

Trustees of the New Castle Common  
Meeting Minutes  
January 3, 2023

Present: P. Toner (*President*)  
C. DeAscanis (*Vice President*)  
M. Alfree (*Secretary*)  
F. Gallagher (*Treasurer*)  
T. Wilson (*Asst. Treasurer*)  
D. Baldini  
G. Yacucci  
B. Antonio  
T. Masiello  
T. Clayton  
F. DeAscanis

Also present: A. Taylor, Esquire (*Trust Attorney*)  
J. Panzarella, Administrative Coordinator  
M. Marinelli, Property Manager  
K. Weirich, Stenographer  
M. Quirk, Deputy Attorney General; Director, Consumer Protection Unit

Absent: T. Episcopo (*Asst. Secretary*)

The monthly meeting of the Trustees was held on Tuesday, January 3, 2023, in the Trustees Board Room at Penn Farm beginning at 7:00 p.m. Mr. Toner called for a moment of silence.

President's Communications

- Mr. Toner suggested that the Trustees hold an annual Open House at Penn Farm and invite all the residents to attend. Mr. Toner noted that during a public meeting of the Board the public does not have the same opportunity to speak with all of the Trustees that they would have at an Open House.

Mr. Clayton made a motion to hold an Open House. The motion was seconded by Mr. Gallagher.

During discussion, Ms. Masiello suggested that Grant recipients be invited to speak at the Open House. Mr. Alfree suggested that the event be named something other than "Open House", noting that the Trustees held an open house when the renovations at Penn Farm were completed. Mr. Gallagher opined that fewer and fewer residents would attend the event if it were annual. Mr. Toner noted that the Board could always vote to do away with the event. Mr. Wilson recommended that the Outreach Committee develop an annual open house, and if there came a time when the event was no longer viable the Committee would recommend ending the event.

Mr. Clayton amended his motion to read:

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Mr. Clayton made a motion to hold an annual Open House. The motion was seconded by Mr. Gallagher.

Mr. Alfree reiterated his concern with "Open House". Ms. Antonio stated that she liked the idea of the event coming out of the Outreach Committee, opining that the Committee could name the event.

Mr. Clayton amended his motion to read:

Mr. Clayton made a motion to hold an annual Open House at Penn Farm. The motion was seconded by Mr. Gallagher and unanimously carried.

- Mr. Toner stated that when the weather is warmer he and Mr. Alfree will conduct a tour of Trust properties for the benefit of the five new Trustees. Mr. Clayton noted that he has directions to each property and instructions on how to access everything.

Monthly Calendar

- Ad Hoc Battery Park Committee – 1/9/23, 5:00 p.m.
- Outreach Committee – 1/9/23, 7:00 p.m.
- By-Laws Committee – 1/12/23, 5:30 p.m.
- Officer Election Interest Forms Due – 1/17/23
- Finance Committee – 1/18/23, 4:00 p.m.
- Property Maintenance Committee – 1/25/23, 4:00 p.m.
- Land Management Committee – 2/2/23, 4:00 p.m.

Mr. Alfree stated that he would distribute Officer Election Interest Forms to the Board members, requesting that the Forms be completed and returned to Ms. Panzarella regardless of whether a Board member has interest in running for Office or not.

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Mr. Alfree noted for the Record that Trust Attorney Barbara Snapp Danberg was not listed as attending the December Board meeting.

**12/6/22 TNCC Meeting Minutes – Mr. Wilson made a motion to accept the 12/6/22 TNCC Meeting minutes as submitted. The motion was seconded by Mr. Clayton and was unanimously carried.**

Treasurer's Report – Mr. Gallagher reporting.

*Treasurer's Reports for 12/31/22 were sent out prior to the meeting.*

**Mr. Wilson made a motion to approve the December 31, 2022, Treasurer's Report as submitted. The motion was seconded by Mr. Clayton and unanimously carried.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

Mr. Alfree stated that the Committee did not meet in December.

- The Shell Station is open and operating.
- There were no updates from Pusan regarding Tremont.
- All tenants for whom rent was increased have been notified.
- The Trust is waiting for the Bellanca Team to schedule a meeting in mid-January. The meeting will be held at Penn Farm. Members from LMC and Finance will also be in attendance.

CAPITAL EXPENDITURE

Mr. Taylor stated that New Castle Shopping Associates filed litigation against the Trustees alleging that water runoff from the old Tremont property caused some drainage problems on the Penn Mart property. The attorney defending that litigation has requested that the Engineering firm of PELSA do an engineering study to formulate an opinion as to whether or not the work done by the Trustees in 2021 resolved the water runoff problem and if work done by the neighboring property may have aggravated the water runoff. The study will cost \$5,000-\$10,000, and the insurance company will pay half.

During discussion it was noted that an engineering study was not done in 2021 and the contractors who did the work did their own surveying. The neighboring commercial property owner's building (*NuCar*) was built almost up to the property line and when they did that work they removed a berm that the Trust's contractor built, which may have aggravated the water runoff onto the Penn Mart property. NuCar is part of the litigation as well. Mr. Taylor explained that the next step is for the Trust's litigation attorney to file a Motion for Summary Judgment for dismissal of the case; and the PELSA study would help the attorney in presenting his case to the Court. Mr. Taylor added that there is a cross-claim against NuCar to recoup monies spent by the Trust. Mr. Taylor explained the timing of work done and when the litigation was filed. In response to a question from Mr. Gallagher, Mr. Taylor explained that the litigation attorney needs the factual basis to prove that the Trust did not cause the problem in Court.

Mr. Toner asked for a vote as to whether the Trust will spend \$5,000 for the Study:

Mr. C. DeAscanis – Yes

Mr. Yacucci – Yes

Ms. Masiello – Yes

Mr. Baldini - Yes

Mr. Gallagher – Yes (*begrudgingly*)

Mr. Clayton – Yes

Mr. Alfree – Yes (*reluctantly*)

Ms. Antonio – Yes

Mr. Wilson \_ Yes (*reluctantly*)

Mr. F. DeAscanis – Yes

Mr. Toner - Yes

OUTREACH COMMITTEE REPORT – Ms. Antonio reporting.

Ms. Antonio stated the Committee had a very successful gathering of Grant Applications that will be reviewed at the January 9<sup>th</sup> Committee Meeting. The Committee will bring its review to the Board as part of the Budget process. Mr. Taylor thanked Ms. Antonio for the Committee's efforts to contact organizations that had not submitted requests in the past. Ms. Antonio thanked Ms. Panzarella for her assistance.

PROPERTY MAINTENANCE REPORT – Messrs. Wilson and C. DeAscanis reporting.

Dewey Park – PMC is getting quotes to repair brickwork at Dewey Park.

Bellanca Building Repairs – Additions to the Bellanca Museum require repair and quotes will be sought for that work.

Bellanca / Little League Drainage – All bids came to repair drainage issues at Bellanca and the Little League Complex. Quotes were received and vetted, and the Committee chose a contractor to do the work. PMC will be asking for \$90,000 for the project.

Mr. Wilson noted that the Trust has received State citations on the property for the last three years, and the work the Committee is recommending is what the State demanded. He noted that the project should not exceed \$90,000 based on the bids plus anything that could go wrong. The project should be completed within 2-3 weeks. Work should be done either prior to March 15<sup>th</sup> or after September 15<sup>th</sup> to avoid conflicts with the Little League schedule.

Mr. Alfree asked if it was absolutely necessary for the project to be added to the current FY budget, or if it could be postponed and added to next year's budget. Mr. DeAscanis stated the work could be postponed until September, adding that the Conservation District would have to be notified that the Trust has a plan to fix the drainage. Mr. Toner opined that informing the State that a plan is in place, funding has been approved, and work will commence after September 15<sup>th</sup> makes the most sense. Mr. DeAscanis noted that if the project is postponed until after September 15<sup>th</sup> it will need to be re-bid.

Mr. Wilson stated that PMC is recommending that the work begin now and that the Board approve an expenditure of not more than \$90,000. He added that this would be Step 1 of the process to make the area a Sports Complex, which he thought the Board had agreed to.

Mr. Gallagher stated that he would like to see more of the scope of the project, and whether it will resolve the entire drainage issue in that area. Mr. Wilson stated that the work is for a new stormwater system and it will resolve drainage on the entire property. He added that all data is in the Office and is available to the Board members. It was noted that the water runoff will be directed to the woods to the east, which is Trust property. During discussion it was noted that the property to the east is already wetlands and cannot be developed. Mr. Alfree suggested that PMC make a motion and charge the Finance Committee to determine where funding will come from, not to exceed \$90,000.

Mr. Wilson made a Motion approve PMC having stormwater work designated by the State that the Trust must repair directing runoff to the eastern portion of the property be done at New

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Castle Little League not to exceed \$90,000, and charging the Finance Committee to determine where funding will come from. Mr. Clayton seconded the Motion.

On vote:

Mr. C DeAscanis – Yes

Mr. Yacucci – Yes

Ms. Masiello – Yes

Mr. Baldini – Yes

Mr. Gallagher – Yes

Mr. Clayton – Yes

Mr. Alfree – Yes (*reluctantly*)

Ms. Antonio – Yes

Mr. Wilson – Yes

Mr. F. DeAscanis – Yes

Mr. Toner – Yes

Mr. Wilson thanked the Board for approving the Committee's request. Mr. Wilson added that the State has approved the Plan.

Landscaping and Lawn Contracts –

Ms. Antonio stated that due to a potential conflict of interest and pursuant to the By-Laws, she would recuse herself from the discussion and any vote.

Mr. Wilson stated that he and Mr. Baldini sent out RFQs for snow removal and landscaping to six companies. Three companies returned an RFQ. One of the companies did not comply with the RFQ rules and automatically disqualified themselves. PMC fully vetted the two remaining quotes, including materials, equipment, confidence in completion of the work, and cost, and chose Antonio's Lawn Service. PMC would like approval for Messrs. Wilson and Baldini to meet with Antonio's Lawn Service and sign a contract for the next five years (3 years solid pricing with negotiable pricing for years 4 and 5). Pricing data is in the office and is available to Board members. Mr. Wilson added that he and Mr. Baldini also want to negotiate the payment terms of the contract that must be met for the contract to be executed, which would be Net 30 and bills must be received on a consistent basis.

Mr. Wilson stated PMC would like a Motion to meet with Antonio's Lawn Service; sign the contract; and ensure all terms of the contract are met, including payment terms. The contract would become effective on April 1, 2023 through March 31, 2028.

Mr. Toner recommended that the Board pause, noting that he has many questions. In response to a question from Mr. Gallagher, Mr. Wilson stated that PMC is considering a 3% penalty as the remedy for not adhering to the payment terms.

Mr. Toner stated he wanted discussion on this matter to ensure that due diligence has been done.

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Mr. Taylor stated that further discussion was appropriate; however the matter needed to be tabled. Mr. Toner noted that the Board could gavel-out and move to Executive Session.

Mr. Alfree stated that the Board operates by Committee; the Board asked the Property Maintenance Committee to bring the Board a new contract; the PMC has done as they were asked and is now asking for Board approval for the contract; and stated that he did not see why the Board could not vote on the matter.

Mr. Toner made a Motion to move to Executive Session.

In response to a question from Mr. Alfree, Mr. Taylor stated that the Board would move to Executive Session for a matter of contract negotiation. In response to a question from Mr. Gallagher, Mr. Toner reiterated that the Motion to move to Executive Session is to discuss a matter of contract negotiation on the advice of Counsel.

The Motion was seconded by Mr. Baldini.

On vote:

Mr. C. DeAscanis – Abstain

Mr. Yacucci – No

Ms. Masiello – Abstain

Mr. Baldini – Yes

Mr. Gallagher – Abstain

Mr. Clayton – No

Mr. Alfree – No

Mr. Wilson – Yes

Mr. F. DeAscanis – Yes

Mr. Toner – Yes

The Motion carried with a vote of 3 abstain, 3 opposed and 4 in favor, and the Board moved to Executive Session at 7:54 p.m.

A Motion to return to Regular Session was made by Mr. Gallagher. The Motion was seconded by Ms. Masiello and unanimously carried, and the Board returned to Regular Session at 8:31 p.m.

Mr. Taylor asked if there was a Motion on the Floor to approve the contract. Mr. Wilson stated that he made a Motion that the PMC go into negotiations with Antonio's Lawn Service. Mr. Wilson added that Mr. Clayton seconded the Motion.

Mr. Gallagher made a Motion to table Mr. Wilson's Motion for one month. Ms. Masiello seconded the Motion.

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On vote:

Mr. C. DeAscanis – Yes

Mr. Yacucci – Yes (*reluctantly*)

Ms. Masiello – Yes

Mr. Baldini – Yes

Mr. Gallagher – Yes

Mr. Clayton – Yes

Mr. Alfree – No

Mr. Wilson – No. (*Mr. Wilson stated his reason for voting is that the Board is circumventing Committee Procedure, noting that he and Mr. Baldini used the State of Delaware procedure as the basis for doing the RFQs.*)

Mr. F. DeAscanis – Yes

Mr. Toner – Yes

The Motion carried with a vote of 8 in favor and 2 opposed.

Mr. Toner commended the work that Messrs. Wilson and Baldini did on the matter. Mr. Wilson stated that his concern for what he has done on the project does not matter, and he is protecting the Trust Procedures.

Ms. Antonio rejoined the meeting at 8:36 p.m.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

- Mr. Gallagher stated that the Trust is in good shape.
- The Committee met several times and is working on an RFP for an Investment Partner who is able to provide the Trust with a Line of Credit.
- Mr. Gallagher stated that the Finance Committee is forming a Selection Committee and they will be happy to bring all information to the next Board meeting. He added that the Investment Partners will be coming in to meet with the Committee next month as well. Mr. Gallagher stated that the meetings will be open to all Board members; however, in the interest of using the time appropriately he is reluctant to invite people who do not have a background in finance. Mr. Gallagher stated he will be happy to go through whatever level of detail the Board wants once the Committee has gone through its evaluation. Mr. Wilson stated that per the By-Laws, anyone can attend any Committee Meeting. Mr. Toner noted that Mr. Gallagher did not say no one could attend, and that he suggested that those without a financial background not attend.

OTHER COMMITTEES

By-Laws Committee – Mr. Gallagher reporting.

Mr. Gallagher reported that the Committee is working on drafts of two edits to the By-Laws:

**Section 6.04 – Communications: No Trustee shall individually speak for the Trust.**

Electronic Communications: the current and approved method of electronic communication for all Trust business is email.

Board members should refrain from addressing business matters of the Trust on media platforms (i.e., social media, Facebook, The Weekly, etc.). If a circumstance arises where a written media response is necessary concerning TNCC business, the following should be followed:

1. The response must not include information that is controversial, political or reflect negatively toward the Trust,
2. The actual response must be vetted by at least two (2) members of the Executive Committee to assure accuracy and not controversial.

Mr. Taylor stated that the Trust Procedure is that it is submitted one month and voted on the next month.

Mr. Gallagher asked that comments be emailed to him and he will forward them to the Committee.

Mr. Wilson asked for clarification of Item 2. Mr. Gallagher explained that due to how quickly social media works, the Committee is not recommending that responses be voted on by the Board, but that they be responded to as quickly as possible after they have been approved by two members of the Executive Committee.

Mr. Taylor recommended that the Committee add: “an approved communication will come out under the signature of the President”.

#### **PROCEDURE VI – ELECTION OF BOARD MEMBERS**

Mr. Gallagher stated this refers to the Election Process. He asked that the Board members review the amendments for discussion at the February Board meeting. Mr. Gallagher noted the changes being requested and asked that any comments, edits and/or changes be sent to him via email.

Mr. Wilson suggested that the announcement of the Voting Day should be 30 days, opining that 60 days is too long. Mr. Gallagher explained that the change was made to offer residents time to consider running. Mr. Alfree concurred that 30 days is adequate. Mr. Wilson will send an email with his recommendations to Mr. Gallagher.

Mr. Wilson suggested that all meetings be add to the Calendar and submitted to Ms. Panzarella so that the information will be populated on everyone’s Calendar. Mr. Gallagher disagreed, noting that if a meeting is on the Calendar, the By-Laws require the Chair contact all Trustees if there are any changes to the meeting.

Battery Park Committee – Mr. Clayton reporting.  
Mr. Clayton had no report for the Board.



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Ad Hoc Battery Park Committee – Mr. Yacucci reporting

The Committee is working on a procedure for permitting that would give that responsibility back to the City.

Election Committee – Mr. Episcopo reporting.

In Mr. Episcopo's absence, there was no report from the Committee.

Next Board Meeting

The next Board meeting is February 7, 2023, at 7:00 p.m.

COMMUNICATIONS – Mr. Alfree reporting.

- The Scholarship Committee has been working very diligently. There were several students who, due to personal issues, were not able to submit their Applications before the deadline and an extension to submit their Applications was granted.
- At the December Board Meeting Mr. Toner suggested that Mr. Gross and Ms. Atherton submit their questions to Mr. Alfree via email. Mr. Alfree stated that to date he has not received any communications from them.
- Mr. Alfree stated that he erroneously stated that the Viola Family contacted Good Will Fire Company to provide transportation for Mr. Corky Viola to a Nursing Home, and they were told that Good Will no longer provides that service. The Viola family contacted the Nursing Home to which Mr. Viola was going, and they were informed that the Nursing Home does not provide transportation. Mr. Alfree apologized to Good will for his mis-statement.
- Mr. Alfree distributed Officer Election Interest Forms to each of the Board members and requested that the forms be returned to Ms. Panzarella by the January 17<sup>th</sup> deadline.

Miscellaneous

- Mr. Clayton commended Mr. Alfree regarding the acoustics that were recently installed in the Trust Board Room.
- Ms. Masiello noted that she attended the Committee Meetings in December and expressed her amazement at the amount of work that Committee members contribute to the Trust. She stated that she is very proud to be a member of this selfless, hard-working group.
- Mr. Alfree noted that he changed the timing of the lights on the driveway.

**With no further business to discuss Mr. Alfree made a motion to adjourn the meeting. The motion was seconded by Mr. Gallagher. The motion was unanimously carried and the meeting adjourned at 9:03 p.m.**

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer

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Present: P. Toner (*President*)  
C. DeAscanis (*Vice President*)  
M. Alfree (*Secretary*)  
T. Episcopo (*Asst. Secretary*)  
F. Gallagher (*Treasurer*)  
T. Wilson (*Asst. Treasurer*)  
D. Baldini  
G. Yacucci  
T. Masiello  
T. Clayton  
F. DeAscanis

Absent: B. Antonio

Also present: A. Taylor, Esquire (*Trust Attorney*)  
B. Snapp Danberg, Esquire (*Trust Attorney*)  
J. Panzarella, Administrative Coordinator  
M. Marinelli, Property Manager  
K. Weirich, Stenographer  
M. Quirk, Deputy Attorney General; Director, Consumer Protection Unit  
K. Levitsky, Assistant Attorney General; Consumer Protection Unit

The monthly meeting of the Trustees was held on Tuesday, January 3, 2023, in the Trustees Board Room at Penn Farm beginning at 7:23 p.m. Mr. Toner called for a moment of silence.

Monthly Calendar

- Land Management Committee – 2/2/23, 4:00 p.m.
- Outreach Committee – 2/13/23, 7:00 p.m.
- Property Management Committee – 2/15/23, 4:00 p.m.
- Finance Committee – 2/22/23, 7:00 p.m.
- Land Management Committee – 3/2/23, 4:00 p.m.

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1/3/23 TNCC Meeting Minutes – **Mr. Gallagher made a motion to accept the 1/3/23 TNCC Meeting minutes as amended. The motion was seconded by Ms. Masiello and was unanimously carried.**

Treasurer's Report – Mr. Gallagher reporting.

*Treasurer's Reports for 1/31/23 were sent out prior to the meeting.*

In response to a question from Mr. Gallagher, it was explained that the \$768 charge for Wild Bird Unlimited was for birdhouses. Ms. Masiello added that the birdhouses required extremely large baffles to keep the squirrels out.

**Mr. Gallagher made a motion to approve the January 31, 2023, Treasurer's Report as submitted. The motion was seconded by Mr. Wilson and unanimously carried.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

Mr. Alfree reported the following.

201 Delaware Street – The committee recommends that the Board think about what should be done with 201 Delaware Street, specifically the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Messrs. Alfree and Marinelli met with Nowland Associates and discussed several renovation ideas. They feel the best idea would be a 2-bedroom apartment with bedrooms on the 3<sup>rd</sup> floor and living space on the 2<sup>nd</sup> floor. During discussion, several suggestions were made by Board members. It was noted that the property is zoned residential. There was further discussion of the merits of renovating the property or renting it as is.

Bellanca – A very productive meeting was held with representatives of Bellanca. Bellanca gave the committee a list of items they have done and items they want to do. Everyone from Bellanca stated they understood that they are responsible for maintenance of the building. The committee suggested that Bellanca submit grants to the committee for consideration for anything they wanted to do.

Bull Hill Meadows – A title search was done on Bull Hill Meadows and a map is available to the Board members.

Annual Report on The Hermitage – Mr. Jim Sidlowski reporting.

Mr. Sidlowski distributed a copy of the Annual Report to Board members.

- A number of events were held in 2022 ranging from education to engagement to overall understanding of what the Hermitage is and why it is being maintained and protected as it is.
- Over 400 new people came to the site in 2022 for events, monthly bird walks, etc. Mr. Sidlowski credited the Delaware Master Naturalist Program that was started with Jim Meeks at the site.
- Three committed Naturalists assisted in projects in 2022, including work on the front entrance garden. Over 100 plants have been planted and an additional 400 are needed.
- They worked with the Delaware Forest Service to do a survey of the site, and they were put in touch with the Delaware Forest Steward, who will assist this summer.
- A Trail Maintenance Party is scheduled for February 20<sup>th</sup> from 10 a.m. to 12 noon.
- The Spring and Fall Plant Exchanges brought in approximately 60 people to learn about the site and contribute to The Hermitage.
- Projects for 2023 include:
  - Native Bees Project – Mr. Sidlowski is planning a research project for Spring 2023 to be presented in the fall on the types of bees at the site.
  - Reforestation of the meadow – Approximately 30 trees have been planted and additional trees will be planted in 2023.

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Mr. Episcopo stated that the work Mr. Sidlowski is doing is attracting more and more people to the Hermitage and opined that it will soon be a bigger attraction than the Battery.

Mr. Episcopo also noted his understanding that there is a family of mink in the marsh, which Mr. Sidlowski confirmed. Mr. Sidlowski added that the foxes, which have been absent from the Hermitage since 2018, have returned and all the fox dens have been freshly dug out.

Mr. Toner noted that Mr. Sidlowski manages the Hermitage Facebook page, and his postings are being shared by a number of residents in New Castle. Mr. Sidlowski stated that Facebook viewings have increased to 10,000 people, and Instagram viewings have increased to 1,000 people.

Mr. Gallagher asked if there was an update on the proposed Dog Park at the Hermitage. Mr. Sidlowski stated that the City has not reached out to him. Mr. Taylor added that a Licensing Agreement for the land was prepared; however, the City has not signed it yet.

Mr. Sidlowski noted that trees must be removed in the area designated for the Dog Park before it is constructed.

Mr. Wilson asked Mr. Sidlowski if he had considered starting a non-profit organization that would take over management of the Hermitage if Mr. Sidlowski is no longer involved. Mr. Sidlowski said that the Masters Naturalist Program could turn itself into a Third Party and could create a Friends Group, which could continue the work being done at the Hermitage.

Mr. Sidlowski stated that he is capping out on hours every month and asked if his hours could be increased in the future. Mr. Episcopo opined that increasing his hours was part of the Red Tail agreement. Mr. Sidlowski will follow-up with Red Tail.

Mr. Sidlowski informed the Board that ATVs are using the Markell Trail to access the Hermitage.

OUTREACH COMMITTEE REPORT – Mr. Wilson reporting.

Budget – The committee has compiled all requested information for the Budget and will submit it to the Finance Committee by the deadline.

Community Meetings –Community Meetings will be held at the New Castle Public Library on five evenings in March from 6:30 to 8:30 p.m. Mr. Toner opined that all Board members should attend. Dates are: March 1, March 8, March 15, March 22 and March 29.

Open House – The target date for the Open House is September 16, 2023.

Land Acquisition and Ownership Strategy:

- There are some people who want the Trustees to become involved with the Booth Mansion.

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- The Bethany UAME Church has approached the committee regarding assistance with their building.
- The committee is working on the Library Maintenance Plan.
- The committee is working on a communication plan on how to better communicate with the citizens.
- The committee will be asking Senator Nicole Poore to update them on projects that may affect areas around Trust properties.

PROPERTY MAINTENANCE REPORT – Mr. Episcopo reporting.

Bellanca Drainage – The work is expected to be completed before Little League opens.

The Wharf – Work continues on the hole at the Wharf.

Bellanca Meeting – PMC was also part of the meeting with representatives of Bellanca and LMC. Mr. Episcopo opined that it was beneficial to meet with one of the Trust’s non-profits.

Library Committee – PMC had a productive meeting with the Library Committee. All PMC members have been added to an email list for communications from the Library Committee.

5<sup>th</sup> & Cherry Streets Parking Lot – The parking lot needs to be cleaned up for the 1<sup>st</sup> Phase. The 2<sup>nd</sup> Phase will be to work with the Tree Advisory Commission to replant trees.

Landscaping and Snow Removal Contract – Mr. Wilson opined that there is no longer a reason to hold off on awarding a contract and asked that the motion tabled at the January Board meeting to have Messrs. Wilson and Baldini move forward with the contract with Antonio Landscaping and the ability to negotiate payment terms in line with Finance Committee requirements be voted on. After discussion it was agreed to postpone a vote until the March Board meeting. Mr. Wilson will contact the other vendors to inform them that a contract has been awarded.

Pest Control –A request from TriState was received, and Mr. Wilson was informed that they have been servicing a number of Trust buildings without a contract for several years.

The Barns – The Amish contractors recommended that gutters be installed on the barns to prevent wood rotting. Three contractors will be submitting bids for gutters. Ms. Masiello asked if there was a historic restriction on the gutters. Mr. Baldini will reach out to the Historic Area Commission to determine if the barns are under the purview of HAC.

Mr. Alfree reminded the Board that the one-year warranty on the Penn Farm building will be up in the next budget year and the Trust will assume responsibility for the building at that time.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

Investment Partners – The committee met with the investment partners in January for an update. The committee concluded its due-diligence on investment partners and unanimously

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selected Royal Bank of Canada (RBC). All unsuccessful firms have been notified. Mr. Gallagher opined that it may take several months before the Trustees receive consolidated reports.

Budget – The budget process has begun. Mr. Gallagher requested that all committees follow the drawdown list order when preparing information for the Finance Committee. Data should be submitted as soon as it is available, but no later than March 7<sup>th</sup>. The Budget Review Meeting is scheduled for March 21<sup>st</sup>. The committee is recommending that any foreseeable capital projects be provided with the budget data.

OTHER COMMITTEES

By-Laws Committee – Mr. Gallagher reporting.

Mr. Gallagher noted that no email responses were received for the proposed changes to Procedure VI; and based on comments from the January Board Meeting, the number of days before the first voting date that a written notice of intention must be filed was changed from 60 days to 30 days (Procedure VI, Election of Board Members).

Mr. Gallagher stated that after the reading of proposed changes to the By-Laws last month, the following changes were made.

Procedure VI, Election of Board Members – The committee proposes adding the language (in quotes)

The Board President may announce a vacancy on the Board at any time prior to the expiration of a Board Member’s term “or to fill an existing vacancy on the Board.”

Procedure VI, Election of Board Members, Election Process – Application to become a Candidate, 4.B – The committee proposes deleting the language (in quotes).

If there is an objection, the Election Committee shall evaluate the challenge and make a recommendation to the Board. The board shall vote on the acceptance of the application and the Candidate notified by the Secretary. “(What if the Board Meeting is beyond the election?)”

Procedure VI, Election of Board Members, Election Process – Voting for a Candidate in Person, 1, 2, 3 and 4 – The committee proposes changing the language to be:

1. Qualified Voters may vote at the designated place, during posted times and dates, with a Saturday being the final day to vote.
2. A valid identification must be presented and approved in order to vote with a ballot.
3. The Voter shall cast their ballot using the voting machine at the designated voting location
4. A record of voters shall be kept and made available to each Candidate.

Procedure VI, Election of Board Members, Election Process – Voting for a Candidate by Mail – The committee proposes changing the language to be:

The deadline to request to Vote by Mail shall be twenty (20) days prior to the final published voting date.

Procedure VI, Election of Board Members, Election Process – Counting the Ballots, 1 – The committee proposes changing the language to be:

1. On the final Saturday, the Election Committee shall verify all properly casted ballots and shall inform the Board Secretary of the results.

Procedure VI, Election of Board Members, Election Process – Timeline Summary and Example – The committee proposes changing the language to be:

Election Process – Timeline

Announcement of Voting day and time (min 60 days prior to election day)

Final Day to apply as a Candidate (30 days after the announcement of voting day and time)

Final Day to challenge Candidate Qualifications (7 days after the final day for a candidate to register)

Final Day to request a Vote By Mail Ballot (20 days prior to election date)

Final Voting Day (60 days after the announcement of the election date)

**A motion was made by Mr. Gallagher that Procedure VI, Election of Board Members, revisions as of February 7, 2023, be accepted as submitted. The motion was seconded by Mr. Clayton and was unanimously carried.**

Mr. Gallagher recommended that the date of the Board meeting be added to the Revision number.

Library Board – Mr. Clayton reporting.

Mr. Clayton stated that with the resignation of Ms. Antonio, a replacement will need to be made for the Library Board. Interested Board members should contact Mr. Clayton.

Procedures For The Board of the Trustees of the New Castle Common to Follow in the Event of a Conflict of Interest with a Board Member/Trustee

Mr. Toner asked for a motion to accept the Procedures.

**A motion was made by Mr. C. DeAscanis to accept the new Conflict of Interest policy that the Trust Attorneys and the Department of Justice have presented. The motion was seconded by Mr. Yacucci. A roll call vote was taken:**

**Mr. C. DeAscanis – Yes**

**Mr. Yacucci – Yes**

**Ms. Masiello – Yes**

**Mr. Baldini – Yes**

**Mr. Gallagher – Yes**

**Mr. Clayton – Yes**

**Mr. Alfree – Yes**

**Mr. Wilson – No**

**Mr. F. DeAscanis – Yes**

**Mr. T. Episcopo – Yes**

**Mr. Toner – Yes**

**The motion carried with a vote of 10 in favor and one opposed.**

Election Committee – Mr. Episcopo reporting.

The Trust Election will be held on Saturday, May 13<sup>th</sup> from 8 a.m. to 4 p.m. Voting will be done by machine. A notice will be sent to The Weekly and The Town Crier, and will be posted on the Trust website. Mr. Gallagher recommended that Mr. Episcopo review the new By-Laws.

Mr. Episcopo stated that he would like Ms. Masiello and Mr. F. DeAscanis on the Election Committee.

Battery Park Committee – Mr. Clayton reporting.

Mr. Clayton stated that the Battery Park Committee is no longer active since permitting of Battery Park has been turned over to the City. Mr. Toner noted that the City Administrator is working on the transfer.

Ad Hoc Battery Park Committee – Mr. Clayton reporting

There was no report from the committee.

Next Board Meeting

The next Board meeting is March 7, 2023, at 7:00 p.m.

COMMUNICATIONS – Mr. Alfree reporting.

Mr. Alfree read thank you notes into the record from:

- The Pickleball Group
- Ms. Abby McElroy, recipient of a Trust scholarship
- Dr. Joanne Viola
- New Castle City Police

Mr. Alfree stated that there will be no need for an election of Officers as only one Board member filed for one office.

Mr. Alfree read a letter of resignation from Ms. Brenda W. Antonio dated February 2, 2023, into the record. Ms. Antonio's resignation is effective February 3, 2023.

**With no further business to discuss Mr. Gallagher made a motion to adjourn the meeting. The motion was seconded by Mr. C. DeAscanis. The motion was unanimously carried and the meeting adjourned at 8:33 p.m.**

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer