcopo – yes**  
**Mr. Gallagher -- yes**

**The motion was approved by a vote of 8 in favor and 1 against.**

Election Committee – Mr. Toner reporting.

Mr. Toner updated the Board on the Trustee election set for 11/9/19, 8 a.m.-4 p.m. Two candidates are on the ballot: Antonio Rispoli and Dr. Gregory Yacucci.

Encroachment Committee – Mr. Wilson reporting.

Mr. Wilson has pictures to distribute to the Board showing encroachments of major concern on Trust property. He will follow up on encroachment letters with Mr. Taylor.

COMMUNICATIONS – Mr. Clayton reporting.

No communications were received.

ACTION ITEMS

- Leases documenting insurance -- Land Management Committee talked about having leases documenting insurances.

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- Dog Waste – (5/7/19) Mr. Meek will speak with City Council concerning documentation stating the City will commit to empty the containers. (6/4/19) Property Maintenance Committee and Battery Park Committee to make recommendation to the Board.

With no further business before the Board, a motion was made and seconded to adjourn the meeting. The meeting was adjourned at 8:35 p.m.

Deborah P. Turner  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
December 3, 2019

Present: Messrs. F. Gallagher (*President*), T. Episcopo (*Vice President*), M. Alfree (*Secretary*), C. Castagno (*Treasurer*), H. Gambacorta (*Asst. Treasurer*), T. Clayton (*Asst. Secretary*), C. DeAscanis, J. Meek, P. Toner, C. Viola, T. Wilson, G. Yaccucci, Mrs. B. Ross and Mr. A. Taylor, Esq.

Also present: D. Turner, Stenographer

The monthly meeting of the Trustees was held on Tuesday, December 3, 2019, in the Trustees Room of Old Town Hall. Mr. Gallagher called the meeting to order at 7 p.m. A moment of silence was called.

President's Communication

Mr. Gallagher declared a quorum to be present. He has addressed all questions presented during last month's Public Comment in writing. Mr. Gallagher stated he will not answer repetitive questions he has responded to simply because the response was not to the person's liking.

Mr. Gallagher commended Election Committee members Messrs. Toner, Clayton, DeAscanis and Meek for a well run and efficient election. Per the Bylaws this committee is now dissolved.

Mr. Gallagher reiterated he has been made aware of some accusations of unethical behavior by members of this Board on social media. To date no solid evidence of such behavior has been provided. The Trust is more than willing to investigate any solid evidence of poor behavior directly related to the Trust or its business.

Mr. Gallagher said another Election Committee will be needed soon. Board members are to inform him if they wish to serve on this committee.

Monthly Calendar – Property Maintenance Committee – 1/3/20, 4 p.m.; Land Management Committee – 1/2/20, 5 p.m.; Finance Committee -- (*to be announced*); Outreach Committee -- (*to be announced*); TNCC Board Meeting – 1/7/20, 7 p.m.

*Committee meetings will be announced to the full Board when dates are determined.*

Minutes

11/5/19 Meeting Minutes – One correction was noted. **Mr. Gambacorta made a motion to approve the 11/5/19 meeting minutes as amended. Mr. Episcopo seconded the motion. The motion was approved.**

Treasurer's Report – Mr. Castagno reporting.

*Treasurer's Report for 11/30/19 and Drawdown Report for 2019-2020 Year to Date was sent out electronically prior to the meeting.*

**Mr. Castagno made a motion to approve the Treasurer's Report dated 11/30/19 as distributed. Mr. Clayton seconded the motion. The motion was approved.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

- Delaware Korean Baptist Church – The lease has been signed for a term of five (5) years. The church has agreed on the rate determined by Gary Parker's appraisal.

Trustees of the New Castle Common  
Minutes of December 3, 2019

- Property Surveys – Mr. Alfree confirmed through Property Manager Mike Marinelli that permanent markers have been placed on the six (6) Trust properties that were recently surveyed.

OUTREACH COMMITTEE REPORT – Mr. Meek reporting.

At-risk housing in the City -- Mr. Meek gave an update (May 2019) on the concept of helping the City to provide homeowner-occupied housing in the City. He noted the advantage of the current concept is that it is the least costly way for the Trust to acquire and fix up houses in the City, but the amount of time involved is lengthy. Mr. Meek said the Trustee Executive Committee is not currently interested in pursuing the concept. Mr. Meek would like the Outreach Committee to look around the City for “suitable” substandard housing and is asking the Executive Committee to determine what they think is a fitting way to address the problem of getting houses that can be repaired. He is requesting an Action Item for this matter. Mr. Meek said the Outreach Committee will try to meet with the City to find out what houses might fit and how we can acquire and make repairs.

Hermitage Nature Area – Mr. Meek reported that the principal of Carrie Downie Elementary School reported that students enjoy the outdoor classrooms and are using them frequently. However, they did not use the trails as much as in previous years. Mr. Meek thinks this is likely because of invasive species on the trails (Japanese stilt grass). He suggested selective spraying or hand pulling of the invasive species.

Maintenance & work at Hermitage – Mr. Meek is trying to identify ways of improving availability of volunteers to do weeding, pulling vines, planting, etc. Citing difficulties in getting volunteers to continually do this work, he is looking at the Master Naturalist Program through the University of Delaware Agriculture Cooperative Extension Program where participants work as volunteers in a selective program. Mr. Meek will apply to be part of the selective program.

Grant request – Mr. Meek informed the Board that the Delaware Nature Society (DNS) is interested in partnering with Carrie Downie School and New Castle Elementary to create programs for teaching nature in the Hermitage Nature Area. Our grant form states that organizations submitting a grant form must be a City of New Castle organization. DNS is not within the City of New Castle. However, Mr. Meek noted the program will benefit New Castle children. He asked the Board if they would consider an application from an organization outside the City that benefits the students in New Castle. The Board was supportive of DNS submitting a grant application for consideration.

PROPERTY MAINTENANCE COMMITTEE – Mr. Clayton reporting.

*(Property Maintenance Update provided to the Board.)*

- Geese Chasers – The program has been very successful. The committee will pursue extending the contract.
- Mr. Meek requested a tennis wall to replace the former wall at the tennis courts. Mr. Clayton will look into costs involved.
- Hermitage Nature Area – Mr. Meek reported that tree trimming and removal of trees is needed at the Hermitage. He would like someone to look at the trees involved and give the Property Maintenance Committee and Mr. Meek a quote.

FINANCE COMMITTEE REPORT – Mr. Castagno reporting.

*The operating budget, capital budget, and revenue sheets were distributed to the Board.*

Mr. Castagno reported the Trust has a record amount of capital invested. He reported nearly \$1.6 million in capital improvements to Trust properties and assets. Congratulations were extended to everyone involved.

Penn Farm – Mr. Gallagher asked for the status of potential work at Penn Farm. Mr. Castagno expects to have a proposal for the Board’s consideration next month.

OTHER COMMITTEES

Battery Park Committee – Mr. Castagno reporting.

No report.

Bylaws Committee – Mr. Toner reporting.

No report.

Mr. Alfree said the Bylaws that were passed last month are in print form and should be available to the Board soon.

Election Committee – Mr. Toner reporting.

No report.

Encroachment Committee – Mr. Wilson reporting.

No report.

COMMUNICATIONS – Mr. Alfree reporting.

No communications were received.

Mr. Alfree informed that the process of electing new officers for the following fiscal year will begin in January. Officer interest forms will be provided to the Board in January. In February ballots will be distributed for voting. Election results will be announced at the March meeting. New officers will begin their term on April 1. Immediately after the officer process we will begin looking at committee assignments. New committee assignments will begin on September 1.

Mr. Alfree stated the Finance Committee will begin working on next year’s budget in early 2020. He suggested that Board members start to get their budget information together. The next fiscal year budget must be approved in March 2020.

Mr. Alfree announced that Board meeting minutes have been uploaded to the Trust’s website through October 2019 and the Audit Report is published and is in respective Board mailboxes.

Public Comment

Resident Brenda Antonio announced her intention to file for a seat on the Board once a vacancy is declared.

Trustees of the New Castle Common  
Minutes of December 3, 2019

Resident Dorsey Fiske thanked Mrs. Ross for her work on the Board and Mr. Gallagher for his letter responding to her concerns from last month's meeting.

Mrs. Ross announced her term as a Trustee expires on 12/8/19. She read a statement (attached) about her 12 years on the Board. On behalf of the Board, Mr. Alfree thanked Mrs. Ross for her time as a Trustee.

ACTION ITEMS

- Leases documenting insurance -- Land Management Committee talked about having leases documenting insurances.
- Dog Waste – (5/7/19) Mr. Meek will speak with City Council concerning documentation stating the City will commit to empty the containers. (6/4/19) Property Maintenance Committee and Battery Park Committee to make recommendation to the Board.
- Homeowner-Occupied Housing – (12/3/19) Outreach Committee asking the Executive Committee to determine what they think is a suitable way to address the problem of helping the City to update substandard housing in the City.

With no further business before the Board, a motion was made and seconded to adjourn the meeting. The meeting was adjourned at 7:38 p.m.

Deborah P. Turner  
Stenographer