

January 9, 2007

The meeting of the Board was held on Tuesday evening, January 9, 2007 in the Trustees Room of the Old Town Hall.

Present: Ms. Fiske and Messrs. Peden, Appleby, Castagno, DeAscanis, Gambacorta, Quillen, Viola, Alfree, Gebhart, and Andrew P. Taylor, Esq.

Guests at the meeting were Mr. Thomas Wilson and Mr. Mark Zitz, secretary for this meeting. There were numerous other guests in attendance for Ms. Fiske's installation.

ELECTION COMMITTEE REPORT - Mr. Quillen reporting:

Mr. Quillen reported on the voting results for the run-off election on December 16:

Dorsey Fiske	326
Chris Cashman	219

Mr. Peden conducted the oath of office for Ms. Fiske, and afterwards, Ms. Fiske read a brief acceptance statement.

The Board declared a vacancy for the seat vacated by Thomas Wilson and approved the associated election activity calendar presented by Mr. Quillen. The election will be Saturday, March 3 from 10 a.m. to 6 p.m.

Calendar additions were noted:

By-Laws Committee	1/10/07	2:00 p.m.
Property Maintenance Committee	2/1/07	4:00 p.m.
Property Development Committee	2/5/07	4:30 p.m.
February Board Meeting	2/6/07	7:30 p.m.

The Outreach meeting for January is yet to be scheduled.

The minutes from the last meeting were accepted as submitted.

The Treasurer's report was accepted as submitted. A change was made on the last page of the Treasurer's report to reflect the \$100,000 for Town Hall renovations that has not been spent.

PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:

Penn Valley: An offer was made, and the tenant should make a decision by the next Board meeting.

141 Shoppes: The appraisal was completed, and Mr. Taylor will advise the tenant.

Bio-Med: Based on the Property Development Committee's recommendation, the board approved the tenant's request to install a new sign.

Happy Harry's: The tenant is working with DELDOT on a new traffic light in connection with its proposed new building.

New Castle Family Care: Mr. Gambacorta will be speaking with Dr. James regarding past due sewer charges for \$2,594.25 and taxes for \$8,043.03.

Good Will Fire: The Board approved handicap access improvements to be made to the building. Modification expense will be paid by the federal government. Mr. Alfree will follow through with the City on issuing the necessary permit.

Mr. Alfree then circulated an updated summary of Trustees' properties.

OUTREACH COMMITTEE REPORT - Mr. Gebhart reporting:

Mr. Gebhart informed the Board of a request from the Little League to temporarily hang a 3' x 10' sign at the end of January for its 2007 registration. Mr. Peden emphasized the temporary aspect of this request.

Mr. Gebhart indicated that the Little League is interested in pursuing a 5-year lease.

There was discussion about the use of Battery Park by third parties. Trustees approve such requests, and if approved, the respective party then may be subject to the City's license and permit requirements.

PROPERTY MAINTENANCE COMMITTEE REPORT - Mr. Viola reporting:

Regarding the leak at the library, Pollinger's senior mechanic inspected the site yesterday. Repairs will be made to a final crimp in the standing seam and to a nuisance leak coming from the solder joints in the secret gutter.

Mr. Viola relayed Mr. Thatcher's concerns about potential problems at Quigley Farm. Specifically, brush is growing too closely to the barn and to the house and heavily on other areas on the farm, and poses a fire safety hazard. Mr. Viola indicated the property should continue as a functioning farm. Mr. Viola then suggested that the Board assess the situation fully. He and Ms. Fiske indicated they would speak with the Quigley's about this matter.

FINANCE COMMITTEE REPORT - Mr. Gambacorta reporting:

Meetings with Wilmington Trust and PNC Bank will begin at 4 p.m. on January 31.

Mr. Gambacorta distributed a summary of the projected revenue for fiscal year 2007-2008 and reminded the Board that the budget cycle is underway.

LIBRARY COMMITTEE – Mr. Viola reporting:

Mr. Viola indicated that the library receives 75% to 80% of its funding from the County and that the local director has been asked to reduce the budget by 3% to 4%. Attendance and participation at the library are up, and despite the budget tightening, the staff morale is high.

OPEN-SPACE COMMITTEE - No report.

BY-LAWS COMMITTEE – No report.

BATTERY PARK COMMITTEE – No report.

GOOD WILL FIRE HOUSE COMMITTEE - Mr. Alfree reporting:

Mr. Alfree indicated that the Committee is awaiting financial statements and a list of new officers from the organization.

COMMUNICATIONS – Mr. Peden reporting:

Mr. Quillen read a thank-you note from Mary Ellen Costello, the daughter of former Trustee M. Anita Banks.

Mr. Alfree reminded everyone to complete their committee and officer selections.

Mr. Viola noted the Friends of Bellanca are preparing to display a sign for the hanger indicating restoration is underway, and he shared a picture of the sign. The group has been successful in getting windows better secured and in removing broken glass. They are within a week of signing a contract with an engineering firm. Mr. Viola is acting as the liaison between the Trustees and Bellanca to attain a tax-exempt status for Bellanca.

Mr. Peden noted that the annual report has been distributed.

There being no further business, the meeting was adjourned for an executive session to discuss real estate matters and potential litigation.

Following the executive session, the meeting was again called to order. Four motions were approved:

1. Proceed with the lease proposal for Milex, consistent with the terms of Mr. Taylor's draft letter to the tenant dated January 8, 2007.
2. Notify the Sailing Club of the \$2,400 annual rent required for its lease renewal.
3. Offer \$631,000 for the property owned by Mary Ann Keiser.
4. Offer comments and opposition at the City's Board of Adjustment meeting on January 17 regarding the Marini property. (Mr. DeAscanis abstained from this vote.)

There being no further business, the meeting was adjourned.

Mark S. Zitz
Meeting Secretary

**Trustees of the New Castle Common
Meeting Minutes
February 6, 2007**

The monthly meeting of the Board was held on Tuesday evening, February 6, 2007 in the Trustees Room of the Old Town Hall.

Present: Ms. Fiske and Messrs. Peden, Castagno, DeAscanis, Gambacorta, Viola, Alfree, Gebhart, and Andrew P. Taylor, Esq.

Guests at the meeting were Mr. Thomas H. Wilson, Jr., Ms. Mimi Carpenter of the *New Castle Weekly*, and Ms. Kathleen MacDonough.

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

EXECUTIVE SECRETARY SELECTION COMMITTEE – Mr. Viola reporting:

Mr. Viola reported that a candidate, Kathleen MacDonough, has been identified and recommended for confirmation, and a bio distributed. Ms. MacDonough was asked to step outside for the vote. Mr. Viola moved to confirm Ms. MacDonough as the new Executive Secretary of the TNCC. Vote was unanimous, and Ms. MacDonough was recalled to the meeting, and began taking the minutes, as part of her new duties as Executive Secretary.

Calendar Additions:

Mr. Gebhart announced that he was scheduling an Outreach Committee meeting for Feb. 19 at 2 p.m. at Town Hall.

Mr. Alfree mentioned that the calendar should be updated to show that the election will be March 3. Further details forthcoming in Election Committee report. Mr. Peden noted that one of the guests present, Thomas H. Wilson, Jr., is the only nominee for the March 3rd election.

The minutes from the January 9 meeting were accepted, with the following correction by Mr. Viola: under Property Maintenance Committee report, the last line should read “Mr. Viola indicated that he would speak with the Quigley’s about this matter, and Ms. Fiske offered to help.

The Treasurer’s report was accepted as submitted.

PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:

Penn Valley Park

Mr. Alfree reported that he has not heard from the owner of Penn Valley Park land about the proposal to purchase the land. The owner was supposed to get back to him by the end of the month.

Little League

Mr. Taylor is working on a five-year lease for the Little League.

Burger King/Spallco

Property line markers have been installed at the site by Van Demark & Lynch. A copy of the site plan was placed in each property file.

Rezoning Requests

In September, Ms. Banks sent a letter to the City asking them to rezone a number of properties. The request finally went before City Council, and they referred it to the Planning Commission. Mr. Taylor and Mr. Alfree will be attending the Planning Commission meeting on Feb. 26th at 6:30 p.m., to explain the request.

Ms. Fiske asked why we were asking that the properties be rezoned to General Commercial, specifically the one on the Ferry Cut-Off, and also about the distinction between General Commercial and Service Commercial.

Mr. Taylor stated that he met with Jeff Bergstrom last week to gain a better understanding of the rationales. One big factor, especially affecting the properties on Route 13, is that they are now limited to one - 100 sq. ft. sign, which is not realistic for that location. The surrounding properties, including those leased to Richard Stat, are already zoned General Commercial.

RC is not preferred for Ferry Cut-Off, because under Ordinance 429, buildings have to be built within 10 feet of Ferry Cut-Off. Consideration includes one parcel which may be leased to Happy Harry's, and two other parcels possibly envisioned for future doctors' offices.

Another advantage is that this rezoning would not represent a change to the Comprehensive Plan – all categories still fall under commercial. Another reason is that RC (present Burger King zoning) does not permit a drive thru. Primary reason was originally the strict limitations of signage on Castle Dealership; now it makes sense to rezone for all. One exception: the Getty station can be Service Commercial.

Mr. Alfree added two update items to the agenda:

Complaint about trash and debris at Penn Mart Shopping Center:

Mark Zitz has faxed the management company a copy of the New Castle County inspector's complaint, dated Jan. 25, which gave ten days to correct. New manager, Hope Pilchik, assured Mr. Alfree that a new company had been hired and would have it cleaned up by Friday, Feb. 2. Mr. Alfree advised he again spoke with Property Manager on 2/6/07 after checking property this same day. Mr. Alfree advised her that the clean-up was unacceptable. Mr. Alfree advised he also spoke with County inspector about the complaint. Next step may be to write a stronger letter. Mr. Taylor stated that we have had similar problems in the past. We can put them on notice, take remedies under the lease, etc. Mr. Viola concurred that he and Irv Thatcher observed that the conditions were very bad.

Basin Road Property

On Jan. 29 Mr. Taylor sent letter to attorney for Dr. Adeleke to give them the information concerning the possibility of building on this property and gave him a copy of the wetlands delineation plan and draft of the lease.

Marini Property

Mr. Alfree reported that he and Mr. Taylor attended the City Board of Adjustment hearing regarding the Marini property. They ruled that it is a corner property, which means that the house may face either South St. or Third St. Mr. Alfree summarized the following points of the Trustees' position:

- That part of "South St." has not been used for at least 20 years; it is in fact the driveway to the entrance to the parking lot that we paved about ten years ago. Mr. Alfree quoted the case of Brosius-Eliason vs. Di Mondì which indicated that lack of use for more than 20 years allows it to be considered not a street.

- Tax parcel does not show South St.; what they are calling South St. is within the boundaries of Battery Park.
- The fact that we paved it.
- Old steps face on Third St.
- Address is Third St.
- Official zoning map clearly shows South St. stopping at Third St.

Messrs. Alfree and Taylor did not state an opinion as to whether a house should, or should not, be built on the property. They were prepared that if it was not deemed a corner property, to spend the time on the rear setback, but meeting did not get to that point. Trustees thanked them for doing a great job.

Remainder of Property Development items to be addressed need to be discussed in Executive Session.

OUTREACH COMMITTEE REPORT - No report.

PROPERTY MAINTENANCE COMMITTEE REPORT - Mr. Viola reporting:

Penn Farm

Mr. Viola spoke with Joseph Quigley to clarify substance of article in the *New Castle Weekly*. He explained that Trustees wish to make sure that the property was protected from a destructive fire, and that the Farm remained viable as a farm. Mr. Viola expressed the desire to meet with him and talk further about how to bring these items to fruition. It was a cordial conversation and Mr. Quigley understood the intentions of the Trustees.

Leak Situation at Libraries

Pollinger spent a day on the roof and did the bending on the standing seams, one of two issues contributing to leaks. Next step is to install expansion joints. We are also concerned about a leak at the Old Library. Pollinger looked at it and confirmed that the gutters and flashings are deteriorating; in fact they may be the original 1892 installation. Water dripping off the slate over the years has actually eroded pinholes in the copper gutter. Now waiting for a proposal to replace gutter and flashing, which needs to be done in a timely fashion. Mr. Viola included a rough estimate for this work in the budget submission.

FINANCE COMMITTEE REPORT - Mr. Gambacorta reporting:

Mr. Gambacorta distributed the proposed budget for Fiscal Year 2008. (This document is attached to the minutes). Mr. Peden stated that the budget would be voted on in March and be effective in April. Comments on the line items were as follows:

Administration

Insurance: hard to predict what increases should be. Note that still have \$8,400 remaining from FY07. However, we will be adding Robinson property and possibly Banks building. Mr. Taylor also noted that we are still named as party in a slip and fall case.

Elections: Budgeted \$5,300, but this will decrease as Mr. Wilson is unopposed and full election will not be required.

Scholarships: Question as to why we didn't spend all of FY07 scholarship allocation? Answer: one more round (second semester) upcoming. Some funds will be used for bonuses awarded to students achieving good grades.

Contributions

Colonial Garden Club did not submit request this year – allocated \$300 in case a request is received.

No communication from Boy Scouts; consensus is that they are no longer a chartered organization.

Library, requested \$15,000, committee approved \$12,000. Mr. Castagno asked if that was capital or operating (answer: operating). Mr. Viola explained that an upcoming County budget cut will have a significant impact; County has asked for current costs to be cut by 10 percent, and next year Library will receive four percent less, a decrease of \$16,000, which makes no provision for annual cost of living increases which keep staff salaries competitive. Library Manager purposely set her request at a pragmatic level, not an inflated one. The Friends of the Library have been charged to concentrate their fundraising on the capital campaign thus demonstrating local support to major foundations. Mr. Viola strongly supports the Library request and encourages Board to grant full \$15,000.

Senior Center raised request for \$20,000 to \$30,000 for help with rising utility and operating costs; \$25,000 approved.

No request received from Progressive Club. Some question as to whether that group is still viable or using their building. At this time no allocation will be made.

Maintenance

Mr. Gambacorta noted that the Labor item is already overspent by almost \$13,000. Proposed amount is now \$110,000. Will discuss details further in Executive Session.

Eliminated Walkway Repairs item, as did not use that money last year.

Mr. Viola noted that he has recently been made aware of a new Sluice Gate problem. Recommend restoring \$1,000 to that line item.

Building Repairs

Old Library – the amount of \$7,500 is for replacement of gutters and flashing.

New Library -- will do maintenance as needed, other items that qualify as renovation can be put in the capital project, and be reimbursed 50% by state.

Battery Park

Mr. Viola learned from Irv Thatcher that existing picnic tables are in bad shape and difficult to repair. He recommends purchasing new tables and pouring new bases if feasible.

Bush hog—replaces one that is ten years old, also may be used for needed clearing brush and weeds at Penn Farm.

City Appropriation

Tree Commission – did not receive letter this year, but kept amount at \$20,000 level.

Good Will Fire Co. – believe \$5,000 increase over last year is adequate.

Police Car – we buy one every year

Garbage Truck – will spread payments over three years. First payment next month.

Only other item approved was new recording system (\$2,230). Items not funded include: update city website; new software; horizontal grinder; and police Ricoh business system (an imaging/electronic filing system).

Riverbank improvements--\$25,000-50,000 requested. However, details/scope of project not clear. Finance committee elected not to fund this request.

Horizontal grinder—Grinds trees, shrubs and can handle and remove wire and other extraneous materials. Mr. Alfree reported on behalf of Mr. Appleby that he has seen a demonstration and was impressed with the equipment. Discuss at next meeting.

TNCC Capital

Senior Center – last year was one-time contribution. No amount for FY08.

Took \$100,000 earmarked in FY 07 for Town Hall and shifted it into Banks Building, which is in bad shape. Hope is to have City deed it to Trustees, which would take over maintenance.

Mr. Gambacorta stated that the proposed expenditures are for \$1,034,000 and that proposed income will be \$1,120,000. Fiscal 2008 budget proposal will be discussed and finalized at the March meeting.

ELECTION COMMITTEE REPORT - Mr. Alfree reporting:

Deadline for filing was 5 p.m. February 1, 2007. One candidate filed, thus it is a “no contest” election. By-Laws require us to open polls on March 3 at 10 a.m. and close at 11 a.m. We will not need voting machines or workers, will use paper ballots.

Resolution to declare a vacancy will be brought up at the March 6 2007 Board meeting. For this election, we are targeting Saturday dates of April 28, May 5 or May 12.

LIBRARY COMMITTEE – Mr. Viola reporting:

Mr. Viola noted that the chandelier in the new Library has been temporarily replaced with a 9-foot wingspan scale model of a 1935 airplane, “Mr. Mulligan,” a gift to the Friends of Bellanca for the planned museum, conditioned upon storing it in a heated and air-conditioned space. This was not a Bellanca aircraft, but used to race against them. He encouraged everyone to go see it.

OPEN-SPACE COMMITTEE - No report.

BY-LAWS COMMITTEE – Mr. Peden reporting.

There is a By-Law change that we have submitted and will vote on next month, basically to combine some committees into one; copies will be sent out in the packets for review.

BATTERY PARK COMMITTEE – No report.

GOOD WILL FIRE HOUSE COMMITTEE – No report.

NOMINATING COMMITTEE – Mr. Alfree reporting:

At the next Board meeting on March 6 we must elect the proposed (or a revised) slate of officers to keep us in compliance with our By-Laws.

Approval of the new committee assignments will be approved at the March 6 meeting. Currently, the assignments were made to keep us in compliance with existing By-Laws. If the By-Laws change, the Nominating Committee should meet again to make adjustments to the assignments.

Mr. Viola noted a caveat re: combining committees, by avoiding assembling a committee large enough to inadvertently constitute a quorum of the Board.

Franchise Tax

Received letter from Mr. Cooch, the Board's registered agent as it relates to the corporation and the franchise tax. Mr. Alfree read the "Unanimous Consent" document (attached), which confirms names of elected officers. With Board approval, Mr. Alfree can sign it and forward check and signed document for Mr. Cooch to file with the State.

Mr. Alfree moved to adjourn and go into Executive Session to discuss real estate, litigation and personnel matters.

--- Executive Session ---

Following the executive session, the meeting was again called to order. Two motions were approved:

1. Motion to request that New Castle Family Care brings proposed signage changes to the Board for approval. Approved unanimously.
2. Motion to accept the offer of New Castle Sailing Club, a 20-year lease with initial rent to be \$1800 per year, including 15% increases every five years. Approved unanimously.

There being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully Submitted,

Kathleen MacDonough
Secretary

Notes on 2/6/07 Executive Session (for the record, not to be published)

A. Marini Property

Mr. Alfree and Mr. Taylor attended the Jan. 17 City Board of Adjustment hearing on this variance request, and presented the Trustees' position. There will be a 30-day period for appeal, with the clock starting the day that the written decision is formally recorded. The Trustees discussed the merits of filing an appeal. Mr. Gebhart asked if the Trustees could join in on an appeal filed by another party. Mr. Taylor said he believes that, in any event, the Board will approve something, and that an appeal might be perceived negatively. The next step in the review process will be the Historic Area Commission. It was noted that the attorney for Mrs. Marini is John Tracey.

B. New Castle Sailing Club

Mr. Alfree and the Trustees had proposed a 20-year lease with five-year incremental increases of 15% beginning in December 2006, at an annual rate of \$2,400; the Club originally countered with \$1,500 per year. Of a total membership of 105, the Club states that about 20 percent are currently New Castle residents. At the January meeting the Trustees voted to remain firm at the \$2,400 figure. On January 25, Mr. Alfree met with Club representatives, who later contacted him with a revised offer of \$1,800 per annum.

C. New Castle Family Care

They are significantly in arrears. Mr. Gambacorta contacted them to set up a payment arrangement. Subsequently, more unpaid bills came to light. Dr. James' attorney contacted Andy Taylor with a list of renovations desired to accommodate the sublease. They have been advised that cosmetic improvements and cleaning are approved; requested changes to interior and exterior signage will require a vote by the Trustees.

D. Cost of Maintenance Worker Positions

There have been significant increases in costs associated with the workers shared with the City. Factors contributing to this are apparently health insurance for one worker, and overtime for the second worker. Mr. Peden suggested that the Trustees request an audit or detailed description of costs incurred, and a projection of future costs and overtime requirements.

E. Second & Chestnut - Use of Trust Property as Driveway

A resident of East Second Street has begun a practice of driving and parking on the easement and apparently adding crushed stone as a paving surface. There is confusion over whether or not this strip of land is considered a "street" according to the City. If it is a street, who is responsible for maintenance? A letter will be sent to the resident establishing that this land is Trustees' property.

**UNANIMOUS CONSENT OF
THE TRUSTEES OF NEW CASTLE COMMON**

The undersigned, being all the Trustees of New Castle Common, pursuant to the provisions of Sections 141 and 228 of the Delaware Corporation Law, agree that the following resolutions shall be deemed duly adopted as if adopted at a regularly called annual meeting and entered into the minutes of the corporation:

RESOLVED, that the following individuals are elected to serve as Directors of the corporation until the next regularly called meeting, or until their successors are elected and qualified: Michael J. Alfree, Sr., Richard M. Appleby, Jr., Christopher Castagno, Francis J. DeAscanis, Dorsey Fiske, Henry F. Gambacorta, Gregory G. Peden, R. James Quillen, Jr., Chandler H. Gebhart, IV, and Carlo F. Viola.

FURTHER RESOLVED, the following individuals are elected officers of the corporation to serve until the next annual meeting or until their respective successors are chosen and qualify:

President:	Gregory G. Peden
Vice President:	Francis J. DeAscanis
Secretary:	Michael J. Alfree, Sr.
Treasurer:	Henry F. Gambacorta

Michael J. Alfree, Sr.

Henry F. Gambacorta

Richard M. Appleby, Jr.

Gregory G. Peden

Christopher Castagno

R. James Quillen, Jr.

Francis J. DeAscanis

Chandler H. Gebhart, IV

Dorsey Fiske

Carlo F. Viola

Dated: February 6, 2007

**Trustees of the New Castle Common
Meeting Minutes
March 6, 2007**

The monthly meeting of the Trustees was held on Tuesday evening, March 6, 2007 in the Trustees Room of the Old Town Hall.

Present: Ms. Fiske and Messrs. Peden, Alfree, Appleby, Castagno, DeAscanis, Gambacorta, Gebhart, Quillen, Viola, and Andrew P. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Guests at the meeting were Mr. Thomas H. Wilson, Jr., Mrs. Marie Wilson, Mr. Richard Evans, and Ms. Mimi Carpenter of the *New Castle Weekly*.

Mr. Peden called the meeting to order, followed by a moment of silence. Mr. Wilson was then sworn in by President Peden for a second 12-year term on the Board, having been elected March 3, 2007 in an uncontested election to fill the vacancy created by the expiration of his previous term on June 11, 2006.

Calendar Additions:

Mr. Gebhart announced that he was scheduling an Outreach Committee meeting for Mar. 19 at 2 p.m. at Town Hall.

The minutes from the February 6 meeting were accepted, with the following amendments: Mr. Gambacorta noted that on Page 5 in the summary of the Finance Committee budget report, the sentence should read "... proposed income *will* be ...". Also, Mr. Alfree noted that the "Unanimous Consent" attachment to the minutes mailed in the packet, showing multiple signatures, was not the final version that was submitted. A corrected version will be supplied.

The Treasurer's report was accepted as submitted.

PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:

Mr. Alfree stated that he would reserve discussion of some items for Executive Session, including Penn Valley Park and Battery Park issues.

Little League

Mr. Taylor is working on a five-year lease, and will forward it to Mr. Gebhart.

New Castle Sailing Club

The deed for the property was obtained from the City and forwarded to Mr. Taylor for recording. Mr. Taylor will be finalizing a new 20-year lease.

New Castle Family Center

New signage adding the new tenant (cardiac group) was installed without Trustees' prior review, but Mr. Alfree viewed it and feels it is satisfactory and uniform in design with the existing sign.

Rezoning Requests

Mr. Taylor and Mr. Alfree attended the Planning Commission meeting on February 26 to present the case for the rezoning of seven properties that was requested in Mrs. Banks' letter of Sept. 6, 2006. The Commission did not have a quorum and therefore could not act. Messrs. Taylor and Alfree will therefore attend the Planning Commission meeting on March 19.

There is one correction to the September 6 letter sent by Ms. Banks to the City. The Getty station was inadvertently included as recommending a change from Retail Commercial to Service Commercial, instead of the correct Retail Commercial to General Commercial. Essentially all seven properties are being requested to be moved to General Commercial.

Mr. Castagno said that there is some concern on the Planning Commission as to what might be allowed at the Getty station if it is rezoned General Commercial. Mr. Taylor said the rationale is that it is the General Commercial category that allows for the service station, so the change is needed for consistency with the Code.

Happy Harry's

Happy Harry's update: Mr. Taylor had a voicemail from their attorney stating that they are moving along in the process of getting approval from Walgreen's -- there is no specific update other than that they are still actively working on it. It is believed that Happy Harry's recently signed a five-year extension of their lease at the current location.

Mr. Taylor stated that Happy Harry's might not want to build at the new location until they receive assurance that the proposed new traffic light and new entrance (to be located north of Wilmington Trust) would become a reality. In turn, DelDOT will probably not commit to a specific timetable. Also, it may take up to three years to complete a new building due to various permits and approvals needed, including wetlands review.

There was a question as to what would happen if another prospective tenant approached us. Mr. Taylor said that it would be possible to negotiate with another interested party, as the discussions to date by way of information and negotiations with Happy Harry's do not constitute an offer.

420 Delaware Street

Mr. Alfree moved that he and Mr. Viola be authorized to represent the Trust at the settlement scheduled for Thursday, March 8 at 8:30 a.m. Mr. Peden has already signed the settlement sheet. Motion seconded and passed unanimously. Mr. Gebhart questioned whether the transaction should still remain confidential and not publicized in case the settlement is delayed for some reason. Mr. Viola said he felt confident that the seller is motivated and he does not expect a problem. Mr. Taylor received the survey from Van Demark & Lynch, which shows a brick wall along the east property line slightly encroaching on the neighboring property. It was agreed that this should not present a problem.

Second and Chestnut

A homeowner has been using Trust property, specifically a strip of land between 213 and 215 Chestnut, as an access road to the back of his property, and has put crushed stone down as a parking area. Mr. Alfree will write a letter to the individual stating that he may not encroach on Trust property to reach his property. City maps do not show that strip of land as a street, but the individual property deeds do refer to it as an (unnamed) street. Mr. Wilson lives in the neighborhood and stated that there is actually a manhole cover there, and that in the neighbors' deeds it is referred to as a street. Also, in practice, residents regard it and use it for access, although usually only on an occasional basis. Mr. Viola cautioned that we should move slowly and carefully explore the impact of whatever action is taken, since the status is presently unclear, and a resolution one way or the other may not be in the best interests of the residents of New Castle.

AT&T -- DuPont Highway

In the process of inventorying all sources of property revenue, Mr. Alfree and Mark Zitz researched the status of this lease, which includes a small brick building on DuPont Highway between the Gordy and Vari parcels. After locating a knowledgeable party at AT&T Real Estate, we were informed that they

only use the building for storage, and no longer want it. The Committee recommends that the Trustees formally notify AT&T to vacate the building, and then talk with Gordy and/or Vari, to see if they have any interest in the structure. One concern is that if it is torn down, it may be difficult to build there again. AT&T indicated that if we asked them to demolish it, it could take a couple of years before funds could be budgeted to do that. The lease rent was approximately \$100 per year; it is possible that AT&T is several years in arrears on this.

Western Gateway

Mr. Alfree has not heard from Cathryn Thomas at the City regarding the proposed plan to install landscaping on Delaware Street. No further update.

New Castle Farmers Market

Mr. Alfree reported that there was a fire at the Farmers Market February 27. He subsequently communicated with Richard Stat and also toured the facility with him. There is substantial damage near the electronics booth at the center. The fire started in an overhanging light and was hot enough to bend and twist several of the steel beams supporting the roof. An engineer has shored up the section and they will be cordoning off the damaged area. There is considerable water damage, and also smoke damage, especially to the large quantity of unsealed pegboard in the store displays, which will all have to be replaced. Mr. Stat hopes to have most of the businesses in the Market operational by this weekend, but the heavily affected area will take some time to repair.

Mr. Alfree remarked that the Good Will Fire Company did an exceptional job, and probably saved the building. Mr. Appleby mentioned that fire personnel are currently working on identifying the individual merchant stalls by number, and linking each number to a particular entrance so that firefighters can quickly reach problem areas.

OUTREACH COMMITTEE REPORT - Mr. Gebhart reporting.

Mr. Gebhart reported that the Outreach Committee met March 5. There is nothing to report at this time, other than the receipt of a written request from Brian Sprinkle, Athletic Director at Pencader Charter High School, located on Lukens Blvd. Mr. Quillen read the letter, which stated that Pencader Charter does not have athletic fields or facilities, and requested use of two of the (three) tennis courts at Battery Park, from 3-4 p.m., three days per week (no weekends). In exchange, Mr. Sprinkle proposed that the athletes would clean up and maintain the courts. He also stated that they would be flexible and work around any events needing the same facilities.

Mr. Peden suggested that posting a sign as to the details of the reserved courts would be a good idea. Sign should carry Trustees' name, but could possibly be paid for by the School. Mr. Wilson voiced a concern as to a precedent where another group was refused a request to practice tee-ball at the Ferry Wharf. He also asked Mr. Taylor about liability as to insurance. Mr. Taylor pointed out that the area requested for tee-ball practice was not designed for that purpose; however the tennis courts are specifically designed for the requested purpose. He also stated that the courts are open free to the public, and that the Pencader group could use them anyway, if available. The consensus of the Board was that the courts are not heavily used in the afternoons. Mr. Quillen noted that the school only requested this privilege through May, and we could reconsider the situation if any problems arose. Mr. Quillen moved that the Trustees allow use of the courts for one hour per day, three days per week, by Pencader Charter School. Mr. Castagno abstained, as he is on the board of the school. Motion approved unanimously.

PROPERTY MAINTENANCE COMMITTEE REPORT - No report.

FINANCE COMMITTEE REPORT - Mr. Gambacorta reporting:

Mr. Gambacorta reserved discussion of the increased costs of Maintenance Labor for Executive Session.

The main issue at hand is the Fiscal 2008 Budget. Mr. Gambacorta asked Mr. Appleby if he had any comments on the heavy duty "horizontal grinder" equipment that is under consideration. Mr. Appleby saw a demonstration and feels it works well, is versatile, can chew up materials up to 6" in diameter, and would be a good buy, but was unsure of how much use the City would make of it. The requested amount is \$55,200. Mr. Gambacorta noted that there is room in the budget should the Trustees wish to approve this item. Mr. Castagno wondered if the City had explored the possibility is that it could be purchased with State recycling grant funds. Mr. Viola noted that the ability to create mulch for park trees with this equipment might partially offset the cost of purchasing mulch. Mr. Quillen pointed out that this machinery could handle metal that was incorporated with green waste, such as wreath frames. The issue was tabled.

Mr. Gambacorta asked Mr. Viola to review the request of the New Castle Public Library. Mr. Viola recapped the situation whereby contract libraries have been advised that they will receive 4% less for FY 2008 from New Castle County. The Library's request was \$15,000; the Finance Committee initially approved \$12,000. Mr. Viola felt that the Library's request was conservative and he strongly recommended funding the full amount. This was agreed to by the Board.

Mr. Gambacorta asked for a motion to approve the budget as submitted, with the exception of the \$55,000 for the grinding equipment.

Mr. Wilson said he wished to ask the Board to consider appropriating \$2,000 for provision of a park for the Washington Park area, possibly on an unused part of the Little League property. Mr. Peden said he preferred not to clear Trustees' land for parks, due to the liability issues. We have given parkland to the City in the past, but he would discourage giving any of the Little League land to the City. Mr. Appleby stated that in the past when the City has approached the Trustees, the Board has offered support but not to locate or supply the property. Mr. Wilson asked that funds be set aside with the contingency that they be made available for this use should the City come up with a park location. Mr. Peden said that this could be taken from the contingency line item if necessary.

Ms. Fiske attended a meeting of the Green Advisory Committee on March 5. One item that was brought up was the replacement of the metal tree surrounds in front of the Court House. There is an ironwork craftsman working elsewhere on the Court House who is available to design and create replacements. The Committee may be sending the Trustees a proposal at some point to do this; Ms. Fiske did not yet have a cost estimate. Mr. Peden stated that this could be considered at the appropriate time for funding from contingency funds.

Mr. Alfree suggested that action on the grinder purchase be delayed until the City presents a complete yard waste management plan and a full picture of what is required can be considered.

Colonial Garden Club did not request any money but was funded for \$300. Mr. Alfree said that to be consistent there should be no funding for any organizations from whom a request was not received. On discussion, Mr. Viola said that there is a possibility that the Garden Club did not receive the letter requesting a proposal. The \$300 appropriation was left in.

Mr. Gambacorta made a motion to accept the FY 2008 budget as submitted, with two exceptions: that \$15,000 be approved for the Library, and that the \$55,000 for the new grinder be tabled. Motion was seconded and approved unanimously.

Mr. Alfree stated that henceforth changes in the Trustee property summaries would be distributed as the updated page only, with appropriate revision dates noted. He also moved that \$1,000 be appropriated for Ms. MacDonough to purchase office furniture and equipment including a new chair, file cabinets, and a flat screen monitor.

An inquiry was made as to the status of the Community Progressive Club. No activity has been observed and no request for funding received. The Club owns property on two sides of Penn Street, including an open piece of land on the Battery Park side. The suggestion was made to determine if the Club is going out of existence, and if their property may become available. The Outreach Committee will look into this.

ELECTION COMMITTEE REPORT - Mr. Quillen reporting:

Mr. Quillen distributed the proposed schedule, which designates April 28 as Election Day. The Committee proposes that the extra registration dates (the evening and Saturday opportunities) be held in the Trustees' office instead of the Fire House. Anyone needing to register outside of the scheduled time periods can call Mr. Quillen and he will accommodate them. Evening open registration will be changed from Wednesday to Tuesday, and will be held on April 17 from 6 to 9 p.m. The Saturday registration will be April 21 from 10 a.m. to 1 p.m. Mr. Quillen will have the posters prepared. It was moved and seconded to declare a vacancy due to the expiration of the term of Lewis Indellini. Motion passed unanimously.

LIBRARY COMMITTEE – No report.

OPEN-SPACE COMMITTEE - No report.

BY-LAW COMMITTEE – Mr. Peden reporting.

There is a proposed By-Law change that that is not finalized yet. Mr. Peden asked Mr. Wilson if he would rejoin the By-Law Committee.

BATTERY PARK COMMITTEE – Mr. Gebhart reporting:

Mr. Gebhart mentioned that he recommends that Mr. Quillen be reappointed to the Battery Park Committee. This will be handled under the Nominating Committee report.

GOOD WILL FIRE HOUSE COMMITTEE – Mr. Alfree reporting:

No report except to reiterate that Good Will did an excellent job at the Farmers Market, and also responded to at least two other major fires in the last couple of weeks. Mr. Viola recommended that a letter be sent to acknowledge that they continue to do a great job in the service of the community. Ms. MacDonough will write the letter. It was suggested that the letter also be published in the paper.

NOMINATING COMMITTEE – Mr. Alfree reporting:

Copies of proposed committee memberships were distributed. This action will bring the Board into compliance with the current By-Laws. If there is a change in the By-Laws the Nominating Committee will convene again. Mr. Alfree asked if anyone was interested in joining the By-Law Committee. He moved that the committee structure proposal be accepted with the addition of Mr. Quillen to the Battery Park Committee, and Messrs. Wilson, Quillen and Castagno be appointed as an ad hoc By-Law committee. Motion seconded and passed unanimously.

Mr. Alfree also made a motion to appoint the following officers for the 2008 fiscal year:

President -- Gregory Peden
Vice President – Carlo Viola
Secretary -- Michael Alfree
Assistant Secretary – James Quillen
Treasurer – Henry Gambacorta
Assistant Treasurer – Richard Appleby

Motion was seconded and passed unanimously.

As an unrelated matter, Mr. Alfree suggested that some students that have received Trust scholarships could be used to assist with office work such as filing, and in conjunction with this earn community service hours. Mrs. Hassert of the Scholarship Committee has delivered the check requests and cover letters for the second semester payments to the recipients.

COMMUNICATIONS

A sympathy card was sent to former Trustee Edward J. “Skeets” Camelli upon the death of his wife Kathleen Barnes Camelli. Ms. MacDonough read a note of thanks to the Board from Mary Ann Brown.

Mr. Alfree moved to adjourn and go into Executive Session to discuss real estate, litigation and personnel matters. Following the Executive Session, the meeting was again called to order. Mr. Alfree moved to authorize an expenditure to survey the Penn Valley Park property. Motion seconded and approved.

There being no further business, the meeting was adjourned at 9:06 p.m.

Respectfully Submitted,

Kathleen MacDonough
Executive Secretary

**Trustees of the New Castle Common
Meeting Minutes
April 3, 2007**

The monthly meeting of the Trustees was held on Tuesday, April 3, 2007 at 7:30 p.m. in the Trustees Room of the Old Town Hall.

Present: Ms. Fiske and Messrs. Peden, Alfree, Appleby, Castagno, DeAscanis, Gebhart, Quillen, Viola, Wilson, and Andrew P. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Guests at the meeting were Mr. Robert D. Fleck, Jr., and Ms. Mimi Carpenter of the *New Castle Weekly*.

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

Calendar Additions:

- Mr. Alfree: Property Development Committee, April 30 at 4:30 p.m.
Finance Committee (Quarterly Review), April 25 at 4:00 & 4:15 p.m.
- Mr. Gebhart: Outreach Committee, April 23 at 2:00 p.m.
- Mr. Viola: Property Maintenance, April 26 at 4:00 p.m.
- Mr. Quillen: Election Committee, April 10 at 4:00 p.m.

The minutes from the March 6 meeting were approved as presented. The Treasurer's Report was accepted with the following corrections: misalignment of two rows at top of first page; and, designation under Mayor & Council of Tree Commission and Good Will Fire Company appropriations should read 4Q (Fourth Quarter) rather than 1Q.

PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:

Penn Valley Park

On April 2 Mr. Peden and Mr. Alfree signed Trustees' portion of the contract to purchase the property. The survey approved at the March meeting is proceeding.

Rezoning Request

Mr. Alfree and Mr. Taylor attended the March 19 Board of Adjustment meeting. The Board approved the rezoning requests relating to the five properties at Hares Corner: Burger King, Spallco, Castle Mitsubishi, Gambacorta Pre-owned, and the Shell station. The Board tabled action pertaining to Getty /Dunkin Donuts and the Professional Center, for the purpose of considering input from the Planning Commission and others, and possibly placing some restrictions on the proposed General Commercial category. The next step is to submit to City Council for the required three readings of the ordinance.

Second and Chestnut

Mr. Alfree sent a letter to the resident who has been using a Trust-owned strip of land between 213 and 215 Chestnut as an access road to the back of his property. Mr. Wilson said that the resident approached him and they discussed the situation. There is an inherent dilemma, as some property deeds show the land in question as a street, but City maps do not show it as such. The usual practice of area residents has been to use this strip only occasionally for special access, which has not been a problem until the overuse by the resident in question. Mr. Peden recommended that we wait and see if the objectionable use continues. One solution offered was a "No Trespassing" sign, but Mr. Wilson said that such an action might be unnecessarily inflammatory. Mr. Wilson suggested that the Trustees send a general letter to each contiguous household on Chestnut and on Second explaining and clarifying the situation. This matter will be sent back to Property Development Committee.

AT&T -- DuPont Highway

AT&T indicated that they no longer need the building and will vacate it. To date we have not received the key. Also, they are processing the paperwork for the past due lease payments totaling \$1,050.00. Mr. Alfree checked with Mr. Vari and Mr. Gordy, lessees of the adjoining properties, and neither are interested in using the AT&T portion at this time. The issue now becomes whether or not to demolish the building. Property Development Committee will make a recommendation at a later date.

Penn Mart

Despite the assurances of the management company, there has not been satisfactory progress on correcting the code violations behind the shopping center. Although the problem may be exacerbated due to dumping by outside parties, it is nonetheless the responsibility of the management company to control this. Mr. Taylor will prepare a "notice of default" letter. On a related matter, Mr. Wilson asked that the Committee take a look behind BJ's Wholesale Club, which is becoming an eyesore.

Vari Building/Day Care Tenant

Mr. Vari will be renting a part of his building to a day care operator. There are a number of state regulations governing this, including location on the end of the building, entrance access, parking and traffic flow. Mr. Vari submitted a detailed plan, and requested that the Trustees co-sign an Application for Plan Review by New Castle County Land Use. The Committee requested and received proof of sufficient insurance to cover a daycare operation. Mr. Alfree moved that the Board approve Mr. Alfree to sign the document and allow Mr. Vari to proceed with his application for plan review. Motion passed.

Western Gateway

The Western Gateway project was initiated by the City a number of years ago, and now also has DeIDOT involvement. Since the plan was conceived, the Trustees leased the property at 1101 Delaware Street to the Family Foundations Academy. The project coordinators want a 20' easement in to install landscaping. This may overlap the parking area at FFA, so Mr. Alfree will contact school officials to discuss.

Two other Property Development items will be reserved for Executive Session.

OUTREACH COMMITTEE REPORT - Mr. Gebhart reporting.

Mr. Gebhart asked Mr. Viola to describe a proposal that the Committee is bringing to the Board regarding tracking community grants. Mr. Viola said that one of the charges of Outreach is to review requests for annual contributions and make recommendations. He said that through exposure to other grantor foundations, he has observed that it is good practice to monitor use of grant funds and solicit feedback from recipients. The Committee proposes that Trustees make personal contact with each current grantee and explain a new process whereby future requests would be submitted in a specific format. Grantees would subsequently be asked for a progress report on expenditures and outcome of funded projects (copies of proposed forms attached). A benefit would be that grants disbursed year after year without current feedback or review could be better evaluated. Mr. Castagno asked if this would extend to the City appropriations, and it was agreed that would be a good stewardship of our funds to include all grantees.

PROPERTY MAINTENANCE COMMITTEE REPORT – Mr. Viola reporting.

Mr. Viola visited Pollinger Roofing to obtain a firm date as to when expansion joints on the New Library roof would be installed. Roofer said that joints are already fabricated and if weather cooperates they will be completed in the next few days. Mr. Viola said that even during the recent period of bad ice storms, the leak situation is much improved since the standing seams were re-bent.

Two Property Maintenance issues will be reserved for Executive Session.

Mr. Appleby mentioned an environmental questionnaire that had been sent to Trust tenants in the past, regarding storage of hazardous or flammable materials on site. He asked if we should continue to do this, and Mr. Taylor said it would be a good idea, and suggested researching when this was last done.

FINANCE COMMITTEE REPORT – No report.

ELECTION COMMITTEE REPORT - Mr. Quillen reporting:

There is a contested election for the seat recently held by Mr. Indellini, with two candidates, Robert Fleck and Gregory Yacucci. A third person, Richard Pennell, filed but subsequently withdrew. Mr. Quillen encouraged all Trustees to come to the Fire House on Election Day, April 28. Lunch will be provided. The deadline for withdrawal of candidates is April 9, at which point Mr. Quillen will recruit the poll workers and notify the Department of Elections that we will require voting machines.

LIBRARY COMMITTEE – Mr. Viola reporting.

Mr. Viola described upcoming library budget cutbacks at the State and County levels. Due to coordination between Sen. Conner and Anne Farley of New Castle County, for Fiscal 2008 the New Castle Library did receive sufficient funds from the Bond Bill to provide for the acquisition of 420 Delaware Street and for the preliminary design costs; the \$15,000 FY08 appropriation from the Trustees is earmarked for operating costs. The paperwork for reimbursement from the State to the Trustees of \$300,000 put toward the purchase of 420 Delaware Street has been submitted. Design of the renovations and organization of the capital campaign are proceeding well.

OPEN-SPACE COMMITTEE – Mr. Wilson reporting.

Mr. Wilson will be contacting Ms. Fiske to set up a meeting, now that there is more than one member.

BY-LAW COMMITTEE – No report.

BATTERY PARK COMMITTEE – Mr. Gebhart reporting:

There has been ongoing confusion as to who has responsibility for parks in the City. Mr. Wilson stated that this misapprehension may derive from the fact that when original documents were drafted, the only formal park in existence was Battery Park. Since then, the City has acquired and developed parks, which it is responsible for.

GOOD WILL FIRE HOUSE COMMITTEE – Mr. Alfree reporting:

A letter was received from New Castle County Land Use informing the Trustees that legal addresses have been assigned to entrances and other key areas at the Farmers Market, to allow better location identification in case of emergency. Mr. Alfree had a copy of the letter forwarded to the Fire Company.

NOMINATING COMMITTEE – No report.

COMMUNICATIONS

A letter was received from Richard Evans, candidate for Mayor in the April 14 City election.

Mr. Peden moved to adjourn and go into Executive Session to discuss real estate, litigation and personnel matters. Following the Executive Session, the meeting was again called to order. There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully Submitted,

Kathleen MacDonough
Executive Secretary

**Trustees of the New Castle Common
Meeting Minutes
May 1, 2007**

The monthly meeting of the Trustees was held on Tuesday, May 1, 2007 at 7:30 p.m. in the Trustees Room of the Old Town Hall.

Present: Ms. Fiske and Messrs. Peden, Alfree, Appleby, Castagno, DeAscanis, Gambacorta, Gebhart, Quillen, Viola, Wilson, Mr. Gregory T. Yacucci, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Guests at the meeting were: Mrs. Lori Yacucci, and Mr. Earl Carpenter and Mrs. Mimi Carpenter of the *New Castle Weekly*.

Mr. Peden called the meeting to order, followed by a moment of silence. Mr. Yacucci was then sworn in by President Peden, having received the majority of votes in the April 28, 2007 election to fill the vacancy created by the expiration of the term of Lewis Indellini in October, 2006.

Calendar Additions:

Mr. Gebhart: Outreach Committee, May 21 at 2:00 p.m.

The minutes from the April 3 meeting were approved as presented. The Treasurer's Report was also approved as presented.

PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:

Mr. Alfree noted two changes in the Property Development agenda: the Good Will Fire Co. item will be handled in Mr. Wilson's report; and, to replace it with a new item -- 'State of Delaware/Dewey Park.'

Rezoning Request

A public hearing on rezoning of Burger King, Spallco, Castle Mitsubishi, Gambacorta Pre-Owned, and Shell is scheduled for May 7 at 6:30 p.m. The first and second readings will occur May 8 at City Council meeting, and the third reading will be made at a later date.

Mr. Taylor received an email from Ms. Thomas, city manager, asking about the proposed Getty Station and Ferry Cut-off rezonings. Mr. Alfree responded that it was the Trust's understanding that those two items would be tabled indefinitely. Mr. Taylor said that the Getty station would remain as a nonconforming use, and any change in status at Ferry Cut-off would wait until such time as a new tenant came forward who required General Commercial, and a full review could be conducted before the Planning Commission, with appropriate restrictions included in any approved rezoning. Mr. Alfree and Mr. Taylor will attend the May 7 hearing.

Second and Chestnut

A strip of Trust land is being abused by one resident who is using it as a driveway to the back of his home. A letter was sent to this resident, but the practice is continuing. Mr. Wilson had previously suggested sending a general letter to the owners of adjoining properties; the Property Development Committee recommends proceeding with this approach. In discussion, Mr. Wilson stated that the other area residents use the land sparingly for occasional access. Mr. Taylor said that one alternative would be to have the access way formally declared a street, and turn it over to the City. Mr. Alfree moved to send a letter to each contiguous household on E. 2nd and Chestnut Streets explaining and clarifying the situation and the Trust's position. Motion passed.

AT&T -- DuPont Highway

We have been in communication with AT&T regarding the Trustees taking possession of the AT&T hut between the Vari and Gordy sites. AT&T owes several years back rent (about \$1,000 total) and there is no lease in place currently. AT&T no longer has use for the building, but requests execution of some type of written agreement prior to turning the key over. We have a concern that there could be potential for an environmental problem, so we will advise AT&T that we wish to arrange an on-site visit with their representative to assess any possible liabilities before accepting possession. There is also a large telephone cross-connect box which is believed to be active. If it is on the property, but not in the right-of-way, it may be necessary to execute a new lease with AT&T for an easement to the connection box.

An inquiry was received from the daughter of the owner of the adjoining Mexican restaurant regarding leasing the AT&T lot to construct and operate a beauty shop. She was advised that there is currently no utility service to the location and withdrew her proposal. There is a possibility that Mr. Vari may have an interest in the site.

Penn Mart

1. Mr. Alfree contacted Anthony Mize, New Castle County code inspector, to get his assessment of the conditions behind the center. It happened that Interstate Management had arranged for someone to meet with Mr. Mize that same day, so Mr. Alfree asked Erv Thatcher to join them. The inspector covered exactly what was required to correct the violations with the representative from the management company. They also had conversations with some of the offending tenants. The inspector will advise Mr. Alfree by Friday of status. Mr. Taylor noted that Dennis Spivack, management company attorney, stated that they will clean up the site and also wish to examine the boundary lines with the Tremont Motel.

2. A letter from Artesian Water was received regarding a Penn Mart tenant who had been sharing his water service with adjoining stores (due to there only being one meter for three stores) and pro-rating the bill. That tenant closed his business, and requested that the water be shut off; the two neighboring stores obviously objected. The options presented by Artesian were that the Trustees now pay that water bill, or pay to have multiple water meters installed. Mr. Taylor sent a letter advising Interstate Management that they are wholly responsible for resolving this situation.

Western Gateway

This project must be installed by June 30. Mr. Alfree spoke to Tom Nickle at DeIDOT, who suggested granting a temporary easement which would allow for installation of the landscaping, followed by the tenant taking responsibility for ongoing maintenance. Dr. Brewington of Family Foundations Academy was agreeable to this approach. Mr. Alfree moved that a temporary easement be granted at the FFA site for the Western Gateway project construction phase; motion seconded and passed.

State of Delaware – Dewey Park

Bernadon Haber Holloway sent a letter requesting permission to excavate for electrical work to support the new chiller for the Courthouse (5 X 5 foot hole, 40 inches deep, behind William Penn statue). They will be boring underground from the Courthouse to the electrical vault. Property Development Committee recommends that this request be granted contingent on assurances that the contractor is properly insured, clears the work with Miss Utility, and will restore the ground to its former condition. Mr. Alfree moved that the State of Delaware contractor be allowed to excavate Dewey Park to gain access to the electrical vault contingent on their meeting the conditions described above. Motion passed.

Penn Valley Park

VanDemark & Lynch in process of completing survey; settlement should be able to occur soon.

Happy Harry's/Walgreen

Walgreen's advised Mr. Taylor that they approved the new site. We are now waiting to hear from Happy Harry's regarding lease negotiations.

Battery Park

Mr. Alfree's letter of April 12 to John Tracey regarding the Trust's concerns about construction at the Marini property was distributed in the Board packet. This matter can now be removed from the list of active items.

OUTREACH COMMITTEE REPORT - Mr. Gebhart reporting.

Outreach Committee recommends moving forward with entering into a five-year lease with New Castle Little League commencing Sept. 1, 2007. Mr. Gebhart received a letter from the Little League with project updates. Project components completed are: fencing repairs, repairs to backstops, new bleachers, new deep fryer for concession, new sod, new clubhouse windows, new exterior lighting at clubhouse. Still in progress are: road improvements to gravel road (to be donated by Greggo & Ferrara), addition of decorative fence by utility garage to house dumpster, repair of lighting at major field. Mr. William Becker, president, has been communicating regularly regarding progress.

Mr. Gebhart read a letter from Arnold Twyman requesting use of the Trust property next to Buttonwood School for a large family reunion on June 21-24. Mr. Briggs from Insurance & Financial Services has suggested that the Trust attorney draw up a "hold harmless" agreement for the parties to execute. Also, the Outreach Committee proposes posting a sign at the location. The family reunion group has been in touch with Eugene and Teel Petty and received permission to use Buttonwood School and its grounds during the reunion. Mr. Gebhart moved that the Board grant permission to the Harris/Twyman family to use the Trust property adjacent to the Buttonwood School for the family reunion, contingent on a hold harmless agreement, appropriate signage and a clean-up requirement. Motion passed.

Outreach Committee members will be making personal visits to community organizations receiving grants to explain the newly adopted system of written applications and progress reports. It was agreed that Mayor and Council grants should be included in this reporting process. After an organization has requested grant funding from the Trustees, when the new budget year begins it has been the practice to await a written request from that organization to disburse the funds. Mr. Appleby pointed out that this has occasionally occurred because an organization would outlay their own funds and then come to the Trust with the relevant receipts for reimbursement. Mr. Gambacorta mentioned that this prevents sending checks to organizations whose status has changed or which may no longer be viable. This process has not always been clear, so the Outreach Committee will cover this subject in their site visits.

PROPERTY MAINTENANCE COMMITTEE REPORT – Mr. Viola reporting.

Mr. Viola reported several incidents that occurred as a result of severe weather the third weekend in April. A portion of the roof at the Professional Center blew off in the wind, but luckily this occurred after most of the rain had passed. Warranty on that roof was for 10 years and expired in 1997. The Committee is considering recommending replacement of the entire roof since there have been a series of problems with the technology and design of the current roof.

There was water in the basement of the Old Library which was cleaned up by Public Works. There is a sump in that basement, but no pump, so a new pump will be purchased and installed. During the heavy rains no leaking was observed at the New Library. Some of the roof seams still need attention, but the majority of the problem seems to be resolved.

The Penn Farm farmhouse basement was flooded to a depth where safety was a concern, so the electricity and heater were shut down temporarily until all could be dried out. Delmarva Power supplies the power there, even after the annexation.

Mr. Viola is going to invite City Manager Thomas to present the yard waste plan. He also requested that a property maintenance issue be reserved for Executive Session.

FINANCE COMMITTEE REPORT – Mr. Gambacorta reporting.

Mr. Gambacorta congratulated Mr. Viola on the expeditious receipt of the \$300,000 reimbursement from the State of Delaware library department, which was a 50% reimbursement for the funds expended by the Trust to purchase 420 Delaware Street.

ELECTION COMMITTEE REPORT – Mr. Quillen reporting:

Mr. Quillen stated that the Board needs to formally declare the election for the one remaining open seat, that of Mrs. Banks, and recommends that this be done at the September meeting. Mr. Alfree thanked Mr. Quillen for taking responsibility for the Election Committee, and congratulated him for successfully mastering the process and coordinating so many elections in a short period of time (four elections in six months).

LIBRARY COMMITTEE – Mr. Viola reporting.

Mr. Appleby chairs the Building Committee of the New Library expansion project, and Mr. Viola serves on that committee. The question arose as to who should sign the contract with the architect, Buck Simperts & Associates. Mr. Viola and the Committee believe that the Trustees as owner of the property should sign. The Committee requests that Mr. Taylor review the contract.

OPEN-SPACE COMMITTEE – Ms. Fiske reporting.

Ms. Fiske has been elected chair. The Committee has invited Mr. Castagno, Mr. Yacucci and Mr. Gebhart to join them and all accepted. A request was received from Mr. Michael Hemphill, of 114 The Strand, offering to clear brush and weeds from Trust land between his property and the River. He has done this in previous years. Mr. Taylor advised that it should be made clear that we are not establishing a precedent of allowing another party a basis to claim land by virtue of the fact that they have maintained it over time. Mr. Wilson said we will have Mr. Hemphill submit his request in writing, acknowledging that the Trust is the owner of the land.

BY-LAW COMMITTEE – Mr. Wilson reporting.

The Committee met and Mr. Wilson was elected chair. The Committee wishes to clarify the wording and meaning of the term “senior member” of a committee, stipulating that seniority is based only on the present term within a given committee. At the appropriate time Mr. Wilson will send a letter to the Board with the required ten-day written notice. The Committee also will be continuing to consider the question of combining some committees. Mr. Alfree will distribute an updated list of committee assignments.

BATTERY PARK COMMITTEE – No report.

GOOD WILL FIRE HOUSE COMMITTEE – Mr. Wilson reporting:

Statewide, fire companies are recommending installation and use of “key boxes.” These provide a secure outside location for a key to a building, accessible only to firefighters from any company (whether responding to actual fire or false alarm) without needing to break down doors. The Committee will be scheduling a liaison meeting with the Fire Company Board.

NOMINATING COMMITTEE – No report.

COMMUNICATIONS

Mr. Viola gave some background to his letter to Councilperson Churchill regarding the Banks Building which was included in the Board packet. There has been discussion of transferring title to the building vs. executing a 99-year lease. The City Council approved a motion to ask the City Solicitor to contact Mr. Taylor, and for them to draft a recommendation for the best way for the Trust to obtain control of the building in order to begin capital improvements. Mr. Viola is continuing to work with Ms. Churchill as the new Council gets underway. Mr. Taylor stated that he has communicated with the City Solicitor regarding this matter, and reserved further discussion of this real estate matter for Executive Session.

Mr. Quillen received a request from Mr. Briggs representing the New Castle Presbytery. They are hosting a one-day regional conference and wish to install two porta-potties behind the Old Town Hall to help accommodate the large number of people expected at the conference. We will approve this.

Mr. Alfree received a phone call from Chief McDerby thanking the Trustees for the police car which was funded under the FY08 budget. Of interest, Mr. Alfree mentioned some of the major topics/questions that arose at the recent Trustees candidates' forum: the future of Penn Farm; general community awareness of the Trust and its functions; Battery Park; and loans and grants to homeowners. Mr. Gebhart thanked him for bringing this feedback to the Board's attention, and promised that the Outreach Committee would be attuned to improving communication about the Trust with City residents.

Ms. MacDonough mentioned that Barbacane Thornton & Co. auditors plan to be on-site beginning May 7 for the annual financial review.

Mr. Peden moved to adjourn and go into Executive Session to discuss real estate matters. Following the Executive Session, the meeting was again called to order.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Kathleen MacDonough
Executive Secretary

**Trustees of the New Castle Common
Meeting Minutes
June 5, 2007**

The monthly meeting of the Trustees was held on Tuesday, June 5, 2007 at 7:30 p.m. in the Trustees Room of the Old Town Hall.

Present: Ms. Fiske and Messrs. Peden, Alfree, DeAscanis, Gambacorta, Gebhart, Quillen, Viola, Wilson, Yacucci, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Guests at the meeting were: Mrs. Mimi Carpenter of the *New Castle Weekly*.

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

Calendar Additions:

Mr. Gebhart: Outreach Comm., June 25 at 12:30 p.m. (earlier time to accommodate scheduling conflicts)
Mr. Viola: Property Maintenance Committee, June 28 at 4:00 p.m.
Quarterly Finance Review Meeting (Bank Presentations): July 25 at 4:00 and 4:45 p.m.

The minutes from the May 1, 2007 meeting were approved with the following two corrections: Reference to "Walgreen's advised Mr. Taylor" should be clarified as "Robert Wittig of Diamond State Management representing Walgreen's"; also, reference to Nominating Committee should have read "Other Committees." The Treasurer's Report was approved as submitted.

PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:

Rezoning Request

Rezoning of Burger King, Spallco, Castle Mitsubishi, Gambacorta Pre-owned, and Shell -- from Service Commercial to General Commercial -- was approved by City Council. This change is reflected on the current schedule of Leased Properties. This item now closed.

Second and Chestnut

A general letter was sent to all affected homeowners along East Second and Chestnut regarding abuse of a strip of Trust-owned land as daily driveway access by Mr. McAdams. Three communications were received in response to the letter, all asking that the access not be closed off. Committee's plan now is to contact Chief McDerby to see if the resident could be approached by NCPD if necessary. If closing and construction of a gate is necessary, a key could be made available to provide access upon request.

Mr. Gebhart said he has heard from many residents who wish to continue to use the access way; he also stated that the resident in question has removed crushed stones that he put on Trust land. Mr. Wilson said that he had supported sending a letter, but felt the final wording was more aggressive than he anticipated. Mr. Wilson gave background in the resident's defense, in that the previous owner constructed a garage with doors facing the back toward the Trust land. Mr. Wilson also stated all neighbors he has spoken to are vehemently opposed to closing of the access, and believe that per their deeds it is a street. He also said that with more houses built in that area, parking and unloading access to homes is at more of a premium, leading to additional need to use the back. Mr. Viola said that our overall mission is to preserve and protect Trust properties, and if a property is compromised by a few, we have a responsibility to deal with it appropriately; he believes there is a fair resolution which balances all interests. Mr. Taylor commented that if Trustees allow a *de facto* opening, the liability would rest with us, including responsibility for wear and tear, ruts, etc. and that it would be preferable to have it open as a public street.

Mr. Peden recommended to let the situation ride over the summer, and to have Mr. Taylor research further whether or not the strip in question is legally a street.

AT&T Hut -- DuPont Highway

We received a written acknowledgement from AT&T re the amount of back rent owed. Once we have had our environmental consultant (BrightFields) assess and clear the building and property, we will sign a letter of agreement for the turnover with AT&T Real Estate division.

Western Gateway

We received the temporary easement documents for landscaping construction access in front of the Family Foundations Academy property. Trustees will sign and return to City and also brief FFA on status. FFA will take responsibility for ongoing maintenance.

Penn Mart

There are still issues with trash although New Castle County has closed the last formal violation. We have received complaints about potholes at the front exit and will follow up with Interstate Management.

141 Shops – Vari

Mr. Alfree requested time in Executive Session to discuss real estate matters surrounding this property.

Happy Harry's/Walgreen's

Robert Wittig and his partner from Diamond State Management made a presentation to Property Development Committee on June 4 and submitted a new plan/schematic for location of the building. They claim that this jibes with where DelDOT prefers the new road to be. A drive-thru for the pharmacy is a key feature. The project assumes that the State will construct the proposed new intersection configuration. A time frame of 2-3 years is expected if all goes well. The decision remains to be made as to which access road will be closed off: Wilmington Trust drive-thru or the Professional Center.

Trustees are now waiting for a lease proposal from the developer; we have requested that it be provided before the Finance Committee meeting. Mr. Alfree will contact DelDOT independently regarding the State's plans for road changes at this location. Mr. Alfree noted the distinction between Happy Harry's as a local, more responsive company and Walgreen's as a huge remote corporation and the difference that could make in our dealings with them.

OUTREACH COMMITTEE REPORT - Mr. Gebhart reporting.

Among other topics, the Committee discussed the Second and Chestnut issue, and offers to contribute to a smoother community relations process, *i.e.*, to help solicit feedback from relevant community segments prior to the Trust taking formal actions like sending written correspondence. Mr. Peden said he thought it was a good idea. The request for a large Twyman/Harris family reunion using Trust property in Buttonwood is pending. Mr. Gebhart asked Mr. Taylor to draft a hold harmless agreement for the family representatives to sign. On May 25, Mr. Gebhart attended the installation of bird feeders in the Gambacorta marsh by children from a Wilmington Montessori school. The Trustees recently allowed porta-potties behind Old Town Hall to accommodate a large event at the Presbyterian Church: one complaint was received to the effect that they should not be placed so near the landscaping.

Outreach members have considered the concept (raised previously) of combining with other committees and recommend against it. Mr. Wilson stated that meetings with community organizations that receive Trust grants have begun; the purpose is to explain new application and reporting forms and process.

PROPERTY MAINTENANCE COMMITTEE REPORT – Mr. Viola reporting.

Mr. Viola reported that Cathie Thomas attended the Committee meeting to discuss status of City yard waste plans. The State has postponed implementation of yard waste separation requirements until January 2008. The current location for collection of yard waste is in Dobbinsville; City is considering other locations and would like to discuss possibility of using part of the Penn Farm. Mr. Viola indicated much more detail would be needed in order to give this serious consideration. City continues to emphasize need for new piece of grinding equipment. The Committee will monitor this matter closely.

Eric Mayer, owner of old Abex property on Route 9 also attended Committee meeting. He is offering to cut down trees at no charge that have grown up on the clay cap over Trustee-owned part of contaminated site. He is contemplating building a multi-story residential development across the road and would like to maintain an unobstructed view of the river. Once cleared he would keep that land mowed and cleared. He will provide insurance documentation. The Committee proposes allowing Mr. Mayer to make these improvements with the proper protections. Mr. Taylor stated that Abex should have been maintaining the site and removing trees, as their roots extend into the toxic material, however, there is little likelihood of this as the entity probably no longer exists.

FINANCE COMMITTEE REPORT – Mr. Gambacorta reporting.

Mr. Alfree brought to the Committee's attention that we have been paying a higher rate on our Wilmington Trust loan (prime +) than on our PNC Bank loan (prime -). Mr. Gambacorta is currently attempting to negotiate a better rate with Wilmington Trust.

LIBRARY COMMITTEE – Mr. Viola reporting.

Mr. Viola has heard many unsolicited positive comments about the nature of the plan for the Library expansion, incorporating the adjacent structure at 420 Delaware St. As it happens, an early owner of that residence was apparently instrumental in acquiring the Amstel House and also in founding the New Castle Historical Society.

OPEN-SPACE COMMITTEE – Ms. Fiske reporting.

A written request was received from Michael Hemphill of 114 The Strand offering to clear brush and weeds from Trust land between his property and the River, and containing the requested language specifically acknowledging Trust ownership of the land. A written response was sent giving him permission to go ahead. Ms. Fiske and the Committee are attempting to draw up a formal inventory of all open space lands owned by the Trust.

BY-LAW COMMITTEE – Mr. Wilson reporting.

Mr. Wilson stated that over the summer the By-Law Committee will meet with the chairs of the other committees to discuss pros and cons of merging committees. Also, during the FY07 audit the auditor requested our Conflict of Interest policy, and we have none. Mr. Wilson said that the Committee will revisit preliminary work in this regard which was done by Mr. Taylor in October of 2000.

BATTERY PARK COMMITTEE – Mr. Gebhart reporting.

Mr. Gebhart said that a request was received from Victor Santos of the Summer Recreation program to use the archway area of Town Hall on June 16th for program registration. This is something that happens every year; request is granted. Mr. Gebhart said that since the passing of Ms. Banks, it has become apparent that there is a need to clarify policies and approaches to Battery Park usage requests. This will be looked at over the summer. A tree has been planted in Battery Park by Erv Thatcher in honor of Anita Banks, located in view of the Banks Building. At this time no marker is being considered; this has generally been the practice with memorial trees in the Park.

GOOD WILL FIRE HOUSE COMMITTEE – Mr. Wilson reporting:

The Committee will be scheduling a liaison meeting with the Fire Company Board. Due to light workload, this is one committee that will be actively looking to incorporate with another committee, such as Outreach.

OTHER COMMITTEES – No report.

COMMUNICATIONS

- Letter from Pencader Charter H.S. athletic director thanking Trustees for use of tennis courts.
- Verbal offer to Mr. Wilson to clear brush near river (similar to that of Michael Hemphill) from Mr. Velitskakis of 236 E. Second St. (owner of Portofino restaurant). Will ask him to put offer in writing. (Two side items were mentioned in this regard: a couple complaints received by the landscape workers Mr. Hemphill hired regarding disturbing habitat of fauna; and the sighting of a “disappearing” picnic table on the riverside, of unknown ownership. Also, Mr. Quillen noted that the City apparently installed a concrete pad for a bench, and inquired who approved that. Ery Thatcher will be contacted.)
- Letter from Beautification Committee thanking Trustees for the FY 2008 appropriation.

Mr. Alfree moved to adjourn and go into Executive Session to discuss real estate matters; motion passed. Following the Executive Session, the meeting was again called to order.

Mr. Alfree moved to approve that the Vari organization (141 Shops) sublease their property to the Korean Baptist Church. Motion approved.

Mr. Viola moved to authorize the Trustees to sign the contract for Library renovation and expansion with Buck Simperts & Associates. Motion passed.

There being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Kathleen MacDonough
Executive Secretary

**Trustees of the New Castle Common
Meeting Minutes
September 11, 2007**

The monthly meeting of the Trustees was held on Tuesday, September 11, 2007 at 7:30 p.m. in the Trustees Room of the Old Town Hall. The meeting was held on the second Tuesday instead of the first Tuesday due to Labor Day. (The meeting was preceded by a 7:00 p.m. slide presentation on conditions in parks and open space, prepared by Mr. Wilson.)

Present: Messrs. Peden, Alfree, DeAscanis, Gambacorta, Gebhart, Quillen, Viola, Wilson, Yacucci, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Guests at the meeting were: Mrs. Mimi Carpenter of the *New Castle Weekly*.

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

Calendar Additions:

Mr. Wilson: By-Laws Committee, Monday, Sept. 17 at 2:00 p.m.
Mr. Viola: Property Maintenance Committee, Friday, Sept. 28 at 1:00 p.m.
Mr. Alfree: Property Development Committee, Monday, Oct. 1 at 4:30 p.m.

The minutes from the June 5, 2007 meeting were approved with a request to clarify the meaning of the word “jibes” in the sentence [The Wittig Group claims] “that this jibes with where DelDOT prefers the new road to be.” The Treasurer’s Report was approved as submitted.

PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:

AT&T Hut -- DuPont Highway

An environmental assessment of the property was conducted by BrightFields Inc., with the finding that there is “no evidence of recognized (negative) environmental conditions.” The next step is to decide whether to require AT&T to demolish the structure. However, Mr. Alfree received a call expressing interest in leasing the building, so the demolition issue will be delayed until the inquiry is explored.

Getty Station

The filling station at 905 E. Basin Road will be switching from Getty to Lukoil for its petroleum supplier. Lukoil’s consulting engineers have contacted the City about storage tanks and pumps, and have contacted the Trustees about signage changes in conjunction with the rebranding. A schematic of the proposed signage was shown. Motion was made and passed to allow Lukoil to install new signage per the plans submitted.

Little League

Mr. Taylor said he has the lease completed and will convey it to Mr. Gebhart. Lease includes a clause that we could relocate fields within the complex should Trust wish to develop part of the property at a later date.

Centerpoint/Amazon

McConnell Development Inc., tenant of the ground lease at 700 Frenchtown Road, desires to refinance its mortgage and has requested that the Trustees sign a Landlord Subordination and Waiver (“Landlord’s consent”) indicating that the mortgage is in place but is not subordinate to our fee interest in the property. Mr. Taylor explained that McConnell/PNC presented a form not acceptable to us, but

that we have proposed substitute wording that we have used historically when other major tenants have refinanced. Motion was made and passed to execute the waiver as revised. Also, an appraisal was conducted in August of the subject property, in anticipation of the January 1, 2008 rental increase. Per the terms of the lease, the appraisal and determination of the new market rent (\$280,500 per year for the next five-year term) has been conveyed to McConnell in writing by Express Mail. Tenant has 30 days from receipt to object to this determination.

Two additional real estate agenda items will be reserved for Executive Session.

OUTREACH COMMITTEE REPORT - Mr. Gebhart – No report.

PROPERTY MAINTENANCE COMMITTEE REPORT – Mr. Viola reporting.

A continuing leakage problem at the New Library roof seems to be caused by buckling of the seams in the gutter area, possibly because copper drainage pans are fastened down and not able to expand and contract with temperature. This issue has been reviewed and will be monitored by a roofing consultant recommended by Buck Simpser. The contractor (Pollinger) will remove and replace the copper gutter appropriately. Mr. Viola has asked Pollinger to expedite this work.

Mr. Taylor is preparing a Hold Harmless agreement which will allow Eric Mayer to follow up on his offer to clear and maintain the overgrowth at the old Abex property.

Two proposals have been received including options to repair and/or replace the damaged Medical Center roof. Both contractors said the existing rubber roof was not badly damaged, but has probably reached the end of its useful life after 20 years. The estimates are in the neighborhood of \$40,000. Committee is gathering additional details but will probably recommend complete replacement rather than repair.

Mr. Viola and Mr. Wilson have investigated the history and circumstances surrounding the installation of a concrete pad and the private purchase of two granite benches for the area along the River bank at the east end of Chestnut St. There may have been some confusion about ownership of the land in question. At any rate, the parties involved have been advised to contact the Trust with a formal request before any further action is taken. It was agreed that for fairness there should be a clear policy established before setting a precedent by allowing any benches. Mr. Taylor cautioned that any such installation should not be named or engraved as a memorial, as that could create problems down the road when repair and replacement is needed.

FINANCE COMMITTEE REPORT – Mr. Gambacorta reporting.

Mr. Gambacorta stated that the Committee is exploring paying off the Wilmington Trust loan which was initiated in 1998 for the Dialysis Center. Wilmington Trust is currently charging 8 ¾ % and will not negotiate. PNC Bank has offered 7 ½ %, and Artisans has offered 7 ¾ %. The payoff figure would be under \$400,000. Mr. Gambacorta moved to pay off the loan using Trust funds. Motion passed, with one not voting. We currently have \$130,000 in three ready access CD's.

ELECTION COMMITTEE – Mr. Quillen reporting.

The Committee presented a recommendation to declare the vacancy for Mrs. Banks' seat (the last Board vacancy), and to approve a proposed election calendar culminating in an election on November 10 with a December 8 date for a run-off, if needed. Motion to declare vacancy and approve the proposed calendar made and passed. The filing fee will remain at \$100, nonrefundable. Mr. Quillen also announced that a recommended change in By-Laws regarding the voter registration period would be mailed to Trustees ten days prior to the October meeting.

LIBRARY COMMITTEE – Mr. Viola reporting.

New Castle Public Library recently incorporated as a nonprofit 501(c)(3) entity. Therefore, that is the body that should execute the architect's contract for the renovation and expansion. The Trust should now draft formal documents indicating that we are leasing the building to NCPL.

Mr. Viola asked for support for the October 13th Kitchen-Garden Tour and fundraiser, and for the preview party on October 12 at the Lesley Manor. These events are sponsored by the Friends of the Library and proceeds will go to the capital campaign.

OPEN-SPACE COMMITTEE – Ms. Wilson reporting for Ms. Fiske.

The pre-meeting slide presentation and commentary represented the Committee report.

BY-LAW COMMITTEE – Mr. Wilson reporting.

Committee will meet Sept. 17 and finalize proposed By-Law changes.

BATTERY PARK COMMITTEE – No report.

GOOD WILL FIRE HOUSE COMMITTEE – No report.

OTHER COMMITTEES – No reports.

COMMUNICATIONS

- Letter from Margaret Hassert and report from the Scholarship Committee, including two requests: ability to carry over funds across budget years; and, availability of Wilmington College scholarships. Mr. Alfree will respond.
- Spallco and Burger King have had a heated ongoing dispute, verbal and written, regarding maintenance of a shared sewer force-main/pump facility. Mr. Taylor sent both tenants a letter outlining alternatives to resolve the problem.
- Letter from Alcoholic Beverage Commissioner requesting comments re granting of liquor license for Prince Restaurant.
- Letter from State Dept. of Elections re availability of Fire House for 2008 presidential primary and state primary and general elections.
- Thank you letter from “annual Battery Park Friends Tennis Tournament” for use of courts.
- Communications from Roger Akin, Esq., and Andy Taylor re Penn Valley Park transaction and recording of deed. Trustees will send a final letter to Mayor and Council advising of completion.

OTHER MATTERS

Riverbend Project/Parkway: Mr. Alfree visited the site Sept. 10 with Chip Patterson of Municipal Services. It appears that an emergency access road through Trust property toward Dobbinsville is being constructed without permission. Also, the high elevation of the entry road to the development has caused potential drainage problems which may interfere with the utilities easement. Mr. Alfree moved to have Mr. Taylor draft a letter to Parkway instructing them to stop work on Trustee property until certain issues are resolved. Letter will include these points: the Trust has not given permission for work on its lands; a meeting should be held with Municipal Services and others to discuss easement

concerns; and that if work proceeds without the proper permissions or is not in accord with approved plans and specifications, Parkway will be financially responsible for correcting it.

Banks Building: reserved for Executive Session.

Bellanca Field: Mr. Viola made a motion to grant a 50-year preservation easement required by the National Park Service as outlined in supporting documentation previously mailed to the Trustees. This period coincides with the term of the lease. Motion passed.

Mr. Alfree moved to adjourn and go into Executive Session to discuss three real estate matters; motion passed.

Following the Executive Session, the meeting was again called to order.

Mr. Alfree moved to approve assignment of the Vari/706 Investments lease of the 141 Shoppes to the Korean Baptist Church, guaranteed by Vari for 15 years, based on the parameters outlined in Mr. Taylor's email of Sept. 7, 2007. Mr. Appleby seconded. Motion passed.

Mr. Wilson moved to put all negotiations with Diamond State Management (Walgreen's) on hold until a review of comprehensive plan goals for the parcel is conducted. Mr. Castagno seconded. On discussion, Mr. Alfree recommended revising the motion to include a time limit. Motion was restated as above, inserting "... on hold until **the November 5th Trustees meeting while** a review..." . Motion seconded by Mr. Castagno, and passed with one nay.

There being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

Kathleen MacDonough
Executive Secretary

**Trustees of the New Castle Common
Meeting Minutes
October 2, 2007**

The monthly meeting of the Trustees was held on Tuesday, October 2, 2007 at 7:30 p.m. in the Trustees Room of the Old Town Hall.

Present: Messrs. Peden, Alfree, Appleby, Castagno, DeAscanis, Gebhart, Viola, Wilson, Yacucci, Ms. Fiske, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Guests at the meeting were: New Castle City Councilperson Teel Petty and Mrs. Mimi Carpenter of the *New Castle Weekly*.

Mr. Peden being detained, Mr. Viola called the meeting to order, followed by a moment of silence. As is customary at the October meeting, each Trustee received the annual payment of one ear of corn.

Calendar Additions:

- Mr. Viola: Property Maintenance Committee – Thursday, November 1 at 4:00 p.m. (also, Thursday, October 4 at 4 p.m. to replace the planned September 28 meeting which was not held)
- Mr. Alfree: Property Development Committee -- Monday, November 5 at 4:30 p.m.
- Mr. Gebhart and Mr. Viola: Outreach and Property Maintenance Committees will be convening a joint meeting which includes City of New Castle, to discuss Battery Park issues.

The minutes from the September 11, 2007 meeting were approved with the following changes: add Mr. Appleby and Mr. Castagno as “present”; under AT&T hut, clarify that Mr. Alfree received a call from someone expressing interest in leasing; clarify that Little League lease was conveyed to Mr. Gebhart at the September meeting; clarify that Mr. Quillen to be listed by name as “not voting” re payoff of Wilmington Trust loan.

The Treasurer’s Report was approved as submitted.

PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:

Centerpoint/Amazon

McConnell Development has received our letter regarding the results of the recently-completed appraisal and the resulting rent increase for the renewal term beginning January 1, 2008. Tenant has 30 days from receipt to object to this determination.

Farmers Market

Richard Stat of 326 Associates has contacted the City regarding code review of plans for construction of an addition to Farmers Market. He presented this plan to the Property Development Committee in early 2006 and is now revisiting the feasibility of the project.

Happy Harry/Walgreen

Put on hold until November meeting. We will then consider whether Trustees desire retail uses to be included in the professional center, and if so, how to proceed. Mr. Wilson has spoken with Mr. Norsworthy, chair of the City Planning Commission as to how a Walgreen-type development would dovetail with the comprehensive plan. Basically the question of use is up to the Trustees as owners; the comp plan focuses mainly on setback and other design issues.

Getty Station

The filling station at 905 E. Basin Road will be switching from Getty to Lukoil. Ferguson & McCann Mechanical Contractors needs a letter from the Trustees approving replacement of fuel pumps and islands and related work. Motion was made and passed to approve sending a letter approving dispenser upgrades per the scope of work submitted.

Riverbend Project Area – two issues

1) Municipal Services is studying alternatives to adding a substation to their system as backup in case of a failure and to allow shutting the main substation down for service. They may request use of some Trust land behind Dobbinsville along the railroad track line for this purpose.

2) Mr. Alfree and Mr. Taylor met with Mr. Corrado of Parkway Gravel regarding an emergency access road which has already been installed across Trust land without permission. It is about 50 feet wide and 200 feet long. Parkway made the argument that the road was an improvement to the existing sewer easement. However, there are no approved documents on the record allowing them to build a road on Trust land. Mr. Appleby presented a scenario illustrating the many problems inherent in allowing the road to exist and be routinely used. Motion was made to authorize Mr. Taylor to send a letter advising them to cease construction on the access road and to restore the land to its original condition. Motion passed unanimously.

AT&T Hut -- DuPont Highway

Mr. Alfree has discussed the use of the building as a woodworking shop with an interested party, who does not want to pursue it at this time. We will start the process to request that AT&T plan and budget to demolish the structure. This will take some time, and in the interim, if a tenant is found, we can withdraw the request.

Basin Road Property

VanDemark & Lynch advised us that a builder has requested wetlands delineation plans for the Basin Road parcel. We have no further information at this time.

Mr. Wilson raised the subject of rezoning of the parcel behind the Family Foundations Academy charter school land. He said that the intention was that a request be submitted to the City Planning Commission to rezone the land to Open Space & Recreation. Mr. Alfree will research it.

OUTREACH COMMITTEE REPORT - Mr. Gebhart reporting.

Mr. Gebhart received a letter from Lynn Sheridan, one of two parties asking to install memorial benches along Trust land by the River at the foot of Plum Alley. Ms. Sheridan outlined her perspective of the situation, whereby it was believed that permission had been given to install a concrete pad and two benches at this location. Councilperson Jan Churchill recently told Mr. Gebhart that she had gotten permission in 2005 from Anita Banks to install benches, and assumed that Anita had the authority and approval of other Trustees. Mr. Gebhart also pointed out that Erv Thatcher would not have installed the concrete pad without also believing it was properly authorized.

Mr. Wilson said he recently spoke with Sally Denton (the other party requesting a bench installation) and urged her to submit a letter to the Trustees. He also suggested that the Outreach Committee explore the issue and surrounding concerns including whether or not to allow benches at all, and if so how many, what possible locations exist, what styles, etc. Mr. Gebhart agreed, but pointed out that we must grapple with the existing situation of perceived permission and benches already purchased. Mr. Taylor commented that the Trust must have ultimate authority over disposition of any physical memorials on its property. Ms. Fiske suggested that we allow installation in this case and then pass a resolution stating a policy for the future. Mr. Wilson cautioned that an emotional decision not be

made, especially based on a decision possibly made unilaterally by one Trustee. Councilperson Petty said she has also spoken with some of the parties involved, and that Councilperson Churchill stated she had a letter from the Trust that she would deliver to the office giving permission for the benches. Ms. Petty supports the idea that one member of a body can not give permission for the whole body, and suggests waiting to see the letter. She emphasized that a clear understanding should be established between Ms. Sheridan, Ms. Denton, the Trustees and the City Council before any further action. Mr. Peden asked that the Outreach Committee come up with a recommendation by the November meeting regarding the present case and future policies.

PROPERTY MAINTENANCE COMMITTEE REPORT – Mr. Viola reporting.

Mr. Viola reported last month that he received two bids for replacement of the entire Medical Center roof (rubber portion and metal portion), subsequent to storm damage last April. Both proposals came in at about \$40,000. In the meantime, Mr. Viola received additional information indicating that the rubber roofs could be repaired and certain installation problems corrected, with a five-year guarantee on the repairs. The Committee has not made a final decision. If the repair option is chosen the price could be reduced to about \$16,000.

FINANCE COMMITTEE REPORT

In Mr. Gambacorta's absence, Mr. Peden announced that the Third Quarter Financial Review meetings with PNC and Wilmington Trust would be held at 4 p.m. October 24.

ELECTION COMMITTEE

In Mr. Quillen's absence, Mr. Alfree announced that so far two candidates have filed for the November 10 election to fill Anita Banks' seat: Richard Pennell and Jan Clairmont. The deadline to file is October 11. Election posters are available for distribution.

LIBRARY COMMITTEE – Mr. Viola reporting.

Mr. Viola reported that the plans for the new Library expansion will be presented to the Historic Area Commission on October 18. He then requested a brief Executive Session to discuss a real estate matter.

OPEN-SPACE COMMITTEE –Ms. Fiske reporting.

Nothing to report for this month.

BY-LAW COMMITTEE – Mr. Wilson reporting.

A letter was mailed to all Trustees ten days prior to this meeting with three proposed election-related By-Law changes. The main issue is to change the voter registration deadline from "not less than ten days before" to the proposed "one day before" an election. Mr. Taylor explained some concerns he subsequently has had regarding this not giving enough time to address any problems with verifying eligibility, addresses, etc. He suggested something like 5 days may be more reasonable and practical. In discussion the following was suggested: deadline is 5 p.m. "the Monday prior to the election." After further discussion about the proposed changes, Mr. Wilson withdrew his request for consideration and will prepare a revised proposal for consideration next month. An additional point to be considered is the question of allowing unregistered persons who appear to vote at an election to register that same day, *not* for the election at hand but for future elections. This would save these persons a wasted trip and facilitate registration in general.

BATTERY PARK COMMITTEE – No report.

Referring back to the Outreach Committee report, Mr. Gebhart reported that he has the Little League leases and will be obtaining the required signatures and conveying copies to the office. Report on Battery Park issues will be presented at the next meeting.

GOOD WILL FIRE HOUSE COMMITTEE – No report.

OTHER COMMITTEES – No reports.

COMMUNICATIONS

- Letter from Senator Carper announcing meetings about the National Park Service study regarding establishing a national park in Delaware

OTHER MATTERS

Archives: Mr. Alfree and Ms. MacDonough met with representatives from the State Archives to review historic items and Trust records kept in the vault in the Library. There are several issues to be considered: storage of valuable items off-site during the construction and expansion project at the library; proper remediation and archival storage of a range of our valuable documents; and policies for restricting access to the materials. Appropriate shelving and climate control will be required in the renovated building. A few of the most important original documents have been properly preserved and mounted, but still need attention to the outer containers and shelving. Ms. Fiske offered assistance as she has some background in paper conservation. In addition, the Trust has possession of administrative records from the original Old Library Company, which sold shares of stock to establish the first library in New Castle in the early 1800's. A decision will be needed on where to store these materials; some of them are in need of mold remediation. It may make sense to give them to the N.C. Historical Society for storage and display in the Old Library Museum. Also, it was learned that the State microfilmed all Trust minutes up to 1980. Personnel are available to come back and film the minutes since that time at no charge.

Mr. Appleby requested that information be conveyed to him about the climate control and other requirements in order that they may be considered in the library project planning.

Immanuel Church Clock Tower:

Trustees long ago accepted responsibility for the operation and maintenance of the four clocks in the Immanuel clock tower. (The reason for this is that they serve the entire populace and not just the church congregation.) Immanuel Church thus has presented us with a bill from R.J. Peoples for \$3,360, for repair of rotten wood and repainting, which was done in conjunction with other work underway at that building.

Mr. Peden moved to adjourn and go into Executive Session to discuss real estate matters; motion passed. Following the Executive Session, the regular meeting was again called to order.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Kathleen MacDonough
Executive Secretary

**Trustees of the New Castle Common
Meeting Minutes
November 6, 2007**

The monthly meeting of the Trustees was held on Tuesday, November 6, 2007 at 7:30 p.m. in the Trustees Room of the Old Town Hall.

Present: Messrs. Peden, Alfree, Appleby, Castagno, DeAscanis, Gambacorta, Gebhart, Quillen, Viola, Wilson, Yacucci, Ms. Fiske, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Guests at the meeting were: Mrs. Mimi Carpenter of the *New Castle Weekly*; David Bird of the City Planning Commission; Mr. Richard Pennell; Ms. Beverly Ross; and Mr. John Papili, Jr., and Mr. Robert Wittig of Diamond State Management, Inc.(Walgreen's developer).

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

Calendar Additions: None.

Minutes and Treasurer's Report: The minutes from the October 2, 2007 meeting were approved with the following clarification: wording of the motion passed regarding Riverbend development was "to authorize Mr. Taylor to send a letter to the owner/developer of the Riverbend project advising them to stop all construction on Trust land and to restore to its original condition the area on Trust land where they have created an 'emergency road'."

The Treasurer's Report was approved as submitted.

PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:

Riverbend Project

Letter to cease work (as approved at last meeting) was sent, and Mr. Taylor and Mr. Alfree met with representatives of Greggo and Ferrara. Subsequently, Nick Ferrara and Joe Corrado attended the November 5 Committee meeting. They have not done any further work on the emergency road. Lengthy discussion was held at the Committee meeting elaborating on both parties' viewpoints and concerns. Consideration of the issue and response to Mr. Ferrara will be delayed until December to allow gathering additional information before making further recommendations.

Centerpoint/Amazon

We have begun the process of negotiating the new rent for the lease term beginning January 1. Mr. Alfree asked to review and discuss this real estate matter and possible litigation in Executive Session.

Basin Road Property

The office received an inquiry from an individual in New York regarding leasing the vacant Basin Road property for a used car lot. The Committee recommends that the Trustees not enter into negotiations for this type of usage at that location. The full board agreed with this determination. The interested party will be informed.

Happy Harry/Walgreen's

Mr. Alfree said that Property Development has been working for several months on lease negotiations with the developer for the vacant portion of the "professional center" parcel, with the probable recommendation to be to continue negotiations. The Board had delayed addressing this until the November meeting, in order to allow a full consideration of whether the Trustees desire retail uses to

be included in the professional center, and if so, how to proceed.. Mr. Alfree turned the discussion over to Mr. Wilson. Mr. Wilson introduced David Bird of the City Planning Commission, who attended to address the limitations or other impacts of the City Comprehensive Plan on land usage at the parcel in question.

Mr. Bird said that he did not speak for the Planning Commission but rather as a member of the Commission summarizing and explaining the Plan as it affects the parcel. The Comprehensive Plan is currently undergoing the State-mandated five-year update. The Comprehensive Plan identifies the professional center parcel as part of a “redevelopment area..” Area is zoned Retail Commercial. The Plan’s goal is to enhance the area as a gateway into the City. Currently the busy road effectively separates the commercial and professional uses from the historic area. The Plan designates the area as ideally more “pedestrian-oriented.commercial.” Planning Commission feels that this is a critical area to the City which is “disadvantaged” by the transportation network. In conjunction with its work, the Planning Commission would very much like to meet with the Trustees to discuss overall vision for that area and other areas of the City. (As a side note, Mr. Bird mentioned that a vacancy exists on the Planning Commission and suggested that should someone from the Trustees be interested they should contact the Mayor’s Office.)

Mr. Wilson also outlined several issues for consideration, including:

- whether Walgreen’s can be considered a “professional” use, or rather a retail establishment that happens to include a pharmacy;
- the risk of such a large corporation building a store and then abandoning it if they did not feel it successful or if other problems arose.

Mr. Castagno elaborated on the history of the development of the Comprehensive Plan and vision for that area, as adopting architectural themes from the historical district, and creating an accessible, working commercial district integrating the commercial area into the rest of the town with attention to streetscape elements. There followed a discussion of the effectiveness of streetscape strategies and traffic calming.

Mr. Wilson said the crux of the discussion is whether the site should be leased to a retail tenant. Ms. Fiske said that she considered the key question is not “retail vs. professional” but whether we want to lease to a big box store, and whether that would be in harmony with the surroundings and the City in general. Mr. Appleby spoke about the history of developing the parcel for professional use, and the significant difficulty of finding interested developers/tenants, mainly due to lack of sufficient (customer/client) traffic, despite proactive efforts and the fact that the utilities are already there.

Mr. Wilson moved that the Trustees reserve the parcel for professional uses only and not enter into negotiations with retail tenants. Ms. Fiske seconded. Mr. Alfree requested a roll call vote.

In discussion, Mr. Gebhart and Mr. DeAscanis pointed out that there already exists substantial retail/commercial use along the Ferry Cut-off, so retail could be considered simply an extension of this. Mr. Viola urged consideration of how the decision for ultimate usage will impact the existing professional center tenants. Mr. Peden emphasized how difficult it has been to attract professional tenants at that location. The original idea had been to attract physicians into New Castle, but there has been very limited success.

Mr. Viola also said that if we decide to move ahead with a large retail establishment, there is an irrevocable quality about that, while supporting Mr. Wilson’s motion would simply express the sense

of the board at this time. Mr. Peden responded that we have been waiting for ten years and it hasn't worked. Ms. Fiske said she preferred taking a longer view, working with the Planning Commission, toward what would be best for the town, especially as there is not an urgent need to develop the property at this time.

Mr. Appleby said that a clause could be included in a prospective lease that if the tenant left prematurely they would have to dismantle the building, so that we wouldn't be stuck with a big box store. Mr. Taylor said that there could also be architectural and design stipulations.

Mr. Castagno said that we should proceed with the most viable, architecturally sound use congruent with the existing Retail Commercial zoning, and not limit the use of the parcel, thereby restricting ability to react to market conditions. Mr. Quillen said he was not ready to vote to limit the use one way or the other at this time. Mr. Viola and Ms. Fiske said they agreed with Mr. Quillen.

Mr. Wilson clarified that a vote against this motion would not mean one is voting for Walgreen's; rather, that is a separate discussion.

Vote was done by raising of hands. The motion to reserve the property for professional uses only was defeated 1-6-5. (**Aye** - Mr. Wilson; **Nay** - Messrs. Alfree, Appleby, Castagno, DeAscanis, Gambacorta, Peden; **Abstain** - Ms. Fiske, Messrs. Gebhart, Quillen, Viola, and Yacucci.)

Mr. Wilson then moved that the Trustees do not lease the property at this time, in order to better consider the ultimate use of the land. Mr. Viola seconded. Motion defeated 5-6-1. (**Aye** – Ms. Fiske, Messrs. Quillen, Viola, Wilson; Yacucci; **Nay** – Messrs. Alfree, Appleby, Castagno, DeAscanis, Gambacorta, Peden; **Abstain** – Mr. Gebhart.)

Finally, Mr. Wilson moved that the Trustees do not proceed with negotiations with Walgreen's. Ms. Fiske seconded. Motion defeated 3-7-2. (**Aye** – Ms. Fiske, Messrs. Viola, Wilson; **Nay** – Messrs. Alfree, Appleby, Castagno, DeAscanis, Gambacorta, Peden, Quillen; **Abstain** – Messrs. Gebhart and Yacucci.)

As negotiations with Walgreen's will now go forward, Mr. Alfree asked to take up further discussion regarding the particulars of the leasing arrangements in Executive Session.

OUTREACH COMMITTEE REPORT - Mr. Gebhart reporting.

Arasapha Garden Club sent a second request for an additional \$500 over their annual appropriation of \$1,000, due to rising costs of supplies for the holiday wreath project. Mr. Gebhart moved to approve the additional \$500 grant; motion passed.

Mr. Gebhart addressed the ongoing issue of the request by two residents (Lynn Sheridan and Sally Denton) to install memorial benches along Trust land by the River at the foot of Plum Alley. He summarized the results of the inquiry into the history of when and whether permission was given, and the Committee's efforts to weigh the merits of the actions that have already taken place.

He moved to allow the immediate installation of the two already-purchased benches at the location where the concrete pad was installed, with written communication to the donors to the effect that the benches have been approved, the Trust reserves the right to relocate or remove the benches in the future, and the Trust does not accept responsibility in the event the benches become unsightly or damaged. Also, that future requests for benches be submitted in writing, that the Trustees will determine the style and the location, and bill the donor for purchase and installation.

Mr. Taylor suggested breaking the motion into separate parts: for example, one to approve this particular case; and then another to enunciate a policy. He also suggested rewording the motion so that it did not sound like the Trustees are actively inviting requests for various memorials. Mr. Alfree suggested tabling the motion to next month and distributing the motion in writing.

Mr. Gebhart reworded the motion as follows: “that the Trustees allow the two benches to be installed where the concrete slab has already been installed.”

Mr. Gebhart was told that the benches are already engraved, but it has not been possible, to date, to fully confirm this. Also, a statement made at the October meeting regarding the existence of a letter from Anita Banks approving the benches was not correct, and resulted from a miscommunication. Mr. Viola said that if the benches are not presently inscribed and we grant permission to install them, that approval would be conditioned upon their not being inscribed in the future.

Mr. Gebhart again stated the motion that we allow the two residents who purchased benches with the sincere belief that they had permission to do so, to have the benches installed on the concrete slab.

Motion defeated 5-7 (**Aye** – Ms. Fiske, Messrs. Gebhart, Viola, Wilson, Yacucci; **Nay** – Messrs. Alfree, Appleby, Castagno, DeAscanis, Gambacorta, Peden, Quillen,)

Mr. Gebhart asked if the issue could be raised again, and Mr. Peden said yes. Mr. Gebhart will verify the existence of memorial engraving.

PROPERTY MAINTENANCE COMMITTEE REPORT – Mr. Viola reporting.

Mr. Viola said that with the heavy demands of his involvement in the library expansion and the Bellanca Air Hangar projects, he had decided to step down as Chair of Property Maintenance. Mr. DeAscanis has been elected to serve as the new Chair.

A settlement has been reached with the insurance company regarding repairs to roof damage at the New Castle Family Medical Center, and the work can be completed for the agreed-upon proceeds.

The HVAC system at the New Library is circa 1964 and failing badly. It has cost over \$7,300 in repairs so far this year. Mr. Viola said the current system probably would not last through the period until a new system is in place in the new building, and interim options should be considered in the case of catastrophic failure. He spoke with some consultants who suggested one option would be to install a \$20,000 unit that could handle the short-term need. It is possible that the Trustees could then re-use the system at another location when the new project is completed. One possibility for this is the fire house. Mr. Appleby asked if this expense would come out of the 2007-08 budget. Mr. Viola said there is probably time to include it in next year’s budget.

FINANCE COMMITTEE REPORT – Mr. Gambacorta reporting.

PNC financial advisors met with the Finance Committee on October 24. As of September 30, our portfolio at PNC is earning 9.5%. Wilmington Trust is producing an 8.8% return. Committee is satisfied with both banks’ performance.

Using Money Market account funds, the balance of \$386,000 remaining from the 1998 Wilmington Trust loan for the Dialysis Center has been paid off, as approved at the September meeting.

Barbacane Thornton’s audit reports were completed and distributed. Mr. Alfree asked everyone to check them for accuracy prior to printing the summary booklet.

Mr. Alfree asked for a motion to authorize up to \$1,500 to secure internet service to the office and Board Room, including installation and monthly charges. The hoped-for ability to tap into the City's high-speed Comcast service is expensive, complicated, and would probably require many more months to accomplish. Motion passed.

Mr. Alfree also made a motion requesting an additional \$5,000 (under line item Professional Fees & Appraisals) to cover two additional property appraisals that may be needed this year. Motion approved.

ELECTION COMMITTEE – Mr. Quillen reporting.

Mr. Quillen announced that two of the candidates for the November 10 election were present: Richard Pennell and Beverly Ross. The other candidates are Jan Clairmont, William Emory, and Catherine Toner. He then moved that the Trustees permit voter registration on the spot at the election: persons registering that day could not vote in that day's election, but would be saved an additional trip to register before the next election. Motion passed.

LIBRARY COMMITTEE – Mr. Viola reporting.

Mr. Viola reported that the plans for the new Library expansion have been presented to the Historic Area Commission at two meetings to date, with a third hearing this Thursday.

OPEN-SPACE COMMITTEE – Ms. Fiske reporting.

The Committee discussed replacing the wire cable near Bull Hill but will delay this issue until a future meeting.

BY-LAW COMMITTEE – Mr. Wilson reporting.

No report.

BATTERY PARK COMMITTEE – Mr. Gebhart reporting.

Mr. Gebhart reported that a request has been received for a wedding May 10, 2008 in Battery Park, with 200 people with chairs and a tent, reception to follow in Good Will Fire Hall. Committee recommends that this one wedding be permitted, but that in general such a large event could be construed to limit others' access to the Park, especially on weekends, and a policy should be developed for requests for events that are large enough to require a permit from the City.

GOOD WILL FIRE HOUSE COMMITTEE – No report.

OTHER COMMITTEES – No reports.

Mr. Gebhart attended a Tree Commission meeting and was asked to bring the following statement to the Trustees: The Tree Commission wants to be helpful and responsive regarding trees on Trust property, and recommends that the Trust liaison to the Tree Commission (C.H. Gebhart) be notified of any problem, and he will forward the information to the Commission for handling.

COMMUNICATIONS

- Mr. Quillen said that a number of taped interviews of leading citizens were recorded about 20 years ago by Harry Kaiser (sp). Don Reese has made a DVD of the tapes, and Jim Meek of The Strand has created a historical website and would like Trustees' permission to link these interview clips to the website. Mr. Taylor recommended listening to the interviews first. Mr. Viola recommended that the interviewees' families should be consulted.

- Letter was received from Immanuel Church regarding their desire to enter into discussions with Trustees about preservation of open lands and wetlands near the Glebe cemetery. Mr. Peden assigned this to Open Space Committee.
- Mr. Viola showed a New Journal article and photograph featuring a bullying-prevention program at the Family Foundations Academy.

OTHER MATTERS

Mr. Alfree and his wife looked through some documents and ephemera from Herbert Tobin's records which had been stored in the Trustee vault. Some of the items are not directly related to the Trust. He asked permission to give some Good Will Fire Company artifacts to the Fire Company, and to give an old photograph of the whipping post to the New Castle Historical Society. There were no objections.

Mr. Alfree moved to adjourn and go into Executive Session to discuss real estate matters and potential litigation; motion passed. Following the Executive Session, the regular meeting was again called to order.

Mr. Alfree moved to continue lease negotiations with Diamond State Management (Walgreen's) with the understanding that the lease would follow the standard format of Trust leases as it relates to how rents are increased. Motion carried with two nays (Ms. Fiske and Mr. Wilson).

Mr. Alfree moved to authorize Mr. Taylor write a letter to McConnell Development (Amazon) stating that we wish to follow the procedures for rent increase which are set forth in Section 9.2 (appraisal) of our current lease. Motion approved unanimously.

Mr. Alfree moved to authorize Mr. Taylor to handle any litigation initiated by McConnell Development regarding our failure to give the required nine months' advance notice of our determination of new rent, and if necessary to initiate an action to compel them to follow the appraisal process set forth in the lease. Motion passed unanimously

There being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully Submitted,

Kathleen MacDonough
Executive Secretary

**Trustees of the New Castle Common
Meeting Minutes
December 4, 2007**

The monthly meeting of the Trustees was held on Tuesday, December 4, 2007 at 7:30 p.m. in the Trustees Room of the Old Town Hall.

Present: Messrs. Peden, Alfree, Appleby, Castagno, DeAscanis, Gambacorta, Gebhart, Quillen, Viola, Wilson, Yacucci, Ms. Fiske, Mr. Taylor, Esq., and Ms. MacDonough, Executive Secretary. Guests at the meeting were: Mrs. Mimi Carpenter of the *New Castle Weekly*; and guests from the New Castle Historical Society (Michael Connolly, Director; Ken Oppenheimer, Treasurer; Board Members Calvin Marshall, Eugene Dempsey, et al.).

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

New Castle Historical Society Presentation

The representatives of the Historical Society thanked the Trustees for their financial support over the years and presented a status report of Society activities. The Society owns the Amstel House and the Dutch House, and leases the Old Library building from the Trust for \$1 per year. Trust grants are used primarily for supporting the exhibits and overhead at the Old Library. In 2007 almost 1200 persons to date have visited the Old Library. For 2008, two exhibits are planned: "Sacred Places," in conjunction with the New Castle Community History and Archaeology Program, which will highlight favorite and loved sites in the City important to people's daily lives; and a Victorian Christmas exhibit. Mr. Oppenheimer stated that museum admission has been free, and the Society would like to raise the question of charging admission for selected exhibits (the lease is silent on this matter). The ability to do so could help cover costs in some circumstances. No response was requested at this time.

Calendar Additions:

By-Laws Committee: For the record, Mr. Wilson announced that a meeting had been held 12/3.

Mr. Alfree reminded the board that the annual officer and committee nominating questionnaires would be sent out later in December, and should be returned by Friday, January 11, 2008.

Minutes and Treasurer's Report:

The minutes from the November 6, 2007 meeting were approved as presented. (Later in the meeting, Mr. Castagno noted that his vote on Mr. Gebhart's motion regarding installing two benches along the River at the foot of Chestnut Street was misstated. The minutes should thus read: "Motion defeated due to 6-6 tie (**Aye** – Ms. Fiske, Messrs. Castagno, Gebhart, Viola, Wilson, Yacucci; **Nay** – Messrs. Alfree, Appleby, DeAscanis, Gambacorta, Peden, Quillen)."

The Treasurer's Report was also approved as submitted.

PROPERTY DEVELOPMENT COMMITTEE REPORT - Mr. Alfree reporting:

141 Shoppes/Vari/Korean Church

Lease assignment from Vari to the Korean Baptist Church has occurred, and we received the relevant settlement checks for rent, taxes, and sewer.

Basin Road Property

The party interested in leasing vacant land for a used vehicle facility has been informed that the Trustees do not wish to pursue this usage.

Riverbend Project

Mr. Alfree met with Mr. Bergstrom (City code official) who indicated that an emergency access road is not a requirement for this project, and who did not have any documentation of such a road being on any drawings. Mr. Nick Ferrara is presently away, so there is no further report.

Mr. Wilson said that in City Planning Commission meetings he believed plans were submitted for an emergency road as a counter (alternative) to a recommendation to connect an access road to Centerpoint Blvd. (The State "PLUS" process strongly recommended the installation this latter connector.) He said City Council approved the deletion of the Centerpoint connector from the Comprehensive Plan prior to receiving Planning Commission input; thus the Planning Commission neither approved nor denied any access configuration.

Family Foundations Academy

Mark Ziegler from McBride and Ziegler surveyors attended the Property Development meeting with Dave Sills. A request is pending from DelDOT for the Trust to grant additional right of way in front of the school. We are now working on a plan to receive right of way access to the back of the school along the railroad bed in return for granting the desired land at the street side. Mr. Taylor said that the FFA attorney had been pursuing this approach previously. Present access to the back of the school building is very narrow. Equipment would have to be able to get back there in case of a field fire, etc.

Centerpoint/Amazon

Mr. Taylor and McConnell Development's attorneys have been in communication regarding determining a mutually-acceptable method to arrive at the new lease rent.

Happy Harry/Walgreen's

Mr. Alfree said that Mr. Papili and Mr. Wittig of Diamond State Management have asked to attend the January 7th Property Development Committee meeting.

OUTREACH COMMITTEE REPORT - Mr. Gebhart reporting.

Mr. Gebhart provided the new Little League lease to representatives of the Little League and is waiting for a response.

Previously, the Wilmington Montessori School "adopted" the Gambacorta Marsh and installed birdhouses. They have now sent a request to install covered pamphlet boxes and pamphlet recycling boxes on posts. Also, the East Coast Greenway Alliance wishes the Trust to endorse use of a part of the Battery Park path as a section of its Maine-to-Florida greenway route. This would include permission to install signage. Committee has not had a chance to discuss either request.

PROPERTY MAINTENANCE COMMITTEE REPORT – Mr. DeAscanis reporting.

As outgoing committee chair, Mr. Viola reported on ongoing projects. Work repairing the Medical Center roof from spring storm damage has been proceeding: rubber sections are repaired, and metal section replacement should be completed soon. Pollinger Roofing has made a firm commitment to replace copper gutters at the new Library starting this Thursday. Also, Trustees will be giving City Public Works employees the customary holiday bonus at their luncheon this month.

FINANCE COMMITTEE REPORT – Mr. Gambacorta reporting.

No update.

ELECTION COMMITTEE – Mr. Quillen reporting.

Mr. Quillen announced that the results of the November 10 election were as follows: Beverly Ross - 159; Richard Pennell - 158; Catherine Toner - 148; Jan Clairmont - 19; and William Emory - 13. As such, a runoff will be held on Saturday, December 8 between Richard Pennell and Beverly Ross. The opportunity to register on site (for future elections) yielded a dozen new registrations.

LIBRARY COMMITTEE – Mr. Viola reporting.

Mr. Viola reported that the Historic Area Commission approval process for the plans for the new Library expansion has been ongoing, and committee will meet with HAC again on January 17th. He also stated that at the December 11 City Council meeting, a revised ordinance requesting \$300,000 from the City of New Castle for the Library project will be considered. Municipal support is critical to the success of the capital campaign, and it is hoped that as many people as possible attend the meeting to show support. The requested amount would represent 5% of the total value of the project. Mr. Viola has written a letter to the editor of the *Weekly* in support of the appropriation. Also, an interim replacement HVAC system is needed to tide the library over until the expansion project is completed. Mr. Alfree recommended that an estimated cost be submitted for consideration in the 2008-09 budget process. Ultimately this interim system may be able to be utilized elsewhere.

OPEN-SPACE COMMITTEE – Ms. Fiske reporting.

No update.

BY-LAW COMMITTEE – Mr. Wilson reporting.

The Committee and Mr. Taylor met on December 3. Mr. Wilson moved that the voter registration and absentee balloting By-Law changes as proposed and distributed in late September, and tabled in October, be accepted with the following changes:

1. Page 27 last paragraph (Registration Deadline)

Current: name may be filed ... "not less than ten (10) days before the day fixed for an election"
Proposed: name may be filed ... "not less than **five (5) days** before the day fixed for the election"

2. Page 29 Section 2 (a) (Absentee Registration)

Current: return affidavit "no later than the final registration day preceding such Election Day"
Proposed: return affidavit "not less than **five (5) days** before the day fixed for the election"

3. Page 31 Section 5 (a) (Return of Absentee Ballot)

Current: "prior to 5:00 p.m. on the day before Election Day"
Proposed: "prior to **the close of business at the Office of the Trustees** the day before the election"

Motion passed unanimously.

For future consideration, Mr. Wilson submitted a proposed revision regarding Board voting procedures: for other than routine items (monthly calendar changes, acceptance of minutes and financial reports), all votes must be taken by roll call. Mr. Alfree stated that if an enumerated vote be taken, it should be by roll call and not some other less precise method, *e.g.* show of hands.

BATTERY PARK COMMITTEE – Mr. Gebhart reporting.

No update.

GOOD WILL FIRE HOUSE COMMITTEE – Mr. Wilson reporting.

Mr. Wilson spoke with a member of the board of GWFC; a meeting will be scheduled early next year.

OTHER COMMITTEES – No reports.

COMMUNICATIONS – None.

OTHER MATTERS

Mr. Alfree said that we are looking into publishing an abbreviated annual financial report (tri-fold brochure or similar) for wide distribution, possibly to be mailed in Municipal Services bills, with the traditional full-length report available upon request.

He also emphasized the importance of completing and returning the Officer and Committee Nominating Forms by January 11, including input on whether each individual has a clear desire either *to be*, or *not to be*, a member of a certain committee. The process of filling the officer slate and the committees is complicated, and the more information the Nominating Committee has, the better.

Mr. Alfree also mentioned that the budget preparation process would be starting soon after the holidays. Finally, Comcast high-speed internet service will be installed this month.

Mr. Wilson reminded the Board that all requests for community grants should be forwarded to the Outreach Committee first. Mr. Viola noted that we will be implementing the written grant application and reporting process that was approved earlier in the year; request forms should be mailed out to existing grantees in the near future.

Mr. Gebhart stated that there was a problem at the Senior Center very recently when a candidate for governor wished to videotape promotional spots outside (and inside) the Center, and the candidate represented that he had permission from the Trustees to do so. He was turned away from taping inside the Center.

Mr. Viola reminded the Board that Mr. Taylor had been in contact with the City Solicitor some time ago regarding issues surrounding a possible transfer of the Banks Building to the Trustees. He is concerned that this issue move forward, as the building is steadily deteriorating.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Kathleen MacDonough
Executive Secretary