

**Trustees of the New Castle Common  
Meeting Minutes  
January 6, 2009**

The monthly meeting of the Trustees was held on Tuesday, January 6, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall.

Present: Messrs. Peden, Alfree, Appleby, Castagno, DeAscanis, Gambacorta, Viola, Yacucci; Ms. Fiske, Ms. Ross; Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Absent: Mr. Wilson.

Mr. Peden called the meeting to order at 7:15 p.m., followed by a moment of silence.

**Special Note:** A meeting of the City Board of Adjustment was also scheduled for 7:00 p.m. on the 2<sup>nd</sup> floor of Old Town Hall. Since that agenda included consideration of the Trust project to expand the Fire Station, Mr. Taylor and Mr. DeAscanis left the Board meeting for a short time to attend the City meeting. Also, the order of the agenda items was rearranged to allow for this.

**Calendar Additions:**

Nominating Committee: Tentatively, the meeting will be held Monday, January 19 at 1:00 p.m.

**Minutes:**

The minutes of the December 2, 2008 meeting were approved as submitted.

**Executive Secretary's Report:** No update.

**Business from the Floor:** Bob and Sue Poskitt of 17 The Strand were in attendance. Mr. Poskitt made a statement about the history of the proposal to locate a national park (and possibly a National Park Service headquarters) in New Castle. He referred to resolutions in favor of this effort passed by the New Castle and the Delaware Historical Societies, and the Mayor and Council of New Castle City. He stated that the report in the New Castle Weekly about the Trustees' stance on this proposal was very abbreviated and indicated that the Trustees were not supportive. He said, regardless of the Board's position pro or con, that he and many other citizens would like to hear what the Trustees think of the proposal, and what are the reasons behind the position. He then thanked the group for the opportunity to speak.

**Treasurer's Report:**

The Treasurer's Report was approved as submitted.

**OUTREACH COMMITTEE REPORT – Mr. Yacucci reporting.**

The Committee has agreed to streamline the forms that community groups fill out to request grant funds.

Regarding the Banks Building, Mr. Wilson secured a proposal from Gary Gredell, structural engineer, for an analysis of the building's condition. The proposal is broader in scope than what was initially requested and includes architectural and mechanical components; the estimate totals \$15,700. The Outreach Committee recommends that, in view of the other large projects now underway and the financial climate, the Banks Building take a lower priority, especially since it is not Trust-owned, and that the implied commitment to get involved could get us entangled in a monetary commitment of unknown magnitude.

Mr. Appleby offered to contact Mr. Gredell (as he has known and worked with him for many years) to get him to modify the proposal. The goal is to be able to make a basic determination as to the building's soundness so that Trustees could decide whether to proceed any further at all, i.e. does it make any sense for *anyone* to be contemplating rehabbing it. Mr. Viola was concerned that we strike a balance between making premature commitments and the reality that it may be a long time before the City makes any

investment in the property; thus, realistically it is probably in the best interest of the City and the Trust and the citizens of New Castle to take the first step of determining if the building is salvageable at all. Otherwise, the building may continue to deteriorate indefinitely, effectively leading to the loss of the building.

Ms. Fiske mentioned that she has heard that various funded grant programs are available to possibly be tapped for this project.

**PENN FARM COMMITTEE – Mr. Viola reporting.**

With the help of her children, Mrs. Quigley has brought her rent up to date. She sent a note thanking the Trust for the maintenance done on the land over the past year by Mr. Thatcher and his crew. For the immediate future, Mrs. Quigley hopes to continue to live at the Farm and operate the produce stand.

The Committee met with Michael McGrath, head of the State agricultural lands preservation unit. As a State agency, the services of Mr. McGrath's office are available free of charge. Also, they routinely work with other agencies we will need to interface with, such as DNREC, fish and wildlife, and cooperative extension. The mission of the agricultural preservation unit is to preserve farmland, and to insure that it continues to function as a viable working farm. To familiarize the Board with all pertinent issues, and to begin formulating a comprehensive long-range plan, the Committee recommends scheduling a special meeting/workshop of the full Board sometime in February. We will work to arrive at a date that allows for 100% participation.

**PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:**

Municipal Services

The easement agreement and lease have been completed and recorded for the financing of the new substation.

Amazon Lease

Mr. Taylor spoke with the attorney for McConnell Development; a conference call is planned for tomorrow. If a resolution is not reached, then a letter will be sent that we will proceed with obtaining a third appraisal as specified in the lease.

Riverbend

Mr. Taylor met with Mr. Ferrara and Mr. Capano of the Riverbend development at the site. Mr. Ferrara received our letter summarizing eleven action items requested to resolve outstanding encroachment issues, and the site visit was to further discuss and refine these action items. Mr. Taylor will follow up with the clarifications of these issues.

Family Foundations Academy

A check has been received for a full year of the school's rent, including the six months' arrearage and the next six months through June.

Encroachment Letters

Periodically, letters must be sent to owners of properties adjoining Trust properties who may be encroaching in some way on the Trust property. Legally this establishes the fact that the encroaching parties are not *de facto* gaining ownership through this habitual usage over time.

Good Will Fire Company

There are some ownership anomalies among the parcels owned by the Trust, the City and the Fire Company at the Fourth and South Street location. A quitclaim deed from the Fire Company to the Trust for their small parcel along Williams Street needs to be executed prior to applying for the building permit. It is hoped that the City will give the Trust two strips of land that extend across the current parking lot. Mr. Taylor reported that as of tonight, the Board of Adjustment continued the request for variance until

January 20, so that it can be assured that all property owners adjacent to the Fire Station have been contacted. The City Building Inspector will deliver these notices. It may be possible to have City Council consider this issue at its January 13 meeting, so that the Mayor can be authorized to sign the official site plan documents.

**FINANCE COMMITTEE REPORT – Mr. Gambacorta reporting.**

Quarterly portfolio review with PNC Bank and Wilmington Trust will be Wednesday, January 28 at 4:00 p.m. Property taxes were due from tenants September 30. There are two who have not yet paid (Dunkin Donuts at 196 N. DuPont Highway, and the Delaware Korean Baptist Church at 219 N. DuPont Highway). Mr. Appleby will supply a projected cost schedule for Library construction expenditures so that drawdowns can be planned.

**ELECTION COMMITTEE REPORT – Mr. Alfree reporting for Mr. Wilson.**

John Wik has withdrawn, leaving two candidates for the January 17 election, Fred Gallagher and Jim Meek. Arrangements are in place for election day. The Election Committee will meet at 5:00 p.m. January 13.

**LIBRARY COMMITTEE – Mr. Viola reporting.**

No update.

**OPEN SPACE COMMITTEE – Ms. Fiske reporting.**

No update.

**BY-LAW COMMITTEE – No report.**

**BATTERY PARK COMMITTEE – No report.**

**GOOD WILL FIRE HOUSE COMMITTEE – No report.**

**OTHER COMMITTEES - None.**

**COMMUNICATIONS**

- Letter from Vicki's Fish (mobile restaurant) requesting permission to sell seafood and ribs from a truck along the 273 perimeter of the Penn Farm property. They also expressed an interest in the Quigley farm stand should it become available.

Ms. Ross asked if we will respond formally to Mr. and Mrs. Poskitt about the National Park Service issue. Mr. Peden suggested that Trustees were free to speak to them as individuals, but that in December the Board as a group did not decide upon a position.

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary

**Trustees of the New Castle Common  
Meeting Minutes  
February 3, 2009**

The monthly meeting of the Trustees was held on Tuesday, February 3, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall.

Present: Messrs. Peden, Alfree, Castagno, DeAscanis, Gallagher, Gambacorta, Viola, Wilson, Yacucci; Ms. Fiske; Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Absent: Mr. Appleby; Ms. Ross. Also in attendance were: Mrs. Carpenter of the New Castle Weekly, Mrs. Tish Gallagher and Mr. Patrick Gallagher, and Mrs. Barbara Quillen.

Mr. Peden called the meeting to order, followed by a moment of silence.

**ELECTION COMMITTEE REPORT – Mr. Wilson.**

Mr. Wilson gave the results of the January 17, 2009 election to fill the seat vacated by the resignation of Chandler H. Gebhart, IV. Fred Gallagher, Jr., received 358 votes and Jim Meek received 101, totaling 459 votes which included 27 absentee ballots. There were 32 new registrants since the last election. Election-related costs were \$1,831.00.

Mr. Gallagher was then sworn in by President Peden.

**SPECIAL PRESENTATION – Mr. Alfree.**

Mrs. Barbara Quillen was presented with a framed copy of the resolution passed by the Board in honor of the late R. James Quillen, Jr., who served as Trustee from April 20, 1968 through April 25, 2008. Mrs. Quillen made the following statement: "I know how concerned Jim was that the election process be done right and fairly, and he worked hard to make it that way. To be recognized by the Trustees with this plaque is a great tribute to Jim, and I thank all of you."

**Calendar Additions:**

The Penn Farm workshop is tentatively scheduled for the morning of Thursday, February 19. It will be treated as a public meeting and posted; we will invite Elaine Quigley and her daughter, and expect other interested persons to attend.

**Minutes:**

The minutes of the January 6, 2009 meeting were approved as submitted.

**Executive Secretary's Report: - Ms. MacDonough**

Scholarship recipients are submitting grades for the Fall 2008 semester. Checks for the Spring semester will go out in the mail with the application forms for 2009-10. All community organizations previously receiving Trust grants have submitted 2009 requests, and there are a couple of new applicants. Mayor and Council have asked for an extension until they have a chance to consider the details of their request at the February 10 Council meeting.

**Treasurer's Report:**

The Treasurer's Report was approved as submitted.

**Business from the Floor:** None.

**PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:**

Mr. Alfree requested an Executive Session to consider matters of real estate negotiations and possible litigation.

Good Will Fire Company

Held for Executive Session.

Riverbend

Following a site visit, Mr. Taylor sent a letter to Mr. Ferrara clarifying several points regarding the resolution of encroachment issues. Awaiting a response.

Amazon Lease

Held for Executive Session.

Encroachment Letters

Have located copies of letters sent in the past; no further update.

Air Base Carpet Mart

There has been an ongoing effort by this tenant to make some changes and additions to their retail establishment and parking areas. The Board has approved this in concept in the past, most recently February 2008, and it was brought up again by Mr. Ziegler, engineer for the tenant, as they wish to go before the County Board of Adjustment with a revised plan. The changes are minor, such as installing a crosswalk, relocating a dumpster, etc., so the Committee is comfortable approving it based on our prior actions.

**OUTREACH COMMITTEE REPORT – Mr. Yacucci reporting.**

Gary Gredell, structural engineer, submitted a revised proposal regarding evaluating the condition of the Banks Building. The Committee will review it and report next month.

**PROPERTY MAINTENANCE – Mr. DeAscanis.**

Work is well underway on the Old Library roof. Committee is getting ready to solicit bids for the Fire House addition.

**PENN FARM COMMITTEE – Mr. Viola reporting.**

Mr. Viola noted that the new Secretary of the Department of Agriculture, Ed Kee, is a former New Castle resident. Mike McGrath of the Agricultural Lands Preservation section informed us that Mr. Kee is very enthusiastic about the possibility of getting involved with the Penn Farm.

**FINANCE COMMITTEE REPORT – Mr. Gambacorta reporting.**

Quarterly portfolio review meetings were held with PNC and Wilmington Trust on January 28. Both banks were cautiously optimistic for an economic rebound in the second half of 2009. Preparation of the 2009-10 budget is beginning.

Mr. Gambacorta raised the issue of the Fire House project and whether or not the Fire Company should contribute to the capital cost. Mr. Wilson pointed out that they will be taking responsibility for the interior finishing. Mr. Taylor noted that they are giving the Trustees a parcel of land for which they paid \$75,000 in 2005, and that they demolished the structure on that parcel. Mr. Peden recommended that the Fire House Committee raise the issue with the Fire Company representatives.

**LIBRARY COMMITTEE – Mr. Viola reporting.**

The New Castle Weekly has been doing a great job following the progress of the project. Because of the severe structural problems at the 420 Delaware building, a new framework had to be constructed within

the outer shell. The east wall can be retained, but the front wall must be completely rebuilt. The Historic Area Commission has approved this, including elimination of the bay window section.

**OPEN SPACE COMMITTEE – Ms. Fiske reporting.**

No update.

**BY-LAW COMMITTEE – No report.**

**BATTERY PARK COMMITTEE – No report.**

**GOOD WILL FIRE HOUSE COMMITTEE – No report.**

**OTHER COMMITTEES**

Nominating Committee: Mr. Alfree will distribute the proposed slate of officers for Fiscal Year 2010 and the committee assignments. The Committee met on January 19 and made an effort to accommodate everyone's first and second choice of committee assignments. There are places available on the Election Committee and the Library Committee.

**COMMUNICATIONS**

- Letter from Toby Hagerott of 417 Delaware Street, who is interested in helping in some way with the improvements and long-term planning for Penn Farm. Mr. Hagerott has a degree in Landscape Architecture from the University of Idaho and is currently studying for a Masters degree in Sustainable Design. Letter referred to the Penn Farm Committee.

Mr. Alfree then moved that the Board adjourn from the regular meeting and move into Executive Session.

Upon reconvening the regular meeting, Mr. Alfree moved that the Board direct Mr. Taylor to send a letter to Mr. Paul McConnell of McConnell Development regarding the Amazon lease, reiterating and confirming the offer terms of our September 10, 2008 letter. Further, that there be a 15-day period for response, and if the response is negative, that we proceed to the third party appraisal phase of the lease.

Mr. Alfree asked for a roll call vote, which was unanimous. Motion passed.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary

**Trustees of the New Castle Common  
Meeting Minutes  
March 3, 2009**

The monthly meeting of the Trustees was held on Tuesday, March 3, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall.

Present: Messrs. Peden, Alfree, Appleby, Castagno, Gallagher, Gambacorta, Viola, Wilson, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Absent: Mr. DeAscanis. Also in attendance were: Mrs. Carpenter of the New Castle Weekly, and Mr. Gary Phillips of 608 Frenchtown Road.

Mr. Peden called the meeting to order, followed by a moment of silence.

**Calendar Additions:**

Mr. Alfree said that the quarterly finance review meeting with PNC and Wilmington Trust would be Wednesday, March 25 at 4 and 4:45 p.m.

**Minutes:**

The minutes of the February 3, 2009 meeting were approved with one clarification to the Outreach Committee report. Gary Gredell's January 23, 2009, submission regarding the Banks Building should have been referred to not as a revised proposal, but simply as a letter confirming his December 26, 2008, recommendation to limit any action to structural evaluation, not any additional scope of work at this time.

**Executive Secretary's Report: - Ms. MacDonough**

No update.

**Treasurer's Report:**

The Treasurer's Report was approved as submitted.

**Business from the Floor:**

Mr. Gary Phillips came to the Board meeting at the recommendation of Don Reese of City Council. He has a concern about deteriorating conditions in his neighborhood (beginning with Wilson's Radiator and extending west along the south side of Route 273 across from Dunkin Donuts). Mr. Phillips has invested significantly in improving his house and yard at 608 Frenchtown, and hopes to remain there indefinitely. 606 Frenchtown recently went into foreclosure and is in poor condition. The radiator shop is badly in need of maintenance, and its owner plans to retire soon. Mr. Phillips' mother in law lived at 610 until she passed away recently, and they will be placing it on the market.

Mr. Phillips commended the landscaping improvements which have been installed to the east of the Basin Rd./273 intersection, and pointed out the contrast to the poor appearance looking west from that intersection. The Trustees own the empty lot on the southwest corner where the police station used to be. He said that the lot could be landscaped, and suggested that 606 and the radiator shop could be purchased and torn down, resulting in a substantial beautification of the entrance to Washington Park which would also stabilize and enhance the values of the surrounding residences.

**PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:**

Farmers Market

Richard Stat contacted us regarding allowing Vicki's Fish to operate a food vending truck in the Farmer's Market parking lot on Mondays and Wednesdays. The Committee does not have a problem with this and it does not violate any provisions of Mr. Stat's lease. Also, it is safer than having the truck locate on the shoulder of Route 273 as the vendor had previously wanted to do. Ms. MacDonough will let Mr. Stat know that the Board approves.

Mr. Wilson renewed his complaint regarding the sand pile and associated debris at the Traders Lane entrance to BJ's, and has photographs of the area in question.

Riverbend

No update.

Family Foundations Academy

Representatives of the school have expressed a desire to talk about a proposal for expansion. Mr. Alfree will pursue this by meeting informally with Dr. Brewington to get more specifics. Mr. Viola commented that he remembered that during the school planning process, representations were made regarding the maximum number of students at the facility. He also reminded the Board that the building was designed so that if it ever was not to continue as a school, it could be easily refitted as offices or similar.

Good Will Fire Company

The quitclaim deed has been obtained and recorded transferring the .05 acre parcel (#21015 30093 – formerly garages) from the Fire Company to the Trustees. Mr. Taylor is now working on transferring the City-owned diagonal strips of land crossing the parking lot to the Trustees. In view of the recent sudden death of Richard Evans, action on the encroachment on the Evans' property side will be delayed.

Penn Mart

Mr. Dave Jones contacted the Trustees on behalf of Interstate Management (current tenant) who wishes to purchase Penn Mart. In return they are offering to build some type of youth facility for the city. Mr. Alfree informed him that the Trust does not sell property.

315-317 Harmony Street

Chris Cashman contacted the Trust on behalf of the owner to see if there was interest in purchasing this property, prior to offering it on the market. The Committee doesn't see any current rationale or use for this particular property, e.g., it is not adjacent to a park, etc. Mr. Viola asked if it is in the Historic District. Ms. Ross asked how opportunities to procure residential properties were handled in the past; Mr. Taylor said that other than rehabilitating properties in Dobbinsville there was not really a precedent. On discussion, the matter was tabled so that Board members would have a chance to look at the site and consider the issue further.

Amazon Lease

Mr. Taylor heard from Mr. Isken that Paul McConnell has agreed to continue the appraisal process per terms of the lease. Both parties will now obtain an appraisal; if they are within 5% of each other, the appraisals shall be averaged. If they are more than 5% apart, a third appraisal shall be obtained and the rent shall be the average of the two appraisals which are closest to each other.

**OUTREACH COMMITTEE REPORT – Mr. Yacucci reporting.**

The Committee met and discussed the Banks Building. In view of the economic climate and the other projects we are currently involved in (the libraries, Penn Farm, and the Fire House) the Committee recommends that we do not pursue any involvement at this time.

**PROPERTY MAINTENANCE – Mr. Castagno and Mr. Viola reporting.**

Mr. Castagno reported that four bids have been received for the addition to the Fire House: DeAscanis Construction, ICS, Premier Builders, and Ventresca Brothers. Mr. Castagno and Mr. Appleby had a preliminary meeting with the two lower bidders to clarify components of the bids. The Committee will meet to make a final decision on the winning bidder. Mr. (Francis) DeAscanis is recusing himself from the negotiations, as he is related to the principals of DeAscanis Construction.

Mr. Viola reported that Ross Gibson, contractor for the Old Library roof, has discovered extensive unanticipated damage, including long-established leaks and squirrel incursions. Earlier work done on the roof was of poor quality and contributed to these problems. As a result of this a Change Order has been executed so Mr. Gibson can properly address these structural repairs. The Committee is extremely pleased with the contractor's handling of the work site and quality of work.

**PENN FARM COMMITTEE – Mr. Viola reporting.**

The Penn Farm workshop will be held Thursday, March 19 from 9 a.m. to 1 p.m. It will be open to the public and be advertised as such. Mrs. Quigley and her daughter are fully apprised of the plans and will be in attendance.

**FINANCE COMMITTEE REPORT – Mr. Gambacorta reporting.**

The Committee met and drafted a proposed budget, which was distributed. The increase from last year is about \$112,000. Mr. Gambacorta requested that each member carefully review the document and pass any comments on to him or Mr. Alfree before the April meeting. Mr. Gambacorta then reviewed the budget by sections and there followed a lengthy discussion of various line items. Mr. Gambacorta thanked the Outreach Committee for the work they did evaluating the community grant proposals. Mr. Alfree pointed out two changes on the City Appropriation page: the item "waiver of the 100,000 debt on the police building" should be deleted; and, a direct request from Mayor Klingmeyer for \$3,500 for audio visual equipment was inadvertently omitted. Corrected sheets will be distributed. The final draft budget total is \$1,210,600.

**LIBRARY COMMITTEE – Mr. Viola reporting.**

A yard sale/auction of architectural salvage and ornamentation items will be held the Saturday of the May Market (May 2) to raise funds for the new Library project. It includes items salvaged from 420 Delaware and other donated objects. The capital committee is continually looking for ways to reduce the overall project cost by modifying building plans where viable, and the contractor has been very helpful in this regard. They are also aggressively seeking more donors to the building fund, including canvassing all relevant foundations. There is about \$1,000,000 left to raise. It is hoped that there may be federal funding available, and there is a plan to contact the congressional delegations. Mr. Viola recommended that the Board as a body consider writing a letter to each of our representatives asking for help locating funds. A draft letter will be worked up before the next meeting.

**OPEN SPACE COMMITTEE – No update.**

**BY-LAW COMMITTEE – No update.**

**BATTERY PARK COMMITTEE – No update.**

**GOOD WILL FIRE HOUSE COMMITTEE – No update.**

**OTHER COMMITTEES**

Nominating Committee: Mr. Alfree sent an email yesterday updating the proposed Officers and Committee Assignments for 2009-2010. Mr. Peden has declined Treasurer and Finance Committee

assignments. Mr. Appleby has agreed to serve as Treasurer and is being nominated. Mr. Castagno is recommended for the Finance Committee.

Mr. Alfree therefore moved that the following proposed slate of officers be approved for the year April 1, 2009 – March 31, 2010:

President:	Thomas H. Wilson, Jr.
Vice President:	Carlo F. Viola
Secretary:	Michael J. Alfree, Sr.
Assistant Secretary:	Gregory T. Yacucci
Treasurer:	Richard M. Appleby, Jr.
Assistant Treasurer:	Henry F. Gambacorta

Motion seconded and carried unanimously.

Mr. Alfree moved that the committee assignments for April 1, 2009 – March 31, 2010, as distributed in February and amended in his March 2 email be approved. Motion seconded and carried unanimously.

Mr. Alfree moved that the Board reappoint Robert Appleby as its representative on the Municipal Services Commission board for a term of three years. Motion seconded and approved.

**COMMUNICATIONS – None.**

Mr. Alfree recommended that the 600 block of Frenchtown Road issue brought up by Gary Phillips earlier in the meeting be assigned to committee; Mr. Peden assigned it to Outreach.

There being no further business, the meeting was adjourned at 8:22 p.m.

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary

**Trustees of the New Castle Common**  
**Meeting Minutes**  
**April 7, 2009**

The monthly meeting of the Trustees was held on Tuesday, April 7, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall.

Present: Messrs. Wilson, Alfree, Appleby, Castagno, DeAscanis, Gallagher, Gambacorta, Peden, Viola, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Also in attendance were: Mrs. Carpenter of the New Castle Weekly; Mr. Bill Barthel; and Mr. John Cochran.

Mr. Wilson called the meeting to order, followed by a moment of silence.

**Calendar Additions:**

Property Maintenance Committee will meet Friday, May 1 at 8:30 a.m. Mr. Alfree said that the correct date for the Finance Quarterly Review will be Wednesday, April 22 at 4:00 p.m. (this was stated incorrectly at the March meeting).

**Minutes:**

The minutes of the March 3, 2009 meeting were approved as submitted.

**Executive Secretary's Report: - Ms. MacDonough**

Second semester checks have been mailed to the 2008-09 scholarship recipients, along with the applications for next year; deadline is April 27. The condensed financial statement for FY08 has not yet been finalized or distributed due to a delay in receiving the necessary "environmental liabilities" letter from Brightfields regarding projected costs to remediate any known potential environmental liabilities. Ms. MacDonough met with Marian Young of Brightfields and provided information on pertinent changes to Trust property holdings and leases. The end result is positive in that Trust exposure to known liabilities has been decreased, as the Friends of Bellanca rehabilitation project removed asbestos from the hangar. One of the other areas of potential liability is the Trust land near the Abex site, which is a capped, closed landfill. We have the responsibility to maintain it and prevent adverse conditions like soil erosion or tree roots puncturing the cap. Mr. Eric Mayer (owner of the Abex parcel) has volunteered to clear some of the existing trees and has apparently begun this work. John Lloyd, City code officer, has mentioned that the cut wood is accumulating and should be removed.

Also, it is time to mail our periodic environmental questionnaire to all tenants: this has been done every five years or so since at least 1989. Mr. Appleby pointed out that one benefit of doing this is to keep the fire company informed of any hazardous substances. This primarily pertains to tenants like gas stations, car dealerships, etc.

**Treasurer's Report:**

The Treasurer's Report was approved as submitted with a notation that the "park workers" drawdown entry was not shown properly.

Mr. Wilson then moved that the Finance Committee report be moved to the end of the agenda to allow for ample time to discuss the budget.

**Business from the Floor:**

William J. Barthel is a candidate for City Council President and said, should he win, he looks forward to working with the Trustees. Mr. John Cochran is running for a Council seat, and echoed those sentiments.

**PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:**

315-317 Harmony Street

Committee sees no rationale for Trust to become involved with this property, which was offered before it is to go on the market. This matter was tabled at the March meeting so that Board members would have a chance to look at the site and consider the issue further. A letter thanking the owner will be sent.

Burger King/DarMel

Mr. Alfree asked for an Executive Session to discuss this matter of real estate negotiation.

Riverbend

Still in contact with Mr. Ferrara; Committee believes developer is occupied resolving utility issues before he can address Trust request for various compensatory actions.

Municipal Services Substation

The plan for the new substation was discussed at a Planning Commission meeting April 6. The Commission approved the plan with the condition that a more detailed description be provided with respect to the landscaping buffer. This matter now goes to the Board of Adjustment for variances regarding the special exception and the height of the fence. A related issue concerns a recommendation in the draft Comprehensive Plan Update to rezone that parcel from R-3 to OS&R. Mr. Appleby and Mr. Taylor emphasized the need to understand the ramifications of this and other recommendations in the Plan on Trust properties. Mr. Wilson asked Mr. Alfree and Ms. Fiske to look into this further. Ms. Fiske said that she understood the general approach in the Plan was that privately-held lands would be zoned residential.

Amazon Lease

Robert H. McKennon, Appraisal Associates, is working on our appraisal and should have the report by the end of April.

Good Will Fire Company

The driveway of 419 South St. (Evans) currently encroaches on a corner of the fire company parking area. Mr. Alfree will contact Mrs. Evans about transferring ownership.

Shell Station

A request was received for height and design changes to two signs at 104 N. DuPont Highway (graphics provided). Committee recommends approval of request. Mr. Alfree moved to approve request as submitted; motion carried.

Castle Dealership

Mr. Alfree and Mr. Taylor have been contacted by attorney representing Castle. Currently they are storing cars at the N. DuPont Highway property leased from the Trust, but not using it as a sales facility. Further information is needed to find out what the tenant is proposing. (There is a sale sign for the business currently posted.)

**OUTREACH COMMITTEE REPORT – Mr. Yacucci reporting.**

The Little League season opened April 4 and Mr. Yacucci threw out one of the first balls. Mr. Paul Freebery, Boy Scout Troop Leader, has expressed interest in coordinating two Eagle Scout projects improving Trust-owned properties. One would be to rehabilitate the mini park at 5 E. Second Street, and one is to repair and replace the picnic tables and benches in Battery Park. The Eagle Scout projects are supervised and very detailed, and the boys are required to get all materials donated. Mr. Yacucci moved to approve the two Eagle Scout projects; motion carried.

Banks Building

The Committee recommended at the March 2009 meeting that the Trust have no involvement in the Banks Building at this time. Mr. Yacucci asked if a formal motion should be made, and Mr. Taylor recommended that it be done, especially to provide a clear response to City Council. Mr. Yacucci moved that the Trust not pursue any involvement in the Banks Building at this time. Mr. Gambacorta seconded. On discussion, the following points were made:

- Mr. Viola recapped the background of discussions and actions about the building, including the fact that \$100,000 had been put in the Trust budget two years ago for repairs. He understood that the sticking point was the long list of unacceptable conditions included in the 2007 City resolution regarding transfer of title. The Council recently approved an amended resolution removing all but one condition (City would have right of first refusal should Trust wish to dispose of building in future). He then passed out a packet of information about the issue.
- Mr. Wilson said his recollection was that we voted to end involvement in the matter in 2007 after the unacceptable City resolution was passed.
- Mr. Viola said that he was not proposing that we immediately begin spending money on the building, but that we would be powerless to do anything without assuming title to it. He said he has heard strong support in favor of preservation from a variety of townspeople. Realistically the current situation is that the City is permitting it to be effectively “demolished by neglect.” The Trust is in a unique position to both preserve the building and to put it to viable and possibly income-producing use. He said strategically we should take the necessary steps to keep alive the possibility of saving the building, and that it is unlikely that would happen if it continues in City ownership. He said that it would not be appropriate for the City to take on such a project. Further, the Trust is in a unique position to accomplish things that no other entity can. He reminded the Board that much work has led up to this point, where the City is prepared to vote yes on a transfer, and that after the election next week the mood of the new Council cannot be predicted.
- Mr. Wilson said that accepting the building definitely would imply a monetary commitment, and probably in the near future.
- Ms. Fiske asked if there would be a possibility of applying for grants from other sources.
- Mr. Viola said that would be a good option, and pointed out that he chose his words carefully to say that we would put together a plan, entailing very few dollars, to simply stabilize the building at this time and keep water away from the foundation.
- Mr. Wilson said he was concerned that there are no firm dollar figures and he would be uneasy committing to an unknown. He said he felt that we should stay with the projects and properties that we own, which include some considerable investments at this time. Also, even the basic stabilization/shoring up work could be a considerable amount.
- Mr. Appleby said that a major investment would not have to be made at this time.
- Ms. Ross said the fact that we spent money on appraisals and looking at structural integrity and safety of the building implies that it does have to be done now. She said that the Outreach Committee put considerable thought into their recommendation. She said that she was also dismayed that the amended City resolution about transferring title came up very quickly and without notification to the Trust.
- Mr. Castagno pointed out that the the wording “at this time” in the motion was vague and would not prohibit someone, for example, coming back next month with a plan.
- Mr. Yacucci reminded the group that the Committee had looked carefully at economic conditions and current commitments while considering their recommendation.

- Mr. Viola said that he thought that the primary role of the Outreach Committee was to evaluate projects in light of a sense of community input, more so than from the financial standpoint.
- Mr. Gallagher said that in March, there was no feedback or questions about community input from the Board after the Committee stated their recommendation. He also emphasized that financial concerns did weigh heavily in the recommendation, in view of the unusual financial climate and the recent drastic losses in our portfolio. He said that he would be hesitant to take on basic stabilization without knowing the dollar amount associated with it.
- Mr. De Ascanis said it would cost less to rebuild and duplicate the building than to rehabilitate it.
- Mr. Viola said that we are under no obligation to accept the building even if the City Council does pass their resolution.

After further discussion about time frames, Mr. Wilson asked Mr. Yacucci to restate the motion. Mr. Taylor advised that (from the sense of the discussion) first a procedural vote should be taken to define “at this time” as TNCC Fiscal Year 2010 (April 1, 2009 to March 31, 2010). Ms. Ross so moved and Mr. Gambacorta seconded. Roll call vote results were: Yes - Wilson, DeAscanis, Gambacorta, Yacucci, Gallagher, Peden, Ross; No - Appleby, Fiske, Castagno, Alfree, Viola. Motion carried 7-5. (Mr. Castagno and Mr. Alfree noted that their votes were based on the fact that the time limit should not be linked to the fiscal year.) Then Mr. Yacucci’s original motion, as clarified, was restated: that the Board not pursue any involvement in the Banks Building during Fiscal Year 2010. Yes - Wilson, DeAscanis, Gambacorta, Yacucci, Gallagher, Peden, Ross; No - Appleby, Fiske, Castagno, Alfree, Viola. Motion carried 7-5.

**PROPERTY MAINTENANCE – Mr. DeAscanis reporting.**

Mr. Viola said that serious structural damage is being encountered at the Old Library roof project, caused primarily by postponed maintenance and by a history of inadequate patching rather than more thorough repairs. The brick wall and the wooden plate at the top are severely deteriorated. Through the necessary change orders, the original estimated cost of \$48,000 may escalate to almost twice that. The Committee continues to be pleased with the contractor’s workmanship.

Mr. Castagno reported that the Committee has selected a winning bidder for the Good Will Fire House addition. DeAscanis Construction was the low bidder and also was deemed competent to undertake and complete the job. (Mr. Francis DeAscanis recused himself from the bid process due to a relationship with DeAscanis Construction). A technical architect, Mr. Stan Minka, has been retained on an hourly basis to supervise the work in progress. Mr. Castagno moved to award the Good Will Fire House addition project to DeAscanis Construction. On discussion, the issue of including the contract dollar amount in the motion arose. Ms. Fiske moved that the Board be advised of the contract amount prior to the vote. There was no second. The vote on the original motion passed unanimously (Mr. DeAscanis abstaining).

**PENN FARM COMMITTEE – Mr. Viola reporting.**

Mr. Viola reported that the Penn Farm workshop on Thursday, March 19 was very well attended. We received a variety of community feedback, both verbal and written, and interest in continued involvement in the planning and vision for the Farm. Mr. Wilson said he was impressed with the presentation and the thought process for moving forward and was anxious to see the action items. Ms. Ross suggested that the management /oversight of executing a long range plan would be time-consuming and require specialized knowledge and expertise, and it would be beneficial to hire a manager or advisor. Mr. Viola said that much of that guidance would come from the State farmland preservation group and associated agencies. A further item relating to real estate negotiations will be held for executive session.

**ELECTION COMMITTEE – No report.**

**LIBRARY COMMITTEE – Mr. Viola reporting.**

An auction of architectural salvage and antiques will be held the Saturday of the May Market (May 2) to benefit the library. The capital committee continues to aggressively seek donors and to look for ways to streamline the project. We will be making our first pledge installment of \$200,000 shortly.

**OPEN SPACE COMMITTEE – Ms. Fiske reporting.**

Ms. Fiske said she has been exploring the possibility of planting wildflowers and grasses in the open low land east of Route 9 behind Bull Hill. One advantage would be to eliminate mowing. Mr. Wilson suggested looking at other open areas to treat in this fashion.

**BY-LAW COMMITTEE – Mr. Wilson.**

Mr. Wilson asked Mr. Gallagher to join the By-law Committee. He asked for a second volunteer and Ms. Ross agreed to serve.

**BATTERY PARK COMMITTEE – No report.**

**GOOD WILL FIRE HOUSE COMMITTEE – No update.**

**OTHER COMMITTEES**

Mr. Alfree suggested that each Committee meet to elect a chairman for the new fiscal year. Mr. Wilson wants to meet with each committee to discuss respective roles and goals for the year.

**COMMUNICATIONS**

Mr. Gambacorta asked Mr. Gallagher to report on the community input he received during his recent campaign. Mr. Gallagher touched on the following points: some believe the City depends too much on Trustee funding; several felt that the Trustees don't adequately represent all areas of the City; others felt that the Trustees were not open enough; some have made inquiries or recommendations and never received any follow-up or response. He will compile a more detailed report and distribute it.

Mr. Wilson suggested that a good way to raise general awareness would be to run articles in the *Weekly* focusing on the roles and activities of the various Trust committees.

Ms. Ross referenced Mr. Gary Phillips who had addressed the Board last month about a neighborhood problem, and the need to give him a formal response. In cases like this the appropriate committee will be responsible for drafting a letter for the office to prepare as a formal response

Mr. Alfree said a letter was received from City Manager Cathie Thomas requesting a Trust appointment to the Tree Commission. Anyone interested please give their name to Ms. MacDonough.

**FINANCE COMMITTEE REPORT – Mr. Gambacorta reporting.**

Mr. Gambacorta then moved to go into Executive Session for the purpose of discussing the budget, and also matters of real estate and litigation referred to earlier. Motion carried.

Mr. Alfree moved to reconvene into regular session and motion was passed at 9:45 p.m. Mr. Gambacorta moved to approve the recommended Fiscal Year 2010 Budget totaling \$1,244,400 (\$844,400 operating and \$400,000 capital), including the following adjustments which net out to zero: under Contributions, add \$250 for the Historic New Castle Alliance and \$1,000 for Separation Day; under City Appropriation, eliminate \$5,500 for the salt spreader and add \$6,250 for two police vehicle docking stations. Net additions total \$2,000, which will be taken from Sinking Fund line, reducing it from \$25,000 to \$23,000. Motion carried unanimously.

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

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary

**Trustees of the New Castle Common**  
**Meeting Minutes**  
**May 5, 2009**

The monthly meeting of the Trustees was held on Tuesday, May 5, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall.

Present: Messrs. Wilson, Alfree, Appleby, Castagno, DeAscanis, Gallagher, Gambacorta, Viola, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Absent: Mr. Peden. Also in attendance were: Mrs. Carpenter of the New Castle Weekly; Mr. Paul Freebery, Sr., Paul Freebery, Jr., Serguel Akiti, Mr. Ted Megginson, Mr. John Wheeler.

Mr. Wilson called the meeting to order, followed by a moment of silence.

**Calendar Additions:** None.

**Minutes:**

The minutes of the April 7, 2009 meeting were approved with two corrections/comments. Mr. Viola said that, with regard to the Banks Building, the sentence reading "The Council recently approved an amended resolution" should read "The Council recently *drafted* an amended resolution" (which subsequently was tabled, but this was not known on April 7).

Also, Ms. Fiske said that, with reference to the vote on the awarding of the Good Will Fire House contract, that she had misunderstood the original motion (which was reported as having been approved unanimously) and would have voted 'nay.'

**Executive Secretary's Report - Ms. MacDonough.**

Scholarship applications for the 2009-2010 school year have been received: there are 10 seniors, 10 juniors, 5 sophomores and 3 incoming freshmen. It is not clear why the younger classes' numbers are so much lower than usual. Due to the many financial obligations on the Trust this summer, the normal billings to tenants for sewer and tax payments will be expedited to minimize the gap between our outlay and their reimbursement. She and Mr. Zitz are working on better control and recordkeeping of depreciable assets (furnishings, machinery, etc.) and the addition of numbered inventory tags. No progress yet on encroachment letters.

**Treasurer's Report:**

The Treasurer's Report was approved as submitted.

**Business from the Floor:**

Mr. Paul Freebery and two future Eagle Scouts from Troop 27 (Asbury United Methodist Church) attended the meeting to address the Board and present project proposals affecting Trust properties. Life Scout Akiti presented a plan for refurbishing the mini-park at 5 E. Second St. Life Scout Freebery's proposed project is to rehabilitate and repair benches and picnic tables in Battery Park. The Scouts will have access to other scouts for help with labor, and they will be responsible for soliciting donations of materials. They are responsible for checking with all affected parties for permission, guidance, etc. The timetable would be to begin in mid-July/early August and finish by the beginning of the next school year. Mr. Castagno moved that the two projects be approved as presented; motion was approved unanimously.

Mr. John Wheeler of 108 E. Third presented a proposal to create a memorial grove for Elizabeth Loncki somewhere on Trust land. Air Force Senior Airman Loncki, 23, of New Castle, was killed in 2007 by an IED near Baghdad. It was suggested that a better approach would be to designate such a memorial to all veterans of Iraq and Afghanistan, with a special plaque for Elizabeth. He is asking for a point of contact on

the Board to further develop this idea. Mr. Wilson said that the Board will evaluate and consider the proposal and assign it to a committee, and we would respond to Mr. Wheeler in writing at a later date. Mr. Alfree said that we should commit to discuss it at the June meeting and come to a conclusion prior to the summer recess. Mr. Wheeler will provide some pertinent supporting information.

Councilman Megginson will be the Council liaison with the Trustees. He stated that the City would be making a special request for an additional \$13,000 for the summer bicycle police program, over the present grant of \$10,000. Mr. Appleby asked what the timeframe would be; Mr. Megginson said they could wait until August.

**PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting.**

Mr. Alfree will continue as Committee chair. He requested an Executive Session to discuss several matters of real estate negotiation.

Riverbend

Mr. Taylor said that Mr. Ferrara is continuing to work out utility and other details regarding the development, and has thanked the Trust for its patience.

Amazon Lease

Robert McKennon has met with McConnell Development and is now finalizing his appraisal report. We understand that they will be submitting a request to install a utility shed.

Family Foundations

No update on their plans for expansion. PDC suggests we do nothing until the school's tax exemption issue is resolved.

Evans Property

Mrs. Evans is interested in resolving situation whereby her driveway encroaches on Trust land at Fire House. Her attorney will speak with Mr. Taylor.

Comprehensive Plan

Committee is recommending sending a letter to the Planning Commission outlining our concerns regarding the potential impact of the Plan on the zoning of some of our properties. A draft letter addressed to David Bird, Planning Commission Chair, was distributed. Mr. Alfree moved to approve sending this letter to the Commission with copies to City officials. Motion passed. As a side note, we need to have our Trust parcel maps updated.

Penn Farm/Quigley

Will be discussed in Executive Session.

Burger King/Darmel

Will be discussed in Executive Session.

Marini Property

Ms. Fiske said that she heard that, as part of the Third Street curb resetting project, approximately six feet (which was actually right-of-way) had been taken from the Third Street side of the Marini parcel and that six feet was taken from Battery Park on the other side to compensate for this. Mr. Taylor will investigate.

**OUTREACH COMMITTEE REPORT – Ms. Ross reporting.**

Ms. Ross is the new chair of the Committee. The Committee met and drafted goals and timelines. One of the action steps is to facilitate better communication with residents, e.g. with periodic articles in the New Castle Weekly. Also, the proposal solicitation process for community organizations will be begun much earlier to allow more time for communicating with the groups in depth about use of funds and their respective needs and operations. Another goal is to develop an expanded and improved website; the current

one is simply a page on the City website. Mr. Wilson mentioned that Jim Meek, a web expert and former candidate for Trustee, had volunteered his services. Ms. Ross brought up the subject of the Progressive Club property on Third Street and the need to be vigilant in case the property should come on the market. This item was referred to Property Development.

**PROPERTY MAINTENANCE – Mr. DeAscanis reporting.**

Mr. DeAscanis will continue as Chair. The Old Library roof repair project is moving along well. The Good Will addition should be starting after the rain lets up. The Committee is looking into the details of the planned paving of the Fifth and Cherry Street parking lot. It may be possible to piggyback on street work that the City has planned for the summer.

**PENN FARM COMMITTEE – Mr. Viola reporting.**

Further details and estimates are being reviewed by the Property Maintenance Committee in advance of starting the field rehabilitation work. Also, some work is needed to replace the power line coming in from the pole to the house.

**FINANCE COMMITTEE – Mr. Appleby reporting.**

Mr. Appleby will chair the Committee. The bank quarterly review meeting was April 22. (The Wilmington Trust representative was not in attendance.) Mr. Appleby doesn't think the overall performance of our investments is worse than that of comparable investors in general, but pointed out a couple of specific areas to question at our next quarterly review.

**ELECTION COMMITTEE – No report.**

The Committee has not yet met. They will develop a timeline for the election to fill the remaining vacancy.

**LIBRARY COMMITTEE – Mr. Viola reporting.**

A new member has been added to the Library Committee: Emily Ciuffetelli, age 13, who is contributing insights on the thoughts and needs of her age group. The auction of architectural salvage was successful and received a lot of media coverage. Over \$7,500 was raised. It has been finalized that a geothermal heating and cooling system will be utilized. It should save \$20,000/year in heating and cooling costs and pay for itself in eight years. The wells will be drilled 350 feet deep.

**OPEN SPACE – Mr. Yacucci reporting.**

One of the Committee's goals for this year is to catalog the open space owned by the Trust. Ms. Fiske said that a meeting will be held May 20 with Sue Barton, a representative of Cooperative Extension, to look into the possibility of planting wildflowers at some locations in order to eliminate mowing.

**BY-LAW COMMITTEE – Mr. Gallagher reporting.**

The Committee met and named Mr. Gallagher as chair. In order to raise visibility of the By-Laws, they are recommending that as each Board committee meets to develop its goals for the coming year, it would be very helpful to review its individual charge as set forth in the By-Laws.

**BATTERY PARK COMMITTEE – Mr. Gambacorta reporting.**

Yesterday, May 4, Senator Carper and Secretary of the Interior Salazar had planned to use the Park as a backdrop for a press conference on Delaware's National Park project, but had to move inside due to rain. The Marine Corps League asked permission to hold a ceremony on May 24 to honor General Thomas Holcomb, in the Park at the flagpole bearing the General's name.

**GOOD WILL FIRE HOUSE COMMITTEE – Mr. Gallagher reporting.**

No update except members are evaluating whether this committee is needed.

**OTHER COMMITTEES**

Mr. Wilson said that he had observed that the Building Restoration Committee presently has only one member. (This committee is not a By-Law mandated committee.) He thought that this committee could

perhaps be disbanded and/or folded into the Property Maintenance Committee. Mr. Viola suggested that outside persons with special expertise could be brought into Property Maintenance to assist with any full-fledged restoration projects. With the Board's concurrence, Mr. Wilson declared the Building Restoration Committee to be dissolved as of this date, with its functions absorbed into PMC.

In view of the fact that many large maintenance projects are currently underway, Mr. Wilson suggested that in order for Mr. DeAscanis to turn his full attention to the PMC, he might wish to step down from the Finance Committee. Mr. Wilson suggested Mr. Gallagher as a replacement on the Finance Committee. After discussion, and with the agreement of the respective Trustees, Mr. Appleby moved that Mr. DeAscanis resign from the Finance Committee and Mr. Gallagher fill the resulting vacancy.

Mr. Wilson also suggested that the Trustees send a letter of congratulation to the newly-elected City officials. Ms. Ross so moved; motion carried.

### **COMMUNICATIONS**

- Letter from The ReDevelopment Company inquiring about purchasing property for development at the Ferry Cutoff site. Response will be that Trust does not sell property.
- Letter from Sperry Van Ness regarding purchasing land. Response will be that Trust does not sell property.
- Letter from Cresa Partners and Fresenius (tenant) inquiring into the possibility of "recasting" our lease with the Dialysis Center. Response will be that we are satisfied with lease as is.
- Letter from New Castle Public Library acknowledging check for \$200,000 installment on pledge.
- Letter from Chief McDerby thanking us for funding of docking stations for police cars.
- Various correspondence from Air Base Carpet Mart re: progress on construction of addition. New Castle County Board of Adjustment granted requested variances on April 23.
- Draft of letter written by Mr. Alfree to be submitted to the New Castle Weekly clarifying history of Trust position on the Banks Building. After discussion, motion was passed to authorize Mr. Alfree to sign the letter not just personally, but formally on behalf of the Trust.
- Mr. Viola mentioned that a March 23, 2009 letter from the New Castle Historical Society supporting preservation of the Banks Building was not clearly reported at the April meeting. A copy will be included in the June meeting packets.
- A portfolio of college graphics projects completed by Jenna Passmore, one of our scholarship grantees, was loaned to us by Jenna's mother for the Trustees to view.
- Mr. Gallagher's report on issues and community input received while he was out campaigning for his Trustee seat was distributed.

Mr. Wilson stated that he wants to plan a finance and budget workshop followed by a bus tour of Trust holdings. We are looking at a Thursday in June, from about 9 a.m. to 3 p.m. Please contact Ms. MacDonough with availability.

Ms. MacDonough brought up bills for \$1,190 which were recently received from the City for heater repairs at the Banks Building in March. She was advised to send them back to the City, as we did not have prior knowledge of this work and do not own the building.

A motion was made and passed at 9:15 p.m. to go into Executive Session to discuss matters of real estate and litigation referred to earlier.

The Board reconvened in regular session at 9:45 p.m. Mr. Alfree moved to authorize the Property Development Committee to negotiate a new lease for 101 N. DuPont Highway (Burger King) with the current lessee (Dar-Mel Inc.) within the guidelines agreed upon in Executive Session. Motion carried.

Mr. Wilson announced that the Property Development, Penn Farm and the Property Maintenance Committees, through their chairs, will jointly proceed with work on a new lease for Mrs. Quigley at the Penn Farm. Mr. Viola added that the Penn Farm Committee would take the first step by speaking with Mrs. Quigley's daughter Susan concerning the possibility of reducing the rent in consideration of Mrs. Quigley continuing to live there, and that prior to drafting the new lease terms we would contract to have the house inspected to insure that it is safe from her standpoint and also with respect to our responsibility as landlord.

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

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary

**Trustees of the New Castle Common  
Meeting Minutes  
June 2, 2009**

The monthly meeting of the Trustees was held on Tuesday, June 2, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall.

Present: Messrs. Wilson, Alfree, Appleby, DeAscanis, Gallagher, Peden, Viola, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Absent: Mr. Castagno; Mr. Gambacorta. Also in attendance was: Mrs. Carpenter of the New Castle Weekly.

Mr. Wilson called the meeting to order, followed by a moment of silence.

**Calendar Additions:** None. Board workshop and property tour is planned for July 9 at 9 a.m.

**Minutes:**

The minutes of the May 5, 2009 meeting were approved as submitted.

**Executive Secretary's Report - Ms. MacDonough.**

A number of tasks are pending over the next few months: easement/encroachment letters, environmental survey of tenants, organization of vault materials in advance of moving back into new library, etc.

**Treasurer's Report:**

The Treasurer's Report was approved as submitted.

**Business from the Floor:** None.

**PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting.**

**Burger King/Darmel**

Mr. Alfree will meet with Gary Harting, the tenant, on June 3 regarding the future of the lease relationship.

**Riverbend**

No update. Outstanding issues will need to be resolved before we sign utility easement.

**Amazon Lease**

Waiting to hear from Robert McKennon regarding second appraisal report. A request with diagrams was received to install an 8X10 utility shed for maintenance equipment. After review by the Board, Mr. Alfree moved to approve the request as described in the submission dated May 1, 2009. Motion carried.

**Family Foundations Expansion**

Removed from PDC agenda until the school's tax exemption and other financial issues are resolved.

**Evans Property**

Mrs. Evans will pay all costs of a survey, and then the Trustees will deed over the wedge of land (next to her driveway on the Fire House side) which was recently acquired from City via quitclaim deed.

**Comprehensive Plan**

Mr. Alfree attended the Planning Commission meeting on May 18. The Commission has agreed to remove the Trust properties from specific suggested rezoning categories and revise some of the related Plan language. The Plan was passed by the Commission and will now go to Council for a vote.

Penn Farm/Quigley Lease

Mr. Viola said that he had contacted Mrs. Quigley's daughter, Susan, to explain that we would be moving forward on drafting a new lease, as had been discussed in previous conversations. As part of this we will select an independent third party to make a thorough inspection of the condition of the house. Ms. Ross pointed out that the inspection should be done as soon as practicable as a precursor to writing the new lease. After discussion, Mr. Alfree moved to authorize up to \$1,500 to commission a professional inspection of the Penn Farm buildings, and to perform any emergency repairs which may become apparent as a result of the inspection.

Marini Property/ 101 W. Third St.

A letter dated May 26, 2009 was received from Jay Freebery, Chatham Bay construction company, proposing that they "...would like to place a chain link security fence along the perimeter 8' from the property line as a precautionary measure..." (Mr. Wilson interjected that Ms. Marini told him today that Building Inspector Bergstrom instructed them to make this request.)

As background, Mr. Alfree referred the Board to an April 12, 2007 letter from the Trust to Mrs. Marini, her attorney and her architect stating that access to Trust land is not permitted to support construction projects. With reference to this, there has been repeated discussion over the years with the owners about the difficulty of building the proposed structure given the very small side setbacks (1' and 2'6") and the Trust's long-standing policy prohibiting encroachment.

Mr. Alfree said he decided to bring the issue directly to the full Board rather than routing through the Property Development Committee and delaying our response until September. As a result, he called Jay Freebery to discuss the request and to remind him, among other things, that the Battery Park parking lot is not to be used to store any construction vehicles or equipment, and that they are not to close off or block the entrance to the parking lot. Mr. Freebery stated that he has permission from the City to use "South St. extension" as he needs to, to do the work.

There followed a lengthy discussion of pros and cons of allowing the fence. Mr. Wilson said that the Marinis have undergone an extended battle to build this house and that they now have the proper permits and decisions in place to go forward, and we should not impede this. Ms. Ross asked if the 8' requested would be significantly more disruptive considering the disruption already caused by the project itself.

Ms. Fiske said that she was concerned some of the surrounding park trees would be adversely impacted by the construction and the 8' proposed security zone. She said that the owner knew two years ago that she would need to design a house that could be built within the existing constraints including the historic Trust position. The Trust is not obligated to adversely impact public parkland to facilitate private construction; in any case, a significant fee should be charged for use of a fence easement, if we decide to grant one. Ms. Fiske also asked what the insurance ramifications would be.

Mr. Appleby said that if someone gets hurt the Trust would doubtless be drawn in to a lawsuit -- regardless of any hold-harmless clauses, etc. that may be in place.

Mr. Taylor said we need to revisit old determinations of the width of the Third Street right-of-way and also the status of South Street. There are different plans and surveys in existence which are contradictory as to the boundaries of the Carruthers and Shaw properties. Ms. Fiske said that she heard that, as part of the Third Street curb resetting project, approximately six feet (which was actually right-of-way) had been taken from the Third Street side of the Marini parcel and that six feet was taken from Battery Park on the other side to compensate for this. Mr. Taylor will investigate.

Mr. Viola pointed out that the issue of access will persist not only during the construction period, but for the long term as the owners need to do maintenance. He said that while he understood that the owners had succeeded after the lengthy approval process, it was problematic for them to have designed the building in such a way that adjacent property owners would be expected to accommodate it.

Mr. Freebery said that the 8' area would be a security/safety buffer; however, there was concern about the possibility of debris or construction materials accumulating in that area.

After discussion it was determined that Board members held several different interpretations of where the fence was to be. The letter did not make this clear, so Mr. Alfree will call Mr. Freebery and ask for drawings and clarification of the proposed fence location, i.e., "construction" fence vs. "security" fence.

Penn Mart

A letter was received from The Forum Group on behalf of Penn Mart requesting consideration of a revised lease agreement, in view of economic circumstances including the loss of a major tenant (the discount wholesale warehouse). A response will be sent stating we are not interested in renegotiating the lease and reminding them that they are currently enjoying a rental amount well below market rate.

**OUTREACH COMMITTEE REPORT – Ms. Ross reporting.**

Ms. Ross spoke about plans to place a series of articles in the New Castle Weekly informing the readers about the Trust and its various committees. She will send a draft of the first installment out by email for comment. She said that Mr. Castagno is working with Jim Meek, a resident who is very fluent in web design and has offered to help us get started with our website.

John Wheeler of W. Third Street had previously submitted a proposal for a memorial grove in honor of the late Elizabeth Loncki. Mr. Wilson met with him and explained some of the parameters surrounding use of Battery Park. Mr. Wilson also spoke with the Loncki family to confirm their agreement with this effort. Ms. Ross asked whether the existing war memorial at Third and Chestnut would be a more appropriate location. She also asked if singling out Miss Loncki would offend families of other New Castle war dead. Mr. Viola asked if the Board had decided to support this initiative yet; Mr. Wilson said no commitment had been made and more information was needed. Mr. Viola reminded the Board that physical memorials can be a delicate issue, e.g. the issue of engraved benches previously dealt with. Mr. Wheeler should definitely contact the parties who coordinate and maintain the Chestnut Street memorial; Ms. Ross will speak to him further.

Mr. Wilson said that Mr. Megginson of City Council was not able to attend tonight, but asked for permission for City Parks and Recreation to use part of the Trustees' storage shed in Battery Park. Consensus was in the affirmative as long as Erv Thatcher agrees.

**PROPERTY MAINTENANCE – Mr. DeAscanis reporting.**

The Old Library roof repair project is moving into its last phase. The Good Will Fire House addition is underway and should be completed by the end of the summer. Mr. Wilson said he had spoken to Tom Clayton of the Fire Company about bathrooms at the Fire House; there is some confusion about whether or not this was in the original project request. The Fire Company will have the work done while the other construction is underway and then request reimbursement from the Trust next year. We have asked for the opportunity to review drawings and price estimates.

Paving of the Fifth and Cherry parking lot will be done by Cirillo Brothers as part of the City paving contract. Still waiting for a written proposal on replacing the electrical service at Penn Farm.

**PENN FARM COMMITTEE – Mr. Viola reporting.**

(Addressed under Property Development.)

**FINANCE COMMITTEE – Mr. Appleby reporting.**

Mr. Wilson asked for an Executive Session to discuss pending issues of budget and finance regarding the new library project.

**ELECTION COMMITTEE – Mr. Gallagher reporting.**

Mr. Gallagher reported that the Committee had its first meeting. One of the recommendations was to add an additional experienced member to the Committee: therefore Mr. Gallagher moved to add Mr. Alfree to the Election Committee, and the motion carried unanimously. A proposed timeline for the election to fill Mr. Quillen's seat was distributed. The vacancy would be declared at the September meeting, with a proposed election date of November 7.

**LIBRARY COMMITTEE – Mr. Viola reporting.**

The project will be making visible progress with steel going up soon. Mr. Viola asked the Board to make an extra effort to show appreciation to Katie Newell and her staff for continuing to operate the library at as high a level as possible during the construction period. The Capital Campaign Committee is meeting every other week and pursuing the remaining \$900,000 through every possible avenue.

**OPEN SPACE – Mr. Yacucci reporting.**

Ms. Fiske and Mr. Gallagher met with Sue Barton of UD Cooperative Extension. She is an expert on roadside landscaping and thinks the land behind Bull Hill and the adjacent triangle across New Castle Avenue are good candidates for limited mowing. A ten-foot mowed perimeter and a mowed walking path through the areas could be included, with some sections overplanted with wildflowers. They also viewed the open areas west of Dobbinsville. Mr. Thatcher has various concerns and needs to be included in future discussions. Mr. Wilson said that Open Space should work closely with Property Maintenance to coordinate this project.

**BY-LAW COMMITTEE – Mr. Gallagher reporting.**

No update.

**BATTERY PARK COMMITTEE – Mr. Gambacorta reporting.**

Resident John Geisel sent a letter recommending some maintenance at the basketball court and possible installation of benches. This will be forwarded to Mr. Thatcher. A letter was received from Mayor & Council naming Teel Petty as the liaison to the Battery Park Committee. An individual (Bud Thomas) who is a regular tennis player called and offered to repair the nets and posts for free. The Board would like to see more specific details before accepting this offer.

**GOOD WILL FIRE HOUSE COMMITTEE – Mr. Gallagher reporting.**

Committee has not yet met. They will coordinate with Property Maintenance on the progress of the addition.

**OTHER COMMITTEES – None.**

**COMMUNICATIONS**

- Letter from Michael Hemphill of 114 The Strand offering to pay for clearing/trimming brush on Trust land as he has done in the past, and also asking for consideration of rezoning that land to OS&R. Ms. Fiske will review the response letter to be drafted by the office.
- Letter from Mayor & Council stating that Councilman Megginson will be the liaison to the Board.
- Thank you letter from New Castle Senior Center for annual grant.
- Thank you letter from St. Anthony's Day Celebration Committee for \$1,000 grant.
- Letter from Susan Keyser of the Tree Commission asking permission to replace three trees in Dewey Park. Office will inform them to go ahead.

- Material from City about stormwater management action planning was distributed.
- Mr. Wilson recognized the fact that tonight represents the 36<sup>th</sup> anniversary of Mr. Appleby's election to the Board on 6/2/73.

A motion was made and passed at 8:45 p.m. to go into Executive Session to discuss matters of budget and finance. The Board reconvened in regular session at 9:45 p.m.

Mr. Alfree moved to notify City Council that that Trust is unable to fund the additional \$13,000 requested in May; motion carried. He then moved to advise City Council that the Board Finance Committee would entertain a request to adjust the allocation of funds within the 2009-10 Trust appropriation, as long as it does not exceed the total amount originally granted. Motion carried.

Mr. Alfree moved that a letter be sent to Mayor & Council commending the Public Services personnel for their work on resetting the Third Street curbs. Motion carried.

Mr. Appleby made a motion to authorize the Finance Committee to proceed with the selection of a bank for the purpose of negotiating and co-signing a loan for the New Castle Public Library construction project; and, to authorize pledging the funds in the Wilmington Trust investment portfolio (current value \$750,000) as collateral; and, if needed, to authorize a first mortgage or lien on an income-producing property. Motion carried.

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

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary

**Trustees of the New Castle Common  
Meeting Minutes  
September 8, 2009**

Present: Messrs. Wilson, Alfree, Appleby, Castagno, DeAscanis, Gallagher, Gambacorta, Viola, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Absent: Mr. Peden. Also in attendance was: Mrs. Carpenter of the New Castle Weekly.

The monthly meeting of the Trustees was held on Tuesday, September 8, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall. Mr. Wilson called the meeting to order, followed by a moment of silence.

**Calendar Additions:** Mr. Wilson tentatively plans to have an informal Q&A session for the public on The Green on Saturday, October 10.

**Minutes:**

The minutes of the June 2, 2009 meeting were approved as submitted.

**Executive Secretary's Report - Ms. MacDonough.**

Most work items planned for the summer months -- easement/encroachment letters, environmental survey of tenants, organization of vault materials, etc. – were delayed due to the support work needed for the multiple construction projects underway, the issues at Penn Farm and the Marini site, and the extra time required to manage cash flow. A proposal has been requested from Hilyard's for a more suitable copier, a laptop and wireless internet service to the third floor. Family Foundations Academy still has a very large property tax balance on the books while awaiting the results of an appeal to the denial of tax-exempt status. All other tenants except one are now up to date on taxes, but a further update will be given after the County 2009-10 deadline of September 30.

**Treasurer's Report:**

The Treasurer's Report was approved with one correction: \$469,000 shown in the Library operating grant line should be classified as a capital expenditure. The entire \$1 million Library pledge has now been paid. Mr. Appleby recapped the progress of the Good Will, Old Library Roof, and Penn Farm field projects, all of which are well into completion; he also summarized the status of the investment portfolio. Mr. Viola explained that the Old Library project went significantly over budget due to extensive hidden damage, much of which was caused by poor prior repairs.

**Business from the Floor:** Four persons (Tom Geraghty, 46 W. Fourth St.; Roberta Smith, 117 W. Fourth St., and Phoebe and Rob Dill, 112 W. Third St.) were in attendance to comment on the construction site at Third and South Streets. Mr. Geraghty thanked the Trust for its ongoing involvement in preservation activities. He noted that several hundred people every weekend use the bluff in Battery Park adjacent to the Marini construction site. The group in attendance would like clarification about who has the responsibility to control parkland use and restrict adverse activities, because when issues occurred recently involving the City police it was unclear where the jurisdiction lay and what could be prohibited. Mr. Dill said that the contractors have done a pretty good job of staying within parcel boundary lines. Ms. Ross said we will follow up on their inquiry.

**PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting.**

Mr. Alfree requested an Executive Session to discuss two matters of real estate negotiation and litigation.

Riverbend - No update.

**Family Foundations Expansion**

A package was received from the school's attorney describing proposed plans for expansion. Mr. Alfree advised the attorney that we would not entertain any proposals until rent and (ground) tax obligations are

brought up to date. After that, a meeting will be scheduled with Dr. Brewington (principal) and Mr. Moore (treasurer), and we will request a copy of their budget.

**OUTREACH COMMITTEE REPORT – Ms. Ross reporting.**

Ms. Ross stated that the Committee will be proceeding with plans to place a series of articles in the New Castle Weekly informing readers about the Trust and its various committees.

Mr. Castagno addressed the progress of developing a website. We have a hosting service, and the URL is 'www.trusteesncc.org.' (What exists there now is a placeholder only.) He thanked Jim Meek of 30 The Strand, who is an expert on web design and has devoted time to teaching Kathy to code it, and advised us on site architecture. The Committee has articulated a mission for the website: "A working archivable catalogue of activities and assets for the Trust and its constituency." Mr. Castagno listed many possibilities for what information and functions it could comprise, including a section which would be password-protected for Trustees only. The plan is to have some pages ready for internal consumption in 45 days and something for the public in 60 days. Necessary funds are available in the Administration budget.

Ms. Ross asked all Committees to revisit/review their 'reason for being' and duties as stated in the Bylaws, and submit any changes or corrections to her by the October meeting.

**Business from the Floor—Part II:**

*At this stage in the meeting Mr. Wilson introduced the following guests:* Kevin Donnelly and Larry Irelan of the New Castle Conservation District, and Bruce Jones, Greenstone Engineering. These gentlemen were coming from the City Council meeting presently underway to address an urgent request for financing for certain drainage projects. They said that Council had just approved a resolution, subject to a special referendum, to allow the City to enter into an agreement with DNREC for a low-interest loan to fund three critical stormwater and flood mitigation projects. Total cost would be \$1.3 million, half of balance to be forgiven, at 2% with a five-year amortization. The timeframe is very tight. The contract for construction must be entered into by February 17, 2010, and there is much to be done beforehand. The City of New Castle's projects rated very high in the priority list. The projects are Buttonwood Dyke, Washington Park, and a series of six stormwater ponds within the City. The City is requesting that the Trustees fund half of the \$661,250 loan repayment over a three-year period, and they need to know how much the Trust would commit in order to know how much to ask for in a referendum. Mr. Wilson stated that no action would be required tonight and that he had advised City Council President that we would not be able to act until the October meeting.

**PROPERTY MAINTENANCE – Mr. DeAscanis reporting.**

The Good Will Fire Company addition is nearing completion, and a Certificate of Occupancy will be applied for soon. The Old Library roof is 99% completed. Penn Farm field renovation is well underway, and the needed repairs to the house and buildings revealed by the Ross Gibson inspection report will now take priority. Mr. DeAscanis then requested an Executive Session to further discuss confidential real estate and property matters.

**PENN FARM COMMITTEE – Mr. Viola reporting.**

(Addressed under Property Maintenance.)

**FINANCE COMMITTEE – Mr. Gambacorta reporting.**

Mr. Gambacorta reported on the performance of the Wilmington Trust and PNC Bank investments. Mr. Castagno commended Mr. Appleby for his cash flow planning and projections, and Mr. Viola added that Mr. Appleby deserved praise for similar contributions to the new Library financing scheme.

**ELECTION COMMITTEE – Mr. Gallagher reporting.**

Mr. Gallagher declared that the election to fill the seat vacated by the death of R. James Quillen, Jr., will be held Saturday, November 7, 2009. The last date to file as a candidate is October 7. A full timetable was distributed. He then moved to approve the election calendar, Mr. Appleby seconded, and the motion passed unanimously.

**LIBRARY COMMITTEE – Mr. Viola reporting.**

Rain had slowed the project over several weeks, but the general contractor has caught up to the timetable. Roof and sheetrock installation is underway. The Capital Campaign Committee is pursuing the remaining funds through every possible avenue. Two disappointments occurred when they learned that federal stimulus funding and congressional earmark funding will not be possible because the project is not Davis-Bacon Act compliant (pays “prevailing wages”). They are optimistic about approaching foundations for a second round. Interestingly, rafters and brick salvaged from the demolition at the Robinson House were able to be reused in the Old Library roof project. Two events are upcoming which give proceeds to the library: the Wharf Dance and the Kitchen & Garden Tour. A letter of complaint was received from Dr. Young of 12 W. Fifth St. regarding the three large transformers on a new power pole on that side of the Library. This letter will be forwarded to the Library Capital Campaign Committee for a full answer and the Trust will send a short acknowledgement.

**OPEN SPACE – Mr. Yacucci reporting.**

The maintenance staff has initiated the “low mowing” of the parcel behind Bull Hill, the triangle between E. Sixth and Wilmington Rd., and the open space at Ferry Cut-off.

Michael Hemphill contacted Mr. Yacucci about the trimming of brush between his house and the river. Mr. Yacucci spoke to Mr. Thatcher and learned that the City/Trust does not have the proper equipment or personnel available for this work. Thus the landscaping company that has done this in the past will be asked for a quote.

Mr. Wilson read a letter from Immanuel Church regarding preservation of open lands. The Church has requested a proposal from the Trust for Public Lands and easements developed to keep them open in perpetuity.

**BY-LAW COMMITTEE – Mr. Gallagher reporting.**

There are a variety of proposed by-law changes which will be distributed at least ten days in advance of the October meeting. Please respond with feedback before the meeting if possible.

**BATTERY PARK COMMITTEE – Mr. Castagno reporting for Mr. Gambacorta.**

Mr. Castagno read the description of the Battery Park Committee’s charge and membership. The committee has been dormant for a couple of years. Mr. Barthel (Council President), Michael Hemphill, Dr. Jo Viola, and Dr. Somasunderam Padmalingham have agreed to join, or are considering joining, the Committee.

**GOOD WILL FIRE HOUSE COMMITTEE – Mr. Gallagher reporting.**

No update.

**OTHER COMMITTEES – None.**

**COMMUNICATIONS**

- Packet of information from Ben Oyerly of GWFC proposing a project to repair/improve the boat ramp at the foot of Third Street to better accommodate the new fireboat. Approval is needed from the City, Trust, Army Corps of Engineers, and State DNREC. To Property Maintenance.
- Letter from New Castle Lions Club asking for repair of some eroded areas in Battery Park prior to Art on the Green; also mentions apparent erosion along entrance to the medical complex. To Property Maintenance.
- Request from New Castle Historical Society to restrict parking at foot of Dalby Alley to residents. The side of the Rosemont House at Delaware St. has been hit several times by nonresident vehicles coming out of the parking area. Mr. Wilson will discuss with Council members.

- Thank you letters from scholarship students Annie Castagno and Jenna Passmore.
- Letter from William Mitchell and “Battery Park Friends” thanking Trust for use of tennis courts for annual August tennis tournament.
- Thank you from Beautification Committee for annual grant.
- Certificate of Appreciation from Councilperson Petty for support of summer recreation program.
- Eagle Scout Serguel Akiti sent email re schedule for completing minipark work.
- Proposal from Ted Corbett, 111 E. Fourth St., to develop minipark into an information/orientation center with kiosk. He has been talking to several groups around town about this. Ms. Ross will advise him that the Trustees must approve any plan for the minipark.
- Request from Chief McDerby for a \$1,000 contribution to a Delaware Law Enforcement Memorial which would be located in Dover. Mr. Alfree will notify him that he can submit a grant request.

Ms. Ross commented on the outstanding proposal for a memorial to Elizabeth Loncki. She feels that rather than fund or develop a separate location, resources would better be used to improve the existing site at Fourth & Chestnut, by adding benches, additional landscaping, etc. She would like Board members to take a look at the site and convey their feedback to her prior to responding to Mr. Wheeler.

Mr. Wilson said that he held an informal Q&A at Third and Delaware on August 15. He described the various persons who approached him and their concerns, and said it was a positive experience and a good way to counter negative letters in the *Weekly* or misinformation around the community. Issues raised that day led Mr. Wilson to meet with Council President Barthel informally to share thoughts and goals.

At 9:15 p.m. Mr. Alfree made a motion to go into Executive Session; motion carried. The Board reconvened in regular session at 10:30 p.m.

Mr. Alfree move to authorize Mr. Taylor to write a second letter to McConnell Development (Amazon) seeking to enforce compliance with the lease terms and requesting a response to our letter of July 17, 2009 setting a new rent amount.

Mr. Alfree moved that the Board authorize the Property Development Committee to undertake further negotiations with Odyssey Foods (the group proposing to take over the Burger King lease) in an effort to reach an arrangement of maximum benefit to the Trust, but including the authority to accept figures as discussed in Executive Session.

There being no further business, the meeting was adjourned at 10:40 p.m.

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary

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

**Special Meeting - September 13, 2009**

A special meeting of the Trustees was held on Sunday, September 13, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall.

Present: Mr. Wilson, Mr. Appleby, Mr. Castagno, Ms. Fiske, Mr. Gallagher, Ms. Ross and Ms. MacDonough, Executive Secretary. This number constituted a quorum.

Mr. Wilson called the meeting to order. The purpose of this special meeting is to discuss matters of facilities maintenance –specifically, the house at Penn Farm -- which came to the Board's attention and require immediate action.

Due to the urgent nature of these issues, and the need for the timely development of a course of action, it was not possible to give a seven-day notice period. A meeting notice was posted at least 24 hours in advance of the Special Meeting, in accordance with the Freedom of Information Act.

Mr. Wilson presented a summary of a September 12, 2009 meeting which was held at 9:00 a.m. at Town Hall and attended by Mrs. Elaine Quigley, her daughter Ms. Susan Landreth, Dorsey Fiske, Kathleen MacDonough and himself. That meeting was arranged after the Board received an inspection report detailing a number of serious conditions that should be addressed in order to eliminate some safety hazards and properly maintain the structure. Points covered at the meeting:

- The inspection report was prepared by Ross A. Gibson after he conducted an on-site condition assessment on August 18, 2009.
- Mrs. Quigley and Ms. Landreth were given copies of the report and Mr. Wilson went over it in detail with the group.
- Mr. Wilson explained that because the Board had been made aware in writing of the conditions observed in the inspection, that as a responsible landlord it was obligated to take action in a timely manner, particularly with regard to the urgent items, to make the house safe for habitation.
- Mr. Wilson told Mrs. Quigley that she should plan to vacate the farmhouse as soon as possible so that required repairs could commence.
- Due to the large quantity of personal storage in the house, it was not possible for Mr. Gibson to observe all of the structural items he needed to see. Therefore, the personal items will need to be removed from the house and stored or disposed of in some manner, possibly using “pods” or similar on the property. If necessary movers would be hired to assist with this.
- A security system would be installed and activated as soon as possible.
- Pending consultation with legal counsel, all expenses borne now by the Trust on Mrs. Quigley's behalf, including any overdue rent or taxes, theoretically would be secured and recouped by placing a lien on property that she owns at 101 Third St. in Midvale.
- Mrs. Quigley would be allowed access to the property on a daily basis, to operate the produce stand and to oversee the relocation of her belongings.

- After all repairs are made and a Certificate of Occupancy is issued, Mrs. Quigley would be offered first right of refusal to take up residence in the house, and a new lease would be prepared.
- Ms. Landreth said that it would not be possible for Mrs. Quigley to move in with her. One solution suggested by Mrs. Quigley was to place a temporary trailer on the property. That would accomplish having someone in residence and also allow her to be near the produce business.

Over the last year or so, the produce business has apparently not been viable enough to allow Mrs. Quigley to pay even the low rent that the Trust charges. Her daughter had stated that any new lease would have to include a rent which would be within the Social Security Mrs. Quigley receives.

In the meeting on the 12<sup>th</sup>, Mrs. Quigley indicated that she had been aware of the existence of various conditions, e.g. leaks, termite swarms, etc., for a number of years. While the lease clearly stated that Mr. and Mrs. Quigley were responsible for all interior maintenance items, repairs had not been performed and she did not seem to fully appreciate of the level of deterioration and possible damage which had occurred due to neglect.

After discussion it was agreed that the family did not seem willing or able to provide much in the way of solutions or support for Mrs. Quigley's living situation. Mr. Gallagher suggested contacting the State Dept. of Aging or other resources which might help her better manage her circumstances.

Mr. Wilson proposed having a conference call with all four Quigley siblings to make sure everyone understood the plans.

Mr. Taylor, Trust attorney, will be consulted on all elements of the plan of action before they are acted upon.

There being no further discussion, Mr. Wilson moved that the Board move forward with the plan as outlined, including: asking Mrs. Quigley to vacate as soon as possible; performing the emergency repairs and other maintenance and repairs as required; pursuing avenues to recoup Trust finds which may be expended and also rent and taxes which are in arrears; and researching the availability of social services assistance from government or nonprofit agencies.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary

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

**Special Meeting - September 28, 2009**

A special meeting of the Trustees was held on Monday, September 28, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall.

Present: Mr. Viola, presiding; Mr. Alfree, Mr. Appleby, Mr. Castagno, Mr. Gallagher, Ms. Ross, Dr. Yacucci; Mr. Taylor and Ms. MacDonough. This number constituted a quorum.

Absent: Ms. Fiske, Mr. Gambacorta, Mr. Peden, Mr. Wilson

Mr. Viola called the meeting to order. The primary purpose of this special meeting is to consider funding, timing and scope of critical stormwater and flood mitigation projects to benefit the City of New Castle. Due to the urgent nature of these issues, and the need for the timely development of a course of action, it was not possible to give a seven-day notice period. A meeting notice was posted at least 24 hours in advance of the Special Meeting, in accordance with the Freedom of Information Act.

Mr. Appleby described the three projects, which are proposed to be financed with federal stimulus funds funneled through the Delaware Water Pollution Control Revolving Fund (see letter dated August 27, 2009 from the State Department of Natural Resources and Environmental Control).

He then gave a detailed presentation of the financing scheme, which allows for one-half of the \$1.3 million loan to be completely forgiven and for an amortization schedule of the balance at 2% interest over five years. The City of New Castle needs to demonstrate a commitment by September 30 that funds are available for initial engineering and permitting costs; the City is contemplating a referendum but will not be able to accomplish that by September 30. (It is expected that \$190,000 would be needed by October 27 and an additional \$80,000 from October 27 –December 15, 2009.)

The Board was in general agreement that these projects are viable, needed, long overdue, and most importantly represent exactly the type of improvements that the Trust mission prescribes.

After discussion of various contingencies and scenarios, Mr. Appleby moved to commit \$190,000 in Trust funds to the engineering and permitting cost of the three drainage projects through October 27, 2009, in order to enable the City to move forward on making arrangements to fund the balance of the project costs and meet the program deadline. Mr. Gallagher seconded. The motion carried unanimously. Mr. Taylor will draft a letter to the City summarizing the action.

At 7:50 p.m. Mr. Alfree moved to adjourn the regular meeting and convene in Executive Session for purposes of discussing matters of real estate and litigation. The Board reconvened at 8:15 p.m.

Mr. Alfree moved to approve the signing of paperwork, with certain wording modifications by Mr. Taylor, in connection with the Fire Company's application and proposal to improve the boat ramp at the foot of Third Street. The motion carried.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary

**Trustees of the New Castle Common  
Meeting Minutes  
October 6, 2009**

Present: Messrs. Wilson, Alfree, Appleby, Castagno, DeAscanis, Gallagher, Gambacorta, Viola; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Absent: Mr. Peden, Mr. Yacucci. Also attending were Mr. Erv Thatcher, and Mrs. Carpenter of the New Castle Weekly.

The monthly meeting of the Trustees was held on Tuesday, October 6, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall. Mr. Wilson called the meeting to order, followed by a moment of silence.

**Calendar Additions:** Mr. Wilson will be out of town for the November meeting, so Mr. Viola will preside. Mr. Wilson will be on The Green Saturday, October 10 from 9-10 to answer questions from the public.

**Minutes:**

The minutes of the September 8, 2009 regular meeting and the September 13 and 28 special meetings were approved as submitted.

**Executive Secretary's Report - Ms. MacDonough.**

Ms. MacDonough reported that the County property and school taxes were paid September 30. The Trustees received their annual pay of an ear of corn this evening. The weeks leading up to the November 7 Trustee Election will be busy with registering new voters and processing absentee ballots. Open Registration will be Tuesday, October 20 from 7-9 p.m., and Saturday, October 24 from 10 a.m. to 2 p.m.

**Treasurer's Report:**

The Treasurer's Report was approved as submitted. Mr. Appleby reported on cash flow status: the pledge to the new Library is paid, as is the full amount of the Good Will project. The operating grant installments for the Fire Company have been delayed. Among the remaining large expenses is the balance of the Penn Farm field renovation. We are now in a position to begin replenishing the money market account.

**Business from the Floor:** None.

**PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting.**

**Burger King** – In a September 24 conference call, Mr. Alfree and Mr. Taylor negotiated further with Odyssey Foods, the proposed buyer of the Burger King lease, and were able to arrive at more favorable terms than previously presented. Their legal department is supposed to send us a sample copy of their lease; no other communication has been received to date.

**Amazon/McConnell Development** – Mr. Taylor has been in contact with McConnell's attorney Donald Isken, although we have still not received a response to our letter of July 17, 2009. When established, the renegotiated lease amount will be retroactive to July 2008. If there is no movement in the next couple of weeks, Mr. Taylor will file a petition in the Court of Chancery to force a resolution of the issue, as directed at the Board's September meeting.

**Family Foundations Expansion** – The school has paid their rent and the interim property taxes in the amount agreed to during the appeal of the tax-exemption denial. The Committee met on September 23 with school representatives, who presented expansion plans which will almost double the square footage of the school, adding a library, a gym, and a second story on one wing. They wish to add Kindergarten and Grades 5-7 next year, and Grade 8 for 2011-12. They would also increase the student body from 400 to 700+ with a concomitant increase in staff. The State must approve a charter change to allow this.

The school also wishes to add a playground in back of the building and will be sending amended plans showing that aspect. There would be additional rent for the playground land and some increase for the added building square footage. Mr. Taylor said that the Trust's basis for comment or withholding of approval would be limited to the appropriateness of the building and parking arrangements for the proposed use.

There is already bad traffic congestion during school drop off and pick up hours all along that section of Route 273. The school indicated that they considered adjusting their hours to alleviate this, but they would lose access to crossing guards. In 2006, the understanding was that while grades would be added, the total student body would not change. Mr. Viola mentioned that another basis for initial Board approval of the school as originally designed was that (should the school not go forward) the building could easily be retrofitted for offices, etc. With the changes proposed currently, this modification would not be so straightforward. The parking lot as it stands is barely adequate.

Ms. Ross asked if the Trust would be liable for County taxes on the building if the school closed down and walked away, and the tax-exempt status had not been granted; Mr. Taylor said it would probably become a lien on the property. Mr. Alfree said the Committee will draft a letter enumerating all the questions and concerns that arose. Fire protection access is already a problem, and would be exacerbated with the expansion. Mr. Taylor said the school will also probably have to go back to the Board of Adjustment to extend its special use zoning exception. It will be very difficult to accomplish all of the necessary steps in the time frame that the school desires, i.e., to complete the additions by the beginning of the 2010-2011 school year.

Farmers Market – Richard Stat has asked for approval of signage and artwork proposed for the new wing of the Market. Mr. Alfree distributed the illustration, and then moved to approve the graphics as submitted. Motion carried.

Castle Dealership – The building at the corner of Routes 273 and 13 is currently not being used by Castle due to the economic situation. The current lease option term expires April 30, 2010. We have been contacted by three separate parties who have a variety of proposals for that site.

Penn Mart – A letter from New Castle County was received citing a cracked sidewalk code violation and forwarded to the tenants' management company.

Encroachment Letters – Ms. MacDonough will email the Board a draft list of owners who are to receive the letters. These pertain to certain properties adjacent to Trust parcels where owners may be encroaching for various uses; their signature and return will acknowledge the ownership interest of the Trustees.

**OUTREACH COMMITTEE REPORT – Ms. Ross reporting.**

Ms. Ross said that the Committee will be proceeding with plans to place a series of articles in the New Castle Weekly informing readers about the Trust and its committees. She asked all committees to revisit/review their 'reason for being' and duties as stated in the Bylaws, and submit any changes or corrections, and also current activities, to her by November. Ms. Ross received an email from Ted Corbett, 113 E. 4<sup>th</sup> St., with suggestions to improve the mini-park at 5-7 East 2<sup>nd</sup> St. for use as an information center. He said that the Beautification Committee would like to have input on the area (they have not been involved in the mini-park to date, but recently observed the maintenance being done by the Eagle Scouts). Outreach will confer with Property Maintenance on plans for the mini-park.

**PROPERTY MAINTENANCE – Mr. DeAscanis reporting.**

The Good Will addition is complete and furniture has been ordered; it will be opening in early November. The Old Library roof is complete pending a couple of punch list items. Penn Farm field renovation is underway, and repairs to the house will be commencing. Mr. DeAscanis then requested an Executive Session to discuss confidential real estate and property matters. Mr. Viola mentioned problems on the main (existing) roof at the new Library, and said that the Building Committee is requesting that Pollinger Roofing correct unsatisfactory items which were revealed in an independent inspection report.

**PENN FARM COMMITTEE**

(Will be addressed in Executive Session.)

**FINANCE COMMITTEE – Mr. Appleby reporting.**

Quarterly meetings with the banks will be Wednesday, October 28. Mr. Wilson asked Mr. Appleby to

describe the proposed financing scheme for the three City drainage/flood mitigation projects. The Trustees have agreed to provide \$190,000 in front-end costs for the projects. He said that even if the City referendum did not succeed, there would be value in funding the surveying and permitting work, and the projects could be brought to completion in some other fashion down the road. There was also discussion of whether the Trust (rather than the City) could take the lead on the project and borrow the funds; this is unclear.

**ELECTION COMMITTEE – Mr. Gallagher reporting.**

Mr. Gallagher said that there are two filed candidates so far for the November 7 election, Jan Clairmont and Jim Meek. He asked the Board to be available to work at the polls. The deadline for candidate filing will be October 7 at 5 p.m.

**LIBRARY COMMITTEE – Mr. Viola reporting.**

Mr. Viola said that storm sewer damage being repaired in the middle of the intersection of 5<sup>th</sup> and Delaware was preexisting and not due to Library construction. He announced that the Kitchen and Garden Tour on October 10 will benefit the Library as in previous years, and that there will be an event benefiting the Library at Prince on Delaware October 23. The revolving line of credit with Artisans Bank has been working well.

**OPEN SPACE – Ms. Fiske reporting for Mr. Yacucci.**

Ms. Fiske attended a presentation by Hunter Ficke of the Immanuel Church to the City regarding a proposal from the Trust for Public Lands to help preserve open lands owned by the Church.

**BY-LAW COMMITTEE – Mr. Gallagher reporting.**

Mr. Gallagher had distributed some proposed bylaw changes ten days in advance of the meeting. Mr. Alfree requested more time to discuss the changes before voting; he also moved to discuss one of the personnel-related changes in Executive Session. Mr. Wilson asked Ms. MacDonough to resend the changes by US mail and have the Board ready to discuss and vote at the November meeting.

**BATTERY PARK COMMITTEE – Mr. Castagno reporting.**

The newly reconstituted Committee met yesterday. Bill Barthel, Michael Hemphill, Dr. Jo Viola, and Dr. Somasunderam Padmalingham have agreed to serve. The full Board is technically the “Battery Park Commission,” so the Battery Park Committee will function as an advisory body. They will tackle issues of governance, division of authority between the City and the Trustees, status of the greenway, etc.

**GOOD WILL FIRE HOUSE COMMITTEE – No update.**

**OTHER COMMITTEES** – Mr. Viola raised the subject of excessive numbers of deer at Penn Farm. Ms. Fiske has done research on the topic of culling herds and will share this via email. Mr. Thatcher spoke on the potential problems and dangers if some of the deer are not eliminated. Ms. Quigley has allowed hunters on the Farm over the years. The key will be safety and clear communication and coordination. Mr. Wilson asked Mr. Thatcher to compile a list of who wants to hunt. Mr. Alfree moved to authorize Mr. Wilson to formulate a plan for coordinating hunting and to implement that plan. Motion carried.

**COMMUNICATIONS**

- Mr. Viola announced that the Friends of Bellanca Airfield will hold an Open House on October 17 from 10-4, featuring tours of the hangar, exhibits, a fly-over, and restored 1940s aircraft.

At 9:10 p.m. Mr. Castagno moved to go into Executive Session for purposes of discussing personnel and real estate issues; motion carried. The Board reconvened in regular session at 9:50 p.m., and there being no further business, the meeting was adjourned,

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary

**Trustees of the New Castle Common  
Meeting Minutes  
November 3, 2009**

Present: Messrs. Alfree, Appleby, Castagno, Gallagher, Gambacorta, Peden, Viola, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Absent: Mr. Wilson, Mr. DeAscanis.

The monthly meeting of the Trustees was held on Tuesday, November 3, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall. Mr. Viola, Vice President, called the meeting to order in the absence of Mr. Wilson, followed by a moment of silence.

**Calendar Additions:** Property Maintenance will tentatively meet Monday, November 30 at 8:00 a.m.

**Minutes:**

The minutes of the October 6, 2009 regular meeting were approved as submitted. Mr. Appleby noted that it was his understanding that the Trust could not be the borrower of funds for the stimulus/referendum projects, but that it had to go through the municipality. Other members of the group thought that this had not been established definitively yet.

**Executive Secretary's Report - Ms. MacDonough.**

Ms. MacDonough reported that a new request had come in to plant a tree in Battery Park in memory of a murder victim. As an alternative the family is also looking into doing this in a County park, and it is believed the County has a policy in place for this. She will forward the details to the Outreach Committee. After the November 7 election is over, there is a backlog of administrative tasks to be attended to.

**Treasurer's Report:**

The Treasurer's Report was approved as submitted. Mr. Appleby reported that the quarterly meetings with PNC and Wilmington Trust were held on October 28. Both portfolios have increased in value since the Second Quarter. He is working on a cash flow projection for the final four months of the fiscal year so that we have a firm handle on all upcoming short-term obligations. Also, starting April 1, 2010, we know we are losing one substantial tenant, so the budgetary picture must be re-evaluated in that light. Also, others may come forward requesting a reduction in rent due to the economy. Thus it is imperative to be aware of and plan for any significant new expenditures.

**Business from the Floor:** None.

**PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting.**

Mr. Alfree requested an Executive Session for the purpose of discussing real estate and lease negotiations.

**Family Foundations Academy Expansion** – After receiving preliminary plans for a major expansion of the school, the Property Development Committee sent a letter to the FFA on October 13 detailing sixteen points where the Committee had concerns and/or needed further information. School representatives delivered additional plans and documents yesterday afternoon, and also had indicated that they wished to attend the November 2 PDC meeting, although they did not appear. We understand that the school has a hearing with the State regarding renewal of their Charter tomorrow; this has a direct bearing on whether they can increase the size of the student body. No additional report pending further contact with school personnel.

**Burger King** – Mr. Taylor received a *pro forma* lease today from Odyssey Foods, the prospective buyer of the Burger King lease. We will continue to move forward with negotiating this agreement.

**Castle Dealership** – The current lease term expires April 30, 2010, and the tenant is not using the property presently; however, we have not heard anything directly from Castle as of now. Bill Ganc of White Realty is representing the lessee in finding a replacement tenant, and Mr. Alfree has referred all inquiries to him.

Municipal Services Commission – The Committee reviewed a set of lines and grades plans recently submitted by Van Demark & Lynch for the new electric substation near Dobbinsville. Mr. Alfree moved to approve the documents as submitted on October 12. Motion seconded and carried.

Penn Mart – A letter was received from Dave Jones of The Forum Group asking to meet for coffee. Mr. Jones purports to represent Interstate Management (Seth and Allen Pilevsky), the group which is our tenant at Penn Mart. In the past he has reached out with various proposals by the Pilevskys to purchase the center, donate to the community, do good works, etc. In August we responded advising that we were not interested in those proposals but only that the shopping center attend to basic maintenance and address code violations.

BJ's Gas Station – Rent adjustment will take effect May 1, 2010 (property schedule incorrectly said 5/1/09).

Amazon/Bellanca – Amazon.com needs additional parking during the holiday season, and would like to use space next to the Bellanca hangar across Centerpoint Blvd. A license agreement has been drafted to allow this, and the Friends of Bellanca would benefit from the income. A side benefit is that Amazon will provide security while they use the site. Mr. Alfree moved that the Trustees consent to the Friends of Bellanca Airfield, Inc., entering into a license agreement for parking with Amazon.com. Motion passed unanimously.

**OUTREACH COMMITTEE REPORT – Ms. Ross reporting.**

Committee met October 29. Ms. Ross again asked all committees to revisit their mission and duties as stated in the Bylaws, and submit any changes or corrections, and also current activities, to her as soon as possible. This is in preparation for the series of articles to be printed in the New Castle Weekly.

The Eagle Scouts' projects in Battery Park and the Minipark should be finished in two weeks. Very positive feedback has been received from the community about their work. Ted Corbett, 113 E. 4<sup>th</sup> St., has submitted a detailed concept statement for an information kiosk/orientation center in the Minipark. The Committee feels that this proposal should come to the Trustees through the Historic New Castle Alliance, and not directly from Ted as an individual, and that will be communicated to him. Ideally the Beautification Committee would be invited to have input on this plan.

Mr. Gallagher reported on the 2010-11 community grant process. Applications will be sent out by the end of November, and the Committee will ask for informal meetings in January with selected groups requesting more than \$1,000. He said he anticipates a special meeting in February with the entire board to go over the requests. The Committee is adding a question on the form focusing on how the funded projects specifically benefit the residents of the City.

Ms. Ross commented on John Wheeler's proposal for a memorial for Elizabeth Loncki. After consideration, the Committee recommends that this be done via enhancement of the existing veterans' memorial area at Chestnut Street, rather than creating a separate installation in Battery Park. She will speak to Mr. Wheeler and report back. Dr. Yacucci reported on the possibility of a dedicated memorial area, possibly using engraved bricks, which would eliminate the ongoing complications from various requests that are periodically received, and allow the Trust to define and control the type of opportunity available. Ms. Ross pointed out that these requests will continue to arise indefinitely and we should have a well-defined way of responding to them. Perhaps the Beautification Committee could help design and landscape such an area. Mr. Peden said his opinion was that these requests be categorically refused, as has been the practice historically, thus avoiding all the pitfalls; Mr. Viola said he agreed. Ms. Ross asked that members be ready to vote on a direction next month, so there can be clarity about whether or not the Trust will have a memorial program.

Finally, the Committee would like to suggest a holiday social gathering including spouses/guests. Ms. Ross moved that the Outreach Committee plan and execute this activity; motion carried.

**PROPERTY MAINTENANCE – Mr. Castagno reporting.**

Mr. Castagno reported on the status of the repair and restoration activities at Penn Farm. A timeline, budget and cost projections have been developed. The property now has a security system. We are working closely with the tenant and her family in moving forward with clearing the personal items and planning for an auction of the farm equipment. Ms. Ross inquired about the plans for the fields themselves and how closely this would be tied to the house status. Mr. Viola said that basic clearing, grubbing and disking is underway, effecting remediation of invasive weeds. He said that the next step would be to reconnect with Michael McGrath, the State expert on Agricultural Lands Preservation, for detailed long-range planning. Mr. Appleby said that in the near term we are talking with farmers to plant a winter cover crop and preserve the remedial work on the fields. Ms. Ross said that the fact that the property is on the Historic Register may make it eligible for federal grants.

**PENN FARM COMMITTEE** – addressed above.

**FINANCE COMMITTEE – Mr. Appleby reporting.**

(Issues were previously addressed under Treasurer's report.)

**ELECTION COMMITTEE – Mr. Gallagher reporting.**

Mr. Gallagher said that everything is in place for Saturday's election. There are 19 absentee ballots. The candidates are Jan Clairmont and Jim Meek. He asked the Board to be available to work at the polls.

**LIBRARY COMMITTEE** – No update.

**OPEN SPACE** – No update.

**BY-LAW COMMITTEE – Mr. Gallagher reporting.**

Mr. Gallagher recapped the proposed Bylaw changes which were distributed September 24. After discussion, the proposed change to Article IV, Section 4 (quorum) was dropped. Also, a proposed change to Article IX (meeting attendance) was withdrawn. Mr. Gallagher then moved to approve the proposed changes, with amended wording as discussed, to Article IV, Section 1 (meeting dates); Article V, Section 2 (Fire Station Committee); Article VI, Section 9 (Treasurer); Article XI, Section 1 (annual statements); Article XVII (candidate withdrawal); and, the addition of a Table of Contents. Motion passed.

**BATTERY PARK COMMITTEE – Mr. Castagno reporting.**

Committee has reviewed maintenance and strategic planning issues. No action at this time.

**GOOD WILL FIRE HOUSE COMMITTEE** – No update.

**OTHER COMMITTEES** – None.

**COMMUNICATIONS**

- Dedication of Good Will Fire Station addition will be December 7 at 7 p.m.
- Thank you card from Thomas Freebery family for scholarship for Jacqueline Freebery.
- Mr. Alfree announced three November anniversaries: Mr. DeAscanis has been a Trustee for 45 years; Mr. Peden has served for 11 years, and Mr. Viola for six years.

At 8:35 p.m. Mr. Alfree moved to go into Executive Session for purposes of discussing real estate and litigation issues; motion carried. The Board reconvened in regular session at 8:55 p.m. Mr. Alfree moved to authorize the Property Development Committee to finalize negotiations regarding the 2007-12 lease term rates for Amazon/McConnell Development. Motion carried. There being no further business, the meeting was adjourned at 8:57 p.m.

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary

**Trustees of the New Castle Common  
Meeting Minutes  
December 1, 2009**

Present: Messrs. Wilson , Alfree, Appleby, Castagno, DeAscanis, Gallagher, Gambacorta, Peden , Viola, Yacucci; Ms. Fiske, Ms. Ross, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Also, Mr. Jim Meek, Mrs. Rita Meek and family; Mrs. DeAscanis and family; Mr. Ted Megginson and Mr. Bill Barthel; Mr. Earl Carpenter and Mrs. Mimi Carpenter; and Mr. Paul Freebery, Mr. John Fillo and Eagle Scouts Paul Freebery, Jr., and Serguel Akiti.

The monthly meeting of the Trustees was held on Tuesday, December 1, 2009 at 7:00 p.m. in the Trustees Room of the Old Town Hall. Mr. Wilson called the meeting to order, followed by a moment of silence.

**ELECTION COMMITTEE – Mr. Gallagher reporting.**

Mr. Gallagher gave the report of the November 7, 2009, election to fill the seat of R. James Quillen, Jr. The vote tally was Jim Meek 177, Jan Clairmont 59, for a total of 236 votes including 17 absentee ballots. Election expenses were \$1,598. Twenty- two persons have registered to vote since the last election in January, including 12 on November 7. Mr. Wilson then swore in Mr. Meek for a 12-year term.

After the swearing-in, Mr. Alfree announced that as of November 28, Mr. DeAscanis had reached his 45<sup>th</sup> anniversary of serving on the Board. He was presented with a copy of the Trustee group portrait from 1965, (his first) and given a round of applause.

**Calendar Additions:** Mr. Alfree said that the Officer Nomination and Committee Assignment questionnaire would be mailed the week of 12/21, and the completed forms are due no later than Friday, January 8.

**Minutes:**

The minutes of the November 3, 2009 meeting were not yet distributed. They will be sent to the Board as soon as possible and presented for approval at the January meeting.

**Executive Secretary's Report:** Ms. MacDonough said that the 2010 community grant applications will be sent out shortly. Other work items include new Library Trustee vault space planning and archive organization; incorporation of approved changes into the Bylaws; and regular administrative tasks.

**Treasurer's Report:**

The Treasurer's Report was approved as submitted. Mr. Appleby reported that we are in a solvent cash position. Fourth quarter sewer bills were paid in early November.

**Business from the Floor:**

Paul Freebery, Sr., announced that the two Eagle Scout projects on Trust property have been completed. He introduced John Fillo, Scoutmaster of Troop 27. Handouts were distributed to the Board detailing the projects. Serguel Akiti gave a PowerPoint presentation on the improvements to the Minipark at 5 E. 2<sup>nd</sup> Street: removal of old shrubs and stumps, cleaning and repairs to benches and brick wall, and powerwashing and painting the fence and the bulletin board. Paul Freebery Jr. then reported on his project, which was to repair, repaint and replace benches in Battery Park, pour concrete pads, and assemble new tables. Both Scouts planned and executed the projects from start to finish, including recruiting the workers and securing donations of materials and equipment. Each project had multiple components and required significant manpower and time, and both Scouts said they learned a great deal from the process. The Board applauded the quality of the work and the impressive accomplishments of the Scouts. Mr. Viola said he had heard excellent feedback from the community. Mr. Wilson thanked the Scouting delegation for selecting Eagle Scout projects that benefit New Castle and Trust properties.

**Business from the Floor, cont:**

Mr. Barthel, President of City Council, gave an update on the “green” (or stimulus) drainage projects. He thanked the Board on behalf of City Council for its philosophical and financial support of the projects. Bruce Jones of Greenstone Engineering has advised Mr. Barthel that project engineering and design is 95% complete and under final review by the Conservation District and DNREC. The three major projects will be divided into five separate bid packages:

- Buttonwood Dyke Flood Mitigation/Tide Gates
- Buttonwood Dyke Flood Mitigation/Wetlands Enhancement
- Washington Park Flood Mitigation
- Stormwater Management Pond Improvement/Boothhurst, Centerpoint, and Johnson Way
- Stormwater Management Pond Improvement/Twin Spans, Riveredge and Airport Holdings

Permits must be obtained by December 15. Projects will be advertised for bid by December 25. The City expects to receive the loan proceeds by February. Repayments to the State revolving fund will be interest-only through 2010. The interest rate is 2% and the payments will be quarterly. Mr. Appleby and Mr. Castagno asked for a pro forma drawdown schedule so the Board would be aware of when the Trust portion of the commitment would be due. As there is still some confusion about how this will be structured, Mr. Gallagher suggested that Mr. Barthel meet with the Finance Committee. Mr. Wilson thanked Mr. Barthel and the City for taking the lead on applying for the funds and securing these critical drainage improvements.

**PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting.**

Family Foundations Academy Expansion – Committee met with the school representatives November 30, including Dr. Brewington, Mr. Moore, attorney Breck Smith, architect Samuel Homsey, and engineer Mark Ziegler. There was a lengthy discussion about expansion plans and the issues and concerns previously raised by the Committee. The school now needs to determine what planning, zoning or other reviews and permits would be required from the City.

Burger King – Mr. Taylor and Odyssey Foods’ attorneys are working on the terms of the new lease. The timeframe for completion is mid-December, and from the buyer’s perspective this transaction is part of a larger one including the three other Burger King locations now operated by Gary Harting. Mr. Alfree moved that the Property Development Committee be authorized to complete the legal document review and execute the signing of the new lease. Motion passed.

Amazon Lease – In November the Board authorized the Committee to finalize an agreement with McConnell Development with regard to the rent rate for the 2007-2012 lease term. Mr. Taylor is working on the addendum to formalize this agreement.

Castle Dealership – A letter from the attorney for the tenant was received November 11 confirming that Castle will not be exercising their option for the next lease term beginning 5/1/10. Mr. Alfree reviewed the Board’s options, including asking the tenant to remove the building on the site. He recommended an environmental assessment to determine whether any site contamination has occurred, and also a structural evaluation. Until April 30, 2010, inquiries about the sale of the lease/development of the site (including the building) will still be referred to Bill Ganc of White Realty, representing Castle.

Municipal Services Commission – Development of plans for the new substation behind Dobbinsville is proceeding. MSC and VanDemark & Lynch have now requested approval of plan changes including two 30-foot easement corridors for the power distribution lines, and relocation of the access road from the location initially approved by the Board. There may be additional fine-tuning of the plans; thus, Mr. Alfree moved to approve the changes described, and also to authorize the Property Development Committee to handle final approval of the substation plans and have the President and Secretary execute the appropriate paperwork without further Board review. Motion carried.

**OUTREACH COMMITTEE REPORT – Ms. Ross reporting.**

Ms. Fiske investigated the Freedom of Information Act quorum provisions and determined that social gatherings are permitted as long as business is not discussed. With reference to last month's discussion of the possibility of an engraved brick area as a memorial opportunity for citizens, Ms. Ross distributed a handout describing a similar program being conducted for the Russell Peterson Wildlife Center. She said that she planned to make a motion in January, including a roll call vote, to determine the will of the Board as to whether or not the Trustees would move forward with a memorial program. She noted that many people in the community have spoken to her about this issue.

**PROPERTY MAINTENANCE COMMITTEE/PENN FARM – Mr. Castagno reporting.**

Mr. Castagno reminded the Board that the dedication ceremony for the 2200 square foot Fire House addition will be December 7 at 7 p.m. Also, on the older part of the building, painting and roof repair are underway. Mr. Viola will follow up on the remaining punch-list items on the Old Library roof project.

Regarding Penn Farm, Mr. Castagno thanked the Board for respecting the privacy and the delicacy of the situation with our long-term tenant. All activity at the Farm has been channeled through Mr. Castagno, and the Quigley family is kept fully informed. Thirty-six acres along the Farmers Market boundary of the Farm have been cleared, tilled, and planted with a rye cover crop. Twenty acres along the Route 273 side have been cleared, mowed, and sprayed. Next year the plan is to plant both areas with hay. Major landscaping and clearing has been done around the house, and two dilapidated sheds have been dismantled. Countless pieces of farm equipment and vehicles (and some other unusual items) have been liberated from the underbrush, many after having been out in the open for decades. Piles of debris are being cleared out.

As to the house, the electric meter and circuit box have been replaced, a new heater and oil tank installed, and a cement basement poured with French drains and sump pump. We will begin to evaluate and address the condition of the living floors of the house in January. Some barn roof repairs are needed but first a number of adjacent trees need to be removed. The tenant is planning an auction of personal property in the spring. An exterminator treated the dirt of the basement floor and also the area around the outside of the house for termites. The extent of the interior termite damage has yet to be fully determined.

Mr. Alfree commended Mr. Castagno for the impressive amount of forward movement on the Farm that he has accomplished in a short time. Mr. Wilson agreed, and said that there was so much involved we had once considered hiring a project manager; however Mr. Castagno stepped up to the challenge with enthusiasm.

Mr. Wilson reviewed that the former Penn Farm Committee has been suspended, and that the Board officers recently met to contemplate next steps and a larger vision for the Farm, given its historic value, national uniqueness, and exciting potential. Mr. Viola described the outcome of that discussion. The officers agreed that defining the future use and the contribution of the Farm to the citizens of New Castle is probably the most important work that the Board will do in the next couple of years. While there is talent on the Board, a professional level of expertise is required within the context of a formal comprehensive planning process. It is therefore proposed that a redefined long-range planning committee be assembled, including appropriate experts from various disciplines and no more than two Trustees. Representatives from the community, including some who attended the March workshop and expressed strong interest in the project, could also be included.

After a lengthy discussion about process, respective roles, participants, etc., Mr. Alfree said that the officers had concluded that the magnitude and uniqueness of the situation required a new approach with a larger scope than simply the usual creation of an *ad hoc* committee. Mr. Viola said that one of the most important points would be how the current short term maintenance and repair work would dovetail with the developing long-range plans, and to avoid doing anything that would inadvertently set us back.

The next step will be to invite Michael McGrath, State Manager of Agricultural Lands Preservation, to meet with the officers and tour the Farm.

**FINANCE COMMITTEE – Mr. Appleby reporting.**

Mr. Appleby and Mr. Gallagher reiterated that further clarification is needed regarding the Trust financial contribution to the City’s “green” projects. With respect to planning for the next budget cycle, he reviewed various contingencies which might affect the projections for the upcoming fiscal year.

**LIBRARY COMMITTEE – Mr. Viola reporting.**

Mr. Viola said that there will be a letter published in the New Castle Weekly updating the public on the Library construction and fundraising progress. Contributions to the Capital Campaign are still needed.

**OPEN SPACE – No update.**

**BY-LAW COMMITTEE – No update.**

**BATTERY PARK COMMITTEE – Mr. Castagno reporting.**

Committee has divided work into two parts: maintenance and strategic planning. Further information is needed about the nature and impact of the National Park Service plans. Budget requests for FY11 maintenance will be forwarded to the Finance Committee.

**GOOD WILL FIRE HOUSE COMMITTEE – No update.**

**OTHER COMMITTEES – None.**

**COMMUNICATIONS**

- Notices from State DNREC regarding subaqueous permit applications: 1) Good Will Fire Company Boat Ramp improvements; 2) Seeds of Greatness Ministry drainage channel modification at 610 W. 7<sup>th</sup> Street; 3) Replacement of sluice/flapper gate at Buttonwood Dyke.
  
- Thank you card from Nicole Alfree for scholarship grant (niece of Michael Alfree).
  
- Letter from Tom Moran of DNREC dated 11/2/09 regarding proposed operational/electronic upgrades to the 1994 tide gate structure at Bull Hill. City and/or Trustees have responsibility for these maintenance costs. Mr. Thatcher and Ms. MacDonough are getting further information about the cost and specifics of this proposal.

There being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully Submitted,

Kathleen MacDonough  
Executive Secretary