

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

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

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

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

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

President's Communications

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

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

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

Mr. Clayton amended his motion to read:

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

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

Mr. Clayton amended his motion to read:

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

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

Monthly Calendar

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

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

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

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

Treasurer's Report – Mr. Gallagher reporting.

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

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

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

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

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

CAPITAL EXPENDITURE

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

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

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

- Mr. C. DeAscanis – Yes
- Mr. Yacucci – Yes
- Ms. Masiello – Yes
- Mr. Baldini - Yes
- Mr. Gallagher – Yes (*begrudgingly*)
- Mr. Clayton – Yes
- Mr. Alfree – Yes (*reluctantly*)
- Ms. Antonio – Yes
- Mr. Wilson \_ Yes (*reluctantly*)
- Mr. F. DeAscanis – Yes
- Mr. Toner - Yes

OUTREACH COMMITTEE REPORT – Ms. Antonio reporting.

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

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

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

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

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

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

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

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

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

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

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

On vote:

Mr. C DeAscanis – Yes

Mr. Yacucci – Yes

Ms. Masiello – Yes

Mr. Baldini – Yes

Mr. Gallagher – Yes

Mr. Clayton – Yes

Mr. Alfree – Yes (*reluctantly*)

Ms. Antonio – Yes

Mr. Wilson – Yes

Mr. F. DeAscanis – Yes

Mr. Toner – Yes

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

Landscaping and Lawn Contracts –

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

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

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

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

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

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

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

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

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

The Motion was seconded by Mr. Baldini.

On vote:

Mr. C. DeAscanis – Abstain

Mr. Yacucci – No

Ms. Masiello – Abstain

Mr. Baldini – Yes

Mr. Gallagher – Abstain

Mr. Clayton – No

Mr. Alfree – No

Mr. Wilson – Yes

Mr. F. DeAscanis – Yes

Mr. Toner – Yes

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

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

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

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

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On vote:

Mr. C. DeAscanis – Yes

Mr. Yacucci – Yes (*reluctantly*)

Ms. Masiello – Yes

Mr. Baldini – Yes

Mr. Gallagher – Yes

Mr. Clayton – Yes

Mr. Alfree – No

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

Mr. F. DeAscanis – Yes

Mr. Toner – Yes

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

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

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

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

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

OTHER COMMITTEES

By-Laws Committee – Mr. Gallagher reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Ad Hoc Battery Park Committee – Mr. Yacucci reporting

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

Election Committee – Mr. Episcopo reporting.

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

Next Board Meeting

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

COMMUNICATIONS – Mr. Alfree reporting.

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

Miscellaneous

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

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

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer

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

Absent: B. Antonio

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

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

Monthly Calendar

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

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

Treasurer's Report – Mr. Gallagher reporting.

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

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

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

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

Mr. Alfree reported the following.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OUTREACH COMMITTEE REPORT – Mr. Wilson reporting.

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

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

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

Land Acquisition and Ownership Strategy:

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

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

PROPERTY MAINTENANCE REPORT – Mr. Episcopo reporting.

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

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

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

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

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

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

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

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

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

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

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

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

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

OTHER COMMITTEES

By-Laws Committee – Mr. Gallagher reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

Election Process – Timeline

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

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

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

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

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

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

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

Library Board – Mr. Clayton reporting.

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

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

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

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

**Mr. C. DeAscanis – Yes**

**Mr. Yacucci – Yes**

**Ms. Masiello – Yes**

**Mr. Baldini – Yes**

**Mr. Gallagher – Yes**

**Mr. Clayton – Yes**

**Mr. Alfree – Yes**

**Mr. Wilson – No**

**Mr. F. DeAscanis – Yes**

**Mr. T. Episcopo – Yes**

**Mr. Toner – Yes**

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

Election Committee – Mr. Episcopo reporting.

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

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

Battery Park Committee – Mr. Clayton reporting.

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

Ad Hoc Battery Park Committee – Mr. Clayton reporting

There was no report from the committee.

Next Board Meeting

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

COMMUNICATIONS – Mr. Alfree reporting.

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

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

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

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

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

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
March 7, 2023

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

Absent: C. DeAscanis (*Vice President*)

Also present: A. Taylor, Esquire (*Trust Attorney*)  
B. Snapp Danberg, Esquire (*Trust Attorney*)  
J. Panzarella, Administrative Coordinator  
M. Marinelli, Property Manager  
K. Weirich, Stenographer  
J. Rago, DOJ Special Investigator  
R. Costa, Deputy Attorney General, Deputy Director Consumer Protection Unit

Mr. Toner invited members of the public to make comments.

**Public Comment**

Terry Buchanan

Ms. Buchanan stated that she and Mr. Guido Camponelli have formed a committee to preserve the Buttonwood Mansion. She noted that it is one of the properties in New Castle of historical significance that is not in the city center. Ms. Buchanan explained that they asked that a member of City Council be part of the committee, and they will be asking for a representative from the Historical Society. Ms. Buchanan asked that the Trustees consider appointing a representative to be part of the committee as well.

There being no further public comment, Mr. Toner called the meeting to order.

The monthly meeting of the Trustees was held on Tuesday, March 7, 2023, in the Trustees Board Room at Penn Farm beginning at 7:02 p.m. Mr. Toner called for a moment of silence.

President's Communications

Mr. Toner stated that he attended the New Castle Community Partnership meeting and gave a short presentation on the Trust.

Monthly Calendar

- Outreach Committee – 3/13/23, 7:00 p.m. *NOTE: This meeting will be held via Zoom.*

Trustees of the New Castle Common  
Minutes of March 7, 2023

- Finance Committee – 3/15/23, 4:00 p.m.
- Budget Meeting – 3/21/23, 7:00 p.m.
- Property Management Committee – 3/29/23, 4:00 p.m.
- Land Management Committee – 3/30/23, 4:00 p.m.

Minutes

2/7/23 TNCC Meeting Minutes – **Mr. Alfree made a motion to accept the 2/7/23 TNCC Meeting minutes as amended. The motion was seconded by Mr. Clayton and was unanimously carried.**

Treasurer's Report – Mr. Gallagher reporting.

*Treasurer's Reports for 2/2/23 were sent out prior to the meeting.*

**Mr. Wilson made a motion to approve the February 28, 2023, Treasurer's Report as amended. The motion was seconded by Mr. Clayton and unanimously carried.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

Rt. 13 Corridor – The committee received a notice from DeIDOT stating that it will be redoing curbs and sidewalks in the Rt. 13 corridor from Boulden Boulevard to Llangollen. DeIDOT did not advise when the work would begin.

Rt. 13 and Rt. 273 – The committee received a notice from DeIDOT that there is a need to have a portion of Trust property for an access. The committee is working with DeIDOT on this matter.

Gregory Automotive – Gregory Automotive informed the committee that they are ceasing operation at that location and that they are attempting to find a new tenant to take over their lease. Mr. Alfree noted that he is not at liberty to reveal the name of the new tenant at the present time.

**Mr. Alfree made a motion that the Board approves the Land Management Committee to negotiate and finalize a new lease for the new tenant. The motion was seconded by Mr. Baldini and a roll call vote was taken:**

**Dr. Yacucci – Yes**

**Ms. Masiello – Yes**

**Mr. Baldini – Yes**

**Mr. Gallagher – Yes**

**Mr. Clayton – Yes**

**Mr. Alfree – Yes**

**Mr. Wilson – Yes**

**Mr. F. DeAscanis – Yes**

**Mr. Episcopo – Yes**

**Mr. Toner - Yes**

**The motion carried unanimously.**

Trustees of the New Castle Common  
Minutes of March 7, 2023

5<sup>th</sup> & Cherry Streets – The committee is looking into transferring a 3' x 50/60' strip of land owned by the Trust to the homeowner of the adjacent property at the corner of 5<sup>th</sup> and Cherry Streets.

OUTREACH COMMITTEE REPORT – Ms. Masiello reporting.

The committee reviewed all the applications and voted as a committee on a figure, and the information was given to Mr. Gallagher.

PROPERTY MAINTENANCE REPORT – Mr. Episcopo reporting.

Mr. Toner stated that the bulkhead looks great.

Battery Park – Mr. Episcopo noted that the Army Corps of Engineers permit is valid for another 18 months. Mr. Episcopo opined that if a grant can be obtained to build up the section of the river where debris collects the debris may be channeled down river.

5<sup>th</sup> & Cherry Streets – The committee did clean-up on the strip of land at 5<sup>th</sup> and Cherry Streets. They met with the property owner and did not trim any of his trees or bushes.

5<sup>th</sup> Street Library – The bearing needs to be replaced in one of the heaters.

Good Will Fire Company – Boiler maintenance will be done in April that will require the entire system to be shut down.

Small Ticket House – The committee is getting proposals for the fence. The ticket house needs to be power washed and painted.

The Hermitage – The main entrance will be redone and fruit trees will be planted at the Hermitage, all within budget. A water line will be installed to water the fruit trees. Benches are needed for the bird watchers. More people have been visiting the Hermitage.

Basketball Court – A notice will be placed in The Weekly seeking proposals to redo the basketball court surface.

Pest Control Contract – Mr. Wilson updated the Board on pest control, noting that RFQs were sent out to six companies. Tri-State and Gem have both responded to the RFQs. Mr. Wilson met with a representative of GEM to inspect all of the Trust properties. Mr. Marinelli sent out reminders to all six companies that their RFQs need to be submitted by March 17<sup>th</sup>.

Landscaping & Snow Removal Contract – Mr. Wilson stated that the committee completed their review of quotes received and subsequently awarded the contract to Antonio's Lawn Service.

**Mr. Wilson reiterated his motion from the January Board Meeting to meet with and sign the agreement with Antonio's Lawn Service, including discussing new payment terms. The**

**contract will become effective on April 1, 2023 and will run through March 31, 2028. Mr. Clayton seconded the motion.**

Mr. Wilson reminded the board that pricing is in place and the contracts are in the office for any of the Trustees to review. Messrs. Wilson and Baldini will discuss payment terms to coordinate with the Finance Committee's work.

**A roll-call vote was taken:**

**Dr. Yacucci – Yes**

**Ms. Masiello – Yes**

**Mr. Baldini – Yes**

**Mr. Gallagher – Yes**

**Mr. Clayton – Yes**

**Mr. Alfree – Yes. Mr. Alfree stated that the hard work done by the committee was delayed for several months, resulting in a situation where a valued Trustee who was elected by the citizens was put into such a position that she had to resign from the Trust. He added that individuals in the town who cause delays in Trust business have cost the Trust a valuable Trustee.**

**Mr. Wilson – Yes**

**Mr. F. DeAscanis – Yes**

**Mr. Episcopo – Yes**

**Mr. Toner – Yes**

**The motion carried unanimously.**

Mr. Alfree thanked Messrs. Wilson and Baldini for the committee's work on this and other matters.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

In response to a question from Mr. Alfree, Mr. Gallagher explained the Rental Income YTD Actual v. Forecast number.

Budget – The committee received input from the Property Maintenance and Outreach committees and reviewed the recommendations for the Administration and Personnel sections of the budget. The committee will meet on March 21<sup>st</sup> to review all data in draft and decide what to approve.

Mr. Gallagher stated that investments did not do well last year and the Trust lost 16.5%; and interest rates on the two outstanding loans have increased almost every month and is currently close to 7%. He recommended that any capital improvements or any items that do not necessarily have to be done be postponed to another year.

In response to a question from Mr. Wilson, Messrs. Baldini and Gallagher discussed the merits of investigating options that could generate income through interest and dividends to fund some capital projects in lieu of liquidating assets in the unrestricted fund.

Investment Partner – Mr. Gallagher stated that Royal Bank of Canada (RBC) requires a legal opinion. After discussion Mr. Taylor stated that he would send an opinion letter to RBC.

Open Seat on Finance Committee – Mr. Alfree stated that Dr. Yacucci has agreed to take the empty spot on the Finance Committee.

#### OTHER COMMITTEES

Bylaws Committee – Mr. Gallagher reporting.

The committee made changes to the investment policy based on recommendations from the Trust Attorney. Mr. Gallagher distributed the proposed policy change to the Board for review, and stated that a discussion and vote will be held at the April TNCC Board meeting.

Election Committee – Mr. Episcopo reporting.

Mr. Episcopo stated that the election will be held on Saturday, May 13<sup>th</sup> at the Good Will Fire Company from 8 a.m. to 4 p.m. Candidates can apply until April 13<sup>th</sup>. Notice was placed in The Weekly and will be in the Town Crier and on the website.

Mr. Alfree announced that Marsha A. Corcoran is the only candidate who has applied to date.

Battery Park Committee – Mr. Clayton reporting.

There was no report from the committee.

#### Next Board Meeting

The next Board meeting is April 4, 2023, at 7:00 p.m.

COMMUNICATIONS – Mr. Alfree reporting.

Trees at Penn Farm – Mr. Toby Hagerott is working with Mr. Ron Vukelich to plant approximately 50 saplings at Penn Farm. The trees will be available to everyone in the City. Mr. Alfree stated that this is a good use of the land.

Trust Officers – Mr. Alfree distributed a list of Officers for the next year.

President	Peter J. Toner
Vice President	Christopher DeAscanis
Treasurer	Fred G. Gallagher, Jr.
Assistant Treasurer	Thomas H. Wilson, Jr.
Secretary	Michael J. Alfree, Sr.
Assistant Secretary	Thomas J. Episcopo

Mr. Alfree stated that pursuant to the bylaws, this is the last year that Mr. Toner can be President and the last year that Mr. Gallagher can be Treasurer. After a one year hiatus, Messrs. Toner and Gallagher can be re-elected to those offices.

Trustees of the New Castle Common  
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Communications Process – Mr. Alfree reporting.

Mr. Alfree and Ms. Panzarella have been working with IT on a new communications process.

- Board members can choose whatever email they wish.
- The basic Trustees calendar will be used.
- Ms. Panzarella will create a group email list for each committee.

It is expected that the new process will be operational within a month.

**Mr. Toner made a motion to move to Executive Session. Mr. Episcopo seconded the motion. The motion was carried unanimously and the meeting moved to Executive Session at 7:40 p.m.**

The meeting returned to regular session and adjourned at 8:38 p.m.

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer

Trustees of the New Castle Common  
Budget Meeting Minutes  
March 21.2023

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

The purpose of the meeting is to review and discuss the operating budget for the 2023-2024 fiscal year (4/1/2023-3/31/2024). Mr. Toner called the meeting to order at 7:14 p.m. A quorum was present. Mr. Toner turned the meeting over to Mr. Gallagher to review the proposed 2023-2024 Budget.

Operating Budget – Mr. Gallagher Reporting  
(*See attached budget worksheet.*)

Mr. Gallagher provided a financial summary of the Trust to the Board. Thereafter the draft budget was reviewed by line item.

Mr. Gallagher made a motion to approve the draft Budget as amended. The motion was seconded by Mr. Alfree and unanimously carried.

Mr. Gallagher made a motion to authorize President Peter Toner and Treasurer Fred Gallagher to take out a line of credit with the Trust’s new investment firm, Royal Bank of Canada (RBC) – investment management group. The motion was seconded by Mr. Alfree and unanimously carried.

Mr. Gallagher made a motion to approve the use of restricted funds to pay invoices related to work performed under the approved 2023-2024 Property Management Budget. The motion was seconded by Mr. Alfree and unanimously carried.

Mr. Gallagher made a motion to approve the use of Trust funds currently with PNC Bank investments to totally pay off the line of credit with PNC Bank and the Library Note. The motion was seconded by Mr. Alfree and unanimously carried.

With no further business to address, Mr. Gallagher made a motion to adjourn. Mr. Alfree seconded the motion. The motion was unanimously approved and the meeting was adjourned at 8:55 p.m.

Kathleen R. Weirich  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
April 4, 2023

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

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

The monthly meeting of the Trustees was held on Tuesday, April 4, 2023, in the Trustees Board Room at Penn Farm beginning at 7:00 p.m. Mr. Toner called for a moment of silence.

President's Communications

- Mr. Toner attended a meeting with the City and ONCOR, where a Purchase Order was executed for playground equipment for Phase 1 of the project. Mr. Toner stated that the Trust will pay the City for the cost of mulch in the playground, including the cost of delivery and spreading; however, the Trust will not be responsible for the mulch after it has been spread. The existing swing set will not be removed, but will remain in the playground in a different location until Phase 2 of the project is begun.  
At Mr. Gallagher's request, Mr. Toner further explained that the Trust is only responsible for the mulch, and paying the City for the mulch, delivery and spreading will mitigate any potential liability after it has been spread. He also explained the two phases for new playground equipment proposed by the Playground Task Force.
- Messrs. Marinelli and Toner interviewed a potential candidate to assist Mr. Marinelli. Mr. Toner will keep the Board updated.

Mr. Toner yielded the floor to Mr. Episcopo to update the Board on PMC's progress on the basketball courts. Mr. Episcopo stated that after review of the two proposals that were received, PMC strongly recommends awarding the job to Cirillo Bros. They will mill, stripe and install the backboards.

**A motion was made by Mr. Clayton to award the bid to Cirillo Bros. The motion was seconded.**

Mr. Episcopo stated that the bid came in well below the budgeted amount for the project. Mr. Wilson noted that the documents are available in the Trust Office.

**The motion on the floor was unanimously carried.**

Mr. Episcopo added that the basketball court will be regulation size and that it will be several months before the work begins.

#### Monthly Calendar

- Outreach Committee – 4/17/23, 7:00 p.m.
- Finance Committee – 4/19/23, 4:00 p.m.
- Property Management Committee – 4/26/23, 4:00 p.m.
- Land Management Committee – 4/27/23, 4:00 p.m.

#### Minutes

Mr. Alfree stated that the Department of Justice has requested that a clarification be made to a motion on page 6 of the February 7, 2023, Minutes to state: **A motion was made by Mr. C. DeAscanis to accept the new Conflict of Interest policy that the Trust Attorneys “presented as reviewed by the Department of Justice.”** *(amended language in quotes)*

3/7/23 TNCC Meeting Minutes – **Mr. Clayton made a motion to accept the 3/7/23 TNCC Meeting minutes as submitted. The motion was seconded by Mr. C. DeAscanis and was unanimously carried.**

3/21/23 TNCC Budget Meeting Minutes – **Mr. Gallagher made a motion to accept the 3/21/23 Budget Meeting minutes as submitted. The motion was seconded by Mr. Clayton and unanimously carried.**

#### The Hermitage

Mr. Sidlowski was invited to present a report on The Hermitage. Mr. Sidlowski reported that:

- Three planting projects are scheduled: (1) the front entrance, (2) the parking lot; and (3) the fenced-in area. Students from William Penn will be assisting with planting on April 21<sup>st</sup>.
- Plantings scheduled between 2023 and 2024 include a native fruit bearing forest and forestation of the lower meadow.
- Approved projects that have been worked on include birdfeeders and four more bird houses that will be maintained by volunteers.
- Upcoming Events include Community Nature Days to engage the public, Hallmarks of the Hermitage to explain the history of the Hermitage and how the Trust has maintained the marsh, and Trial Maintenance Parties.
- Signs to promote the Hermitage are being made.

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- Many visitors have requested that benches be installed.
- There is a possible need for a boardwalk on the flooded pathway of the Green Trail. Mr. Sidlowski stated that because it is not an open or moving body of water the EPA advised they would only have to be consulted and informed of what is being done.
- Three events are scheduled for April and four events are scheduled for May.

Mr. Wilson asked that event dates be sent to Ms. Panzarella to be added to the Trust Calendar. Further discussion included government work that may have been done in the marshes.

Treasurer's Report – Mr. Gallagher reporting.

*Treasurer's Reports for 3/31/23 were sent out prior to the meeting.*

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

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

201 Delaware Street – Mr. Marinelli will have 201 Delaware Street advertised for lease.

Penn Mart Shopping Center – The Trust received a violation notice concerning road surface issues from the County. The notice was sent to the New Castle Shopping LLC.

Tremont Motel – The committee met with the group proposing to build an apartment complex on the Tremont Motel site consisting of one-, two-, and three-bedroom apartments. It may be another year before final approval is received.

Gregory Automotive – A lessee has been located and the committee is working through the details. The Trust does not own the building. The committee is investigating having 326 Associates take over the lease.

Rentals in Arrears – Two properties are currently behind in rent. Mr. Marinelli will continue to monitor the situation for recovery.

OUTREACH COMMITTEE REPORT – Ms. Masiello reporting.

Mr. Wilson noted that Ms. Buchanan had asked for a representative from the Trust to join the committee to preserve the Booth House Mansion. There were no volunteers to act as a Trust representative on the Booth House Mansion committee.

Mr. Toner suggested that the Outreach Committee Report be removed from the Agenda until Ms. Masiello notifies Ms. Panzarella that there will be a report.

PROPERTY MAINTENANCE REPORT – Mr. Episcopo reporting.

5<sup>th</sup> Street Library – The #8 heat pump will be replaced at the 5<sup>th</sup> Street Library.

3<sup>rd</sup> Street Library – Loose bricks will be repaired at the 3<sup>rd</sup> Street Library.

Pest Control Proposals – Mr. Wilson advised that Jem Pest Solutions submitted a very comprehensive proposal to do pest control at all Trust buildings that exceeded PMC expectations. The Committee recommends that a one-year contract with four one-year options be signed. Mr. Wilson explained what Jem will do for the Trust buildings and the payment plan.

**A motion was made by Mr. Wilson to accept the RFQ submitted by Jem Pest Solutions. Mr. Clayton seconded the motion.**

It was restated that the proposal is to accept a one-year contract with four one-year options from 2023-2028. The option years would be renegotiated based on the contractor's determination of the cost to maintain the Trust buildings. Mr. Wilson stated that he notified the Board members via email that specific pricing would not be discussed during the meeting, but that all documentation is available in the Office for review. Mr. Alfree acknowledged the hard work done by Messrs. Baldini and Wilson in the RFQ process, noting that they did an excellent job. Mr. Toner also thanked Mr. Episcopo for the work he did in the RFQ process for the basketball courts.

After discussion the Board agreed that because there are a number of questions outstanding the motion would be tabled until the May Board meeting.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

Mr. Gallagher stated that the final Report for the fiscal year would be presented at the May meeting.

**A motion was made by Mr. Gallagher that the President, Peter J. Toner, and Treasurer, Fred G. Gallagher, Jr., are authorized to execute all documents to obtain a line of credit in the amount of \$2 million dollars from Royal Bank of Canada (RBC) to be secured by a pledge of the assets of account XXXXX held at RBC as collateral. The Secretary, Michael J. Alfree, Sr., is authorized to execute documents that call for the Secretary to sign. The proceeds of this loan are to be used in accordance with the governing documents and investment policy of the Trustees of the New Castle Common and are to be restricted for the uses of capital improvement projects for properties owned by the Trustees. Capital projects also include reimbursing the operating account for funds recently expended for capital projects either as the project progresses or after the project is finished and stabilized. Funds may be drawn on the line of credit upon the authorization of the President or Treasurer.**

Mr. Taylor stated that the account numbers will remain redacted and shown as "XXXXX".

**The motion was seconded by Mr. Baldini.**

Mr. Gallagher clarified the purpose of setting up the line of credit.

**A roll call vote was taken:**

**Mr. C. DeAscanis – Yes**

**Dr. G. Yacucci – Yes**

**Ms. T. Masiello – Yes**

**Mr. D. Baldini – Yes**

**Mr. F. Gallagher – Yes**

**Mr. T. Clayton – Yes**

**Mr. M. Alfree – Yes**

**Mr. T. Wilson – Yes**

**Mr. F. DeAscanis – Yes**

**Mr. T. Episcopo – Yes**

**Mr. P. Toner – Yes**

**The motion carried unanimously.**

OTHER COMMITTEES

Bylaws Committee – Mr. Gallagher reporting.

Proposed Investment Policy – Mr. Gallagher stated that he distributed a proposed investment policy at the March meeting for comment and no comments were received from Board members. He identified several minor edits that were made to the proposed policy document and explained the purpose of the policy based on recommendations from the Trust Attorney.

**A motion was made by Mr. Gallagher to accept the proposed Investment Policy as submitted. The motion was seconded by Mr. Wilson.**

Ms. Danberg stated that the policy recommends that whenever there is an investment agent or delegate, such as a bank, that the Investment Policy be shared with such agent or delegate and that it be noted that the investment policy has been reviewed with the Department of Justice.

**The motion on the floor was unanimously carried.**

Mr. Toner stated that an individual Trustee cannot encumber the Trust, financially or legally.

Mr. Toner stated that if a motion or Board endeavor is sent out via email, the vote on such motion or Board endeavor must have unanimous consent; whereas, if a motion is made during a TNCC Board Meeting, it can be carried by a simple majority. Mr. Taylor explained this is in compliance with §141 of the Delaware Corporate Code. Mr. Gallagher added that this is also in the Bylaws. In response to a request from Ms. Masiello, Mr. Alfree explained a scenario when a motion might be sent out via email.

Mr. Alfree acknowledged Mr. Gallagher for the hard work he did on the proposed Investment Policy. Mr. Toner acknowledged the due diligence of Messrs. Gallagher and Baldini on the Bylaws Committee.

Mr. Gallagher stated that he is very comfortable with the transfer from PNC to RBC. He will keep the Board updated on the status of the Investment Policy.

Election Committee – Mr. Episcopo reporting.

Mr. Episcopo stated that the election is still set for May 13<sup>th</sup>, and the deadline to apply as a candidate is 3:30 p.m. on April 13<sup>th</sup>. All candidates must turn in their application in person at the Trust Office. Mr. Episcopo will be in the Office all day on April 13<sup>th</sup>.

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Battery Park Committee – Mr. Clayton reporting.

Permitting – Mr. Toner stated that turning over permitting to the City is still under discussion.

Dog Park – In response to a question from Mr. Gallagher, Mr. Taylor stated that he had drafted a license agreement. Mr. Toner noted that Council President Platt is confident that after the election Council will vote on the Dog Park. Mr. Taylor noted that the Dog Park will be coordinated with the Red Tail group.

Next Board Meeting

The next Board meeting is May 2, 2023, at 7:00 p.m.

COMMUNICATIONS – Mr. Alfree reporting.

Microsoft 365 – Mr. Alfree explained the new process for TNCC emails, noting that Ms. Panzarella distributed a form that needs to be returned by all Board members before the new process can be put into effect.

Big Screen TV – Mr. Alfree noted that Bluetooth is not functioning property for the Board Room TV and explained the process to follow when making a presentation.

Miscellaneous

History – Mr. Toner stated that the conclusion of the April meeting will mark the 231<sup>st</sup> year of Board Meetings for the corporation known as Trustees of the New Castle Common, and thanked each of the Board Members for their contributions.

Sea Level Rise Task Force – Mr. Gallagher stated that the Sea Level Rise Task Force will conduct a Public Workshop on May 10<sup>th</sup> regarding flooding in New Castle, and encouraged anyone who may be affected to attend the Workshop.

**Mr. Wilson made a motion to move to Executive Session to discuss illegal use of Trust property. Mr. Clayton seconded the motion. A roll call vote was taken.**

**Mr. C. DeAscanis – Yes**

**Mr. G. Yacucci – Yes**

**Ms. T. Masiello – Yes**

**Mr. D. Baldini – Yes**

**Mr. F. Gallagher – Yes**

**Mr. T. Clayton – Yes**

**Mr. M. Alfree – No**

**Mr. T. Wilson – Yes**

**Mr. F. DeAscanis – Yes**

**Mr. T. Episcopo – No**

**Mr. P. Toner – No**

**The motion was carried with a vote of eight (8) in favor and three (3) opposed and the meeting moved to Executive Session at 8:19 p.m.**

The Board returned to regular session at 8:50 p.m.

Trustees of the New Castle Common  
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**A motion to adjourn the meeting was made and seconded. The motion was unanimously carried and the meeting adjourned at 8:51 p.m.**

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
May 2, 2023

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

Also present: M. Corcoran  
A. Taylor, Esquire (*Trust Attorney*)  
B. Snapp Danberg, Esquire (*Trust Attorney*)  
J. Panzarella, Administrative Coordinator  
M. Marinelli, Property Manager  
K. Weirich, Stenographer  
J. Sidlowski  
M. Quirk, Deputy Attorney General, Director, Consumer Protection Unit  
D. Anderson, Paralegal, Fraud & consumer Protection Unit

Mr. Alfree opened the meeting at 6:30 p.m. for the purpose of swearing in Marsha A. Corcoran as a Trustee of the Trustees of the New Castle Common.

Mr. Alfree stated that because there was only one candidate for the vacant seat on the Board, an election was not held. Mr. Alfree turned the proceedings over to Mr. Episcopo. Mr. Episcopo stated that as of April 13, 2023, at 3:30 p.m. there was only one candidate, and therefore, there was no contest and the election was cancelled. Mr. Alfree then called on President Toner to conduct the swearing in. Ms. Corcoran's two sons, John Corcoran, Jr. and Patrick Corcoran, held the Bible. Mr. Toner conducted the swearing in ceremony and introduced Ms. Corcoran as the 169<sup>th</sup> Trustee of the Trustees of the New Castle Common.

The monthly meeting of the Trustees was held on Tuesday, May 2, 2023, in the Trustees Board Room at Penn Farm beginning at 7:00 p.m. Mr. Toner called for a moment of silence.

#### President's Communications

- Mr. Toner received a call from Mr. Bergstrom, City Building Official, regarding an oil spill that occurred during the construction of the boat ramp. Mr. Toner brought the matter to the Trustees' attention because the spill occurred on Trust property.
- Mr. Toner stated that due to staffing changes, the transfer of scheduling events in Battery Park to the City has been postponed.

Trustees of the New Castle Common  
Minutes of May 2, 2023

- Mr. Toner apologized to the Board members regarding if the events of March 4<sup>th</sup> were misconstrued.

Monthly Calendar

- Outreach Committee – 5/8/23, 7:00 p.m.
- Finance Committee – 5/17/23, 4:00 p.m.
- Property Management Committee – 5/24/23, 4:00 p.m.
- Land Management Committee – 6/1/23, 4:00 p.m.

Minutes

4/4/23 TNCC Meeting Minutes – Mr. Wilson requested the motion on page 4 be amended to delete the words “for \$121,000 for one year to the Trust buildings”.

4/4/23 TNCC Meeting Minutes – **Mr. Alfree made a motion to accept the 4/4/23 TNCC Meeting minutes as amended. The motion was seconded by Mr. Clayton and was unanimously carried.**

Treasurer’s Report – Mr. Gallagher reporting.

*Treasurer’s Reports were sent out prior to the meeting.*

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

**Mr. Wilson made a motion to approve the April 30, 2023, Treasurer’s Report as submitted. The motion was seconded by Mr. C. DeAscanis and unanimously carried.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

A formal meeting of the LMC was not held in April.

Gregory Automotive – This is moving forward; however, the prospective lessee’s attorney must get involved in this complicated issue.

201 Delaware Street – Mr. Marinelli is working to have the property put up for lease. Mr. F. DeAscanis submitted drawings to convert the second and third floors into apartment space. LMC has also met with Nowland Associates.

Rentals in Arrears – Mr. Marinelli has successfully recouped one-half of rental that was in arrears from one lessee.

PROPERTY MAINTENANCE REPORT – Mr. Episcopo reporting.

Mr. Episcopo turned the report over to Mr. Wilson. Mr. Wilson stated that a detailed note was sent to all Trustees regarding a contract with Jem Pest Control.

**Mr. Wilson made a motion to enter into a one-year contract with Jem Pest Control with four one-year extensions that will be negotiated and approved by the Board every year thereafter.**

**At the end of the five-year term, the contract will be terminated and renegotiated. The motion was seconded by Mr. Clayton.**

Mr. Toner paused voting to inform Ms. Corcoran that she is welcome to vote; however as she was sworn in immediately prior to the meeting he suggested that it might be premature to vote on a financial decision. Ms. Corcoran concurred. Mr. Alfree requested a roll-call vote. Mr. Gallagher thanked Mr. Wilson for the work he did on this project.

**A roll-call vote was taken:**

**Mr. Episcopo – Yes**

**Mr. F. DeAscanis – Yes**

**Mr. Wilson – Yes**

**Mr. Alfree – Yes**

**Mr. Clayton – Yes**

**Mr. Gallagher – Yes**

**Mr. Baldini – Yes**

**Ms. Masiello – Yes**

**Dr. Yacucci – Yes**

**Mr. C. DeAscanis – Yes**

**Mr. Toner – Yes**

**The motion carried unanimously.**

Mr. Episcopo reported that maintenance continues on all Trust properties.

- Dutch Elm Trees – The Dutch Elm trees in Battery Park and Dewey Park were treated.
- Basketball Court – Cirillo Bros. are waiting for the rest of the equipment to be installed before beginning work on the basketball courts.
- 5<sup>th</sup> Street Library – A handicap accessible door on the parking lot side will be repaired as soon as the parts come in. There is also some painting that will be done.
- The Hermitage – The water line is in and connected inside the Ice House. Mr. Episcopo noted that there are 10-12 people assisting Mr. Sidlowski at The Hermitage. Signs and cameras have been installed to deter bike riders coming through the Hermitage.
- Colonial School District Students – Approximately 100 6<sup>th</sup>-8<sup>th</sup> grade students will tour Penn Farm with Toby Hagerott on May 18<sup>th</sup> and learn about the planting being done.
- Bellanca – Bellanca and the Little League had open houses. One more dugout was done and the batting cages are done.

In response to a question from Mr. Toner, Mr. Wilson stated that PMC is looking into pricing for the Bull Hill parking lot. Mr. Antonio will submit a total price to PMC. Mr. Toner reported that the City is looking into repaving the Ft. Casimir parking lot.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

Mr. Gallagher stated that it looks very good. He reviewed revenue and expenses. The Finance Committee held its quarterly review with the Finance Partners (PNC and RBC). RBC had not

Trustees of the New Castle Common  
Minutes of May 2, 2023

received any of the funds as of the date of the meeting. Mr. Gallagher opined that RBC should receive most of the funds this week. A copy of the Investment Policy was given to both Investment Partners and the committee has documented evidence that they have seen it.

Mr. Gallagher stated that the committee will discuss what the financial piece of the investment policy will be. He asked the Finance Committee members to be prepared to discuss the matter in depth in order to determine what direction the Trust wants to give its Investment Partners at the next meeting.

OTHER COMMITTEES

Election Committee – Mr. Episcopo reporting.

Mr. Episcopo thanked the office staff for their work on the election. As a point of order, Mr. Alfree stated that pursuant to the Bylaws the Election Committee is now dissolved. During discussion it was suggested that a new Committee be selected for a possible fall election.

Bylaws Committee – Mr. Gallagher reporting.

Mr. Gallagher had no report. Mr. Alfree opined that the Trust needs either a bylaw or a policy on how to proceed if there is only one candidate running for an open seat. At a suggestion from Mr. Gallagher, Mr. Toner asked Mr. Taylor to write a policy to address communications.

Battery Park Committee – Mr. Clayton reporting.

Mr. Clayton noted that May 20<sup>th</sup> is A Day in Old New Castle, June 9<sup>th</sup> – 10<sup>th</sup> is Separation Day, and summer concerts begin on June 14<sup>th</sup>.

Next Board Meeting

The next Board meeting is Tuesday, June 6, 2023, at 7:00 p.m. It will be a public meeting.

Miscellaneous

Ms. Panzarella noted that the Trustees Tour of Trust Properties is scheduled for June 3<sup>rd</sup>. After the tour there will be a box lunch back at Penn Farm and the new communication strategy will be reviewed.

COMMUNICATIONS – Mr. Alfree reporting.

Thank You Letters – Mr. Alfree reported that thank you letters were received from:

- New Castle Hundred Lions Club for the grant for Art on the Green; and
- Good Will Fire Company for the annual grant

Christiana Care / Senior Center – Mr. Alfree reported that Christiana Care has decided to vacate its medical facility at the New Castle Senior Center. There is a petition at the Senior Center to have Christiana Care retain their medical facility at the Senior Center. Mr. Alfree suggested that any Trustee who wishes to sign the petition do so as a private citizen and not as a Trustee of the New Castle Common. Mr. Gallagher opined that the facility was shut down due to lack of business. Mr. Taylor confirmed that what Mr. Alfree is suggesting is that any Trustee who signs the petition does so as a private citizen. Dr. Yacucci asked if St. Francis had been reached out to. Mr. Alfree could not answer that question.

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Contact List – Mr. Alfree noted that Ms. Panzarella distributed an updated Trustee document and asked that it be reviewed and any changes be reported to her.

New Trustee Assignment – Mr. Alfree recommended that Ms. Corcoran attend as many committee meetings as possible prior to the next meeting in order to assign her to a committee before the summer hiatus.

**Mr. Gallagher made a motion to adjourn the meeting. The motion was seconded by Mr. Episcopo and the meeting adjourned at 7:42 p.m.**

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
June 6, 2023

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

Absent: T. Wilson (*Asst. Treasurer*)

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

Mr. Toner convened the meeting at 7:00 p.m. and opened the floor to public comment

**Public Comment**

Dorsey Fiske – 26 East 2<sup>nd</sup> Street

Ms. Fiske read a prepared statement into the record. She asserted that the Trustees are in violation of FOIA law and in violation of the oaths sworn to faithfully discharge the duties of Office of Trustee. She added that according to the Charter the assets of the Trust are “to and for the use of the inhabitants of the town of New Castle and to no other use intent or purpose whatsoever” and the expenditure of \$1.5M on renovations to Penn Farm was only for use as headquarters and not for the benefit of the residents. Ms. Fiske noted that information she has requested has not be forthcoming and residents are only permitted to attend four Trust Board meetings each year.

Phil Gross – 1301 13<sup>th</sup> Street

Mr. Gross stated that all Trust meetings should be open to the public. Mr. Gross opined that events to which he did not personally witness were in violation of Article 15 of the Trust Bylaws. Mr. Gross stated that certain comments made by Mr. Toner during the December meeting were not published in the minutes.

Andrew Camac – 23 West 3<sup>rd</sup> Street

Mr. Camac thanked the Trustees for renovating the basketball court. He noted that it has been in constant use since it was opened again.

Trustees of the New Castle Common  
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Vinnie Beale – 26 The Strand

Mr. Beale asked what the Trustees have done as a result of public comments made by Mr. Toner, asking if he was censured and if he will resign.

Schuyler Borton – 42 East 4<sup>th</sup> Street

Ms. Borton stated that what she understood was said is a concern, in addition to “the other alleged offenses”.

Susan Hager – 106 East 3<sup>rd</sup> Street

Ms. Hager stated she wanted to know what has been done.

Mr. Toner asked Mr. Taylor to speak. Mr. Taylor stated that it is an internal matter akin to a Human Resources matter and it has been dealt with. He added that complaints against Trustees under Article 15 and Article 8 are filed by one Trustee against another Trustee and not filed by the public.

Schuyler Borton – 42 East 4<sup>th</sup> Street

Ms. Borton expressed her understanding that the Trustees have a fiduciary duty to respond to the concerns of the community.

The monthly meeting of the Trustees was held on Tuesday, June 6, 2023, in the Trustees Board Room at Penn Farm beginning at 7:10 p.m. Mr. Toner called for a moment of silence.

President’s Communications

- Mr. Toner met with Senator Poore, City Council President Platt, Heather Dunnigan of WILMAPCO, Peter Haag of DelDOT, City Administrator Barthel, and Paul McConnell a lessee of Amazon land to discuss widening Rt. 273 from First Baptist to Hares Corner and various solutions to alleviate congestion. The matter has been referred to the Land Management Committee.
- Mr. Toner congratulated PMC for the timely turn-around of the basketball courts.

Monthly Calendar

- Land Management Committee – 6/1/23, 4:00 p.m.
- Outreach Committee – 6/12/23, 12:00 p.m.
- Finance Committee – 6/21/23, 4:00 p.m.
- Property Maintenance Committee – 6/28/23, 4:00 p.m.
- Land Management Committee – 6/29/23, 4:00 p.m.

Minutes

5/2/23 TNCC Meeting Minutes – **Mr. Clayton made a motion to accept the 5/2/23 TNCC Meeting minutes as amended. The motion was seconded by Mr. Gallagher and was unanimously carried.**

Treasurer's Report – Mr. Gallagher reporting.

*Treasurer's Reports were sent out prior to the meeting.*

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

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

Gregory Automotive – The assignment of the lease from Gregory Automotive to Deals on Wheels is still moving forward.

198 North DuPont Highway – The proposed apartment building is proceeding. As soon as approvals are received it will probably be 1-2 years before rent is collected.

201 Delaware Street – The committee is exploring other options for the space and the broker has been asked to stand down.

Frenchtown Road – Senator Poore initiated the discussion regarding widening Frenchtown Road. The Committee will continue to monitor this situation.

Dog Park – The Committee is exploring other locations for the Dog Park besides the Hermitage. In response to a question from Mr. Gallagher, Mr. Alfree noted that there will be a licensing agreement, and at such time that the land is no longer being used as a Dog Park it will be cleaned up by the City and returned to the Trust.

New Curbs and Sidewalks – DelDOT is proceeding with sidewalk and curbs on the airport side of the DuPont Highway from Wilmington College to Hares Corner. The Trust will need to give DelDOT certain easements along that corridor. Mr. Marinelli is currently reviewing the documents and will report to the Committee. Mr. Alfree opined that the work will be done during the summer.

PROPERTY MAINTENANCE REPORT – Mr. Episcopo reporting.

Basketball Courts – The work on the basketball courts was completed in time for Separation Day and the summer, and teams are already using it.

Maintenance Shop – The maintenance shop at the Battery needs a new door.

Elm Trees – The Elm trees in Battery Park and Dewey Park have been sprayed and treated.

The Meadows – The meadows were looking beautiful; however the drought has had a negative effect that will hopefully be reversed when it rains.

5<sup>th</sup> Street Library – Most of the issues will hopefully get done this month.

Little League – The Little League did very well this year. The committee is

2<sup>nd</sup> & Chestnut – The committee is considering putting up fencing at the Old Ferry cut-off to deter cars from using that area at night.

Pest Control –

- A swarm of bees was removed from the rafters at Penn Farm and damage has been repaired.
- Carpenter Bees were exterminated in the dairy barn.
- The 3<sup>rd</sup> Street Library was treated for termites and silverfish, and there is a bat problem that is being worked on.

Trustees of the New Castle Common  
Minutes of June 6, 2023

- Bellanca was treated for termites.

Bellanca – Mr. Episcopo distributed a picture depicting preliminary plans being considered to add tennis courts, pickle ball courts, and a soccer field, as well as shortening the fence on the t-ball field to extend the parking lot. The committee will be getting quotes.

Bulkhead – The committee is doing a preliminary exploration of doing an additional 120' to the flagpole and will be getting quotes.

201 Delaware Street – The committee is exploring ideas and is getting quotes to repair the bricks in the back before next May.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

Mr. Gallagher reported that all funds from PNC have been transferred. The committee is pursuing a line of credit with RBC for \$2M that has been approved. The documentation will be set up for when rates become more favorable and there is a need. Mr. Gallagher stated that as part of the move from PNC a line of credit was paid off, and the only outstanding liability he is aware of is the payment to the City for Delaware Street. The audit for FY 2022-23 is currently in process.

The committee worked on adding to the Legal Investment Policy to include items that will help the committee to monitor performance into the future. The investment policy with the second investment partner will also be reviewed.

OTHER COMMITTEES

Election Committee – Mr. Episcopo reporting.

Mr. Episcopo thanked the office staff for their work on the election. As a point of order, Mr. Alfree stated that pursuant to the Bylaws the Election Committee is now dissolved. During discussion it was suggested that a new committee be selected for a possible fall election.

Bylaws Committee – Mr. Gallagher reporting.

The Bylaws committee did not meet.

Battery Park Committee – Ms. Masiello reporting.

Ms. Masiello thanked Ms. Panzarella for updating the online calendar with important dates.

Next Board Meeting

The next Board meeting is Tuesday, September 5, 2023, at 7:00 p.m.

COMMUNICATIONS – Mr. Alfree reporting.

Trustee Tour – Mr. Alfree thanked Messrs. Wilson and Toner for their encouragement of having the tour. He also thanked Ms. Panzarella and Mr. Marinelli for their hard work and diligence in coordinating the event. Ms. Masiello acknowledged Mr. Marinelli's role as "tour guide" and his depth of knowledge about not only the properties, but of the Trust history.

Summer Schedule – Mr. Alfree stated that the Board will not meet in July or August; however, all committees will have regular meetings to conduct Trust business.

Trustees of the New Castle Common  
Minutes of June 6, 2023

Communications – The received a thank you note from the New Castle Community Partnership for the Trust’s support in achieving their mission, and for all the Trust does to contribute to the quality of life in the City of New Castle.

Executive Session – Mr. Alfree asked that the Board approve moving to executive session for a matter of personnel.

**A motion was made by Mr. Alfree to move into executive session. The motion was seconded by Ms. Masiello. The motion was unanimously carried and the meeting moved to executive session at 7:39 p.m.**

The Board returned to regular session at 7:44 p.m. and the meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
September 5, 2023

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

Also present: A. Taylor, Esquire (*Trust Attorney*)  
B. Snapp Danberg, Esquire (*Trust Attorney*)  
J. Panzarella, Administrative Coordinator  
K. Weirich, Stenographer  
Chief D. Majewski, Jr., Good Will Fire Company  
M. Quirk, Deputy Attorney General, Deputy Director Consumer Protection Unit  
K. Levitsky, Assistant Attorney General; Consumer Protection Unit

The monthly meeting of the Trustees was held on Tuesday, September 5, 2023, in the Trustees Board Room at Penn Farm beginning at 7:00 p.m. Mr. Toner called for a moment of silence.

President's Communication

- Mr. Toner met with representatives from the City at the Hermitage [*regarding the Dog Park*] on August 17<sup>th</sup>. Ms. Hamroun, City Architect, will lay out the site using global positioning.
- On August 22<sup>nd</sup>, the Good Will Fire Company held a ribbon cutting ceremony for the new Boat Ramp. Messrs. Toner, Alfree, Clayton and Yacucci attended.
- MickyFest was held on August 26<sup>th</sup> at Battery Park and \$20,000 was raised for the family. Several complaints were reported to the Trustees:
  - The application called for port-a-potties, and there were none;
  - Alcohol sales were supposed to be limited to an enclosed area and they were not; and
  - During cleanup a piece of construction fencing went missing.
- The scheduling of events in Battery Park will be turned over to the City effective September 30, 2023.

Monthly Calendar

- Outreach Committee – 9/11/23, 5:30 p.m.
- Finance Committee – 9/20/23, 4:00 p.m.

Trustees of the New Castle Common  
Minutes of September 5, 2023

- Property Maintenance Committee – 9/27/23, 4:00 p.m.
- Land Management Committee – 9/27/23, 4:00 p.m.

Report From Good Will Fire Company

At Mr. Episcopo's request, Chief Majewski gave the Trustees an update on the activity of the Fire Company and the status of the facility. He reviewed the history of the facility, which was built in 1958 and renovated in the 1960's and in 2010. During conversations with members of the Trust, property owned by the Trust at Ferry Cut Off was discussed as a potential site if a new facility was deemed necessary.

In early 2022 the Department formed a Building Exploration Committee to explore the current facility and its ability to provide necessary services to the City. Four Committee members attended a Fire Station Design Conference in Illinois where they connected with several design companies that specialize in public safety facilities. After evaluating several bids, the Department contracted with Manns Woodward Studios in White Marsh, Maryland, in September 2022 to conduct a feasibility study. In addition, the Department has completed a phase 1 environmental survey of the Ferry Cut Off site, an overall apparatus and operations survey, a building survey, and a lead/asbestos survey. The final report will be presented to the Trustees for consideration.

Chief Majewski noted that the building sustained some damage during summer storms and there is concern of how long the Department will continue to occupy the building. He added that the Department has communicated with Mr. Toner throughout the process to keep him updated.

In response to a question from Mr. Toner, Chief Majewski opined that Ferry Cut Off may not be the optimum site. He added that the 4<sup>th</sup> Street location offers the Department the opportunity to be very involved with the community, which he opined is very important to the Department.

In response to a question from Mr. Wilson, Chief Majewski noted that during his tenure there has been no discussion of a sub-station. He offered his opinion that a sub-station is not viable, particularly from a staffing standpoint.

Minutes

6/6/23 TNCC Meeting Minutes – **Mr. Wilson made a motion to accept the 6/6/23 TNCC Meeting minutes as presented. The motion was seconded by Mr. Gallagher and was unanimously carried.**

Treasurer's Report – Mr. Gallagher reporting.

*Treasurer's Reports were sent out prior to the meeting.*

June 30, 2023 Report

In response to a question from Mr. Alfree, Mr. Gallagher explained the M&T Service Charge.

Mr. Toner noted that the disbursement of \$341 to Delaware Elevator was for inspection of the elevator at 201 Delaware Street.

**Mr. Wilson made a motion to accept the June 30, 2023, Treasurer's Report as submitted. The motion was seconded by Mr. Gallagher and unanimously carried.**

July 31, 2023 Report

Mr. Alfree asked that it be reflected in the Minutes that the \$22 disbursement to Mr. Marinelli was for reimbursement of parking fees when he represented the Trust in Federal Court in the City of Wilmington.

**Mr. Wilson made a motion to accept the July 31, 2023, Treasurer's Report as submitted. The motion was seconded by Dr. Yacucci and unanimously carried.**

August 31, 2023 Report

Mr. Episcopo noted that the disbursement of \$11,525 to Tree Inc. was in connection with clean-up and tree removal in Battery Park resulting from several summer storms.

In response to a question from Mr. Toner, Mr. Alfree explained that the disbursement of \$1,275 to A. Woodward Design was for design fees of potential residential space at 201 Delaware Street. He added that LMC approved this expense to determine the feasibility of apartment(s) at 201 Delaware Street on the 2<sup>nd</sup> and 3<sup>rd</sup> floors.

**Mr. Gallagher made a motion to accept the August 31, 2023, Treasurer's Report as submitted. The motion was seconded by Ms. Masiello and unanimously carried.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

Mr. Alfree stated that an Executive Session would be needed for real estate matters.

- Old Tremont Property – Messrs. Taylor and Marinelli are working on finalizing an agreement at the Old Tremont property for the Pusan Group to move forward with their residential building.
- AVIS – Avis on DuPont Highway at Hare's Corner asked to remain and the Committee will try to expand that plot of land.
- Dog Park – The Dog Park is moving forward.
- 326 Associates – The Committee received a request from 326 Associates to do some surveying at the corner of Hare's Corner that includes Horizon, Gregory Auto and the Shell Station. Mr. Marinelli will work with 326 Associates to complete this request.

In response to a question from Mr. Baldini regarding the Dog Park, Mr. Taylor explained that the LMC has been discussing that and a draft is being worked on. Mr. Alfree stated that documentation is necessary for both the Dog Park and the Playground. The Board has approved not being responsible for the entire Playground, including the equipment, once it is installed.

PROPERTY MAINTENANCE REPORT – Mr. Episcopo reporting.

Mr. Episcopo briefly reviewed a number of matters that were taken care of over the summer.

He stated that there are four high-priority projects.

- Storm Damage / Good Will Fire Department – Mr. Episcopo stated that wind and rain damage was sustained to the garage doors at the Good Will Fire House. The matter was turned over to the insurance company and an adjuster will be inspecting the damage. Mr. Episcopo opined that the Fire Company will be moving within the next five years, and noted that once the extent of the damage and the cost to repair is determined he will bring the matter before the Board. Mr. Episcopo said that there are many things to consider, noting that the building needs to be repainted and if the boiler needs to be replaced the cost could be \$18,000-\$20,000.
- Battery Park – The Trust investigated extending the rip-rap at Battery Park and PMC received a number of proposals. Mr. Baldini suggested that the Trustees reach out to the City to see if they would consider investing grant funds. He also recommended that the Trustees coordinate with the Sea Level Rise Task Force before extending the rip-rap. Mr. Baldini noted that the work being done through the Sea Level Rise Task Force could have a negative impact on the rear of the Hermitage. Mr. Gallagher noted that these projects are being discussed, but have not yet been approved; and that the Board should proceed in accordance with the Bylaws.
- Dialysis Center Parking Lot – The parking lot at the Dialysis Center needs to be repaved. PMC reached out to three contractors and received a bid back from one of them with a cost of \$78,975. He cautioned that the parking lot is hazardous due to the fact that it is a medical facility. Mr. Gallagher noted that the Bylaws provide for proposal and approval of a capital project at the same meeting if it is an emergency situation. Mr. Alfree suggested that because it is a healthcare facility the matter be considered an emergency and that a motion be made to approve expenditure as such. He also asked that Mr. Episcopo put a note in the file identifying the three contractors that were contacted and stating that only one of them responded with a quote.

**Mr. Episcopo made a motion to approve spending \$80,000 to repave the parking lot at the Dialysis Center as soon as possible as considered an emergency by the Property Maintenance Committee. The motion was seconded by Mr. Wilson. A roll-call vote was taken:**

**Mr. C. DeAscanis – Yes  
Dr. G. Yacucci – Yes  
Ms. T. Masiello – Yes  
Mr. D. Baldini – Yes  
Mr. F. Gallagher – Yes  
Mr. T. Clayton – Yes  
Mr. M. Alfree – Yes**

**Ms. M. Corcoran – Yes**

**Mr. T. Wilson – Yes**

**Mr. F. DiAscanis – Yes**

**Mr. T. Episcopo – Yes**

**Mr. P Toner – Yes**

**The motion carried unanimously.**

- 201 Delaware Street – The Market Square area behind 201 Delaware Street is in disrepair. Mr. Episcopo proposed that the area be repaired and landscaped and asked that the matter be approved due to upcoming events and because the area is considered dangerous. A discussion of finances ensued during which Mr. Wilson noted that the Trust is not a financial institution, but is here to invest monies for the betterment of the City of New Castle. Mr. Gallagher stated that the Trust is tasked with that in perpetuity, and funds must be available to go forward with. Mr. Episcopo noted that the replacement bricks will be clay, which is soft, and stated that Market Square can no longer be used for the band shell or for setting up tents. He added that the Historic Area Commission would need to be consulted. Mr. Episcopo explained the scope of work and asked for approval of a capital improvement to ensure the work is completed by December 2023. There was further discussion of whether this was an emergency. In response to a question from Ms. Masiello, Mr. Episcopo stated that PMC has not received a formal quote for the job, but an informal estimate of \$70,000 was received.

**Mr. Episcopo made a motion for approval to replace the bricks at 201 Delaware Street at a cost not to exceed \$80,000.**

**A roll-call vote was taken:**

**Mr. Episcopo – Yes**

**Mr. F DeAscanis – Yes**

**Mr. T. Wilson – Yes** – Mr. Wilson stated a motion is not needed, noting that PMC came before the Board asking for approval of funding to move forward, and that is not being asked for in this motion. He added that PMC wants the matter to be considered an emergency so that they can move as quickly as possible to correct a liability situation. Discussion ensued during which Ms. Masiello noted that no formal bids have been received.

**Ms. M. Corcoran – Yes** – Ms. Corcoran asked what the motion is. Mr. Toner stated that it is to approve them (PMC) to get a contractor not to exceed \$80,000. Ms. Corcoran asked if part of the motion is that the Board will approve an emergency vote at this meeting, to which Mr. Toner responded that it was. Mr. Wilson added “and move forward to complete this job by January 1”. Mr. Toner added that they would stipulate to the City that they cannot take a trailer onto Market Square.

The stenographer re-read the motion for clarity. Mr. Wilson asked that the motion be amended to state “to be completed by December 15<sup>th</sup>”. After discussion it was decided not to amend the motion. Mr. Alfree stated that if it is such an emergency and it is so

unsafe, the area should be closed off until such time that this is resolved. Messrs. Episcopo and Wilson agreed.

**Mr. Alfree – Yes**

**Mr. Clayton – Yes**

**Mr. Gallagher – No** – Mr. Gallagher stated that an emergency should be listed in the motion because otherwise the Bylaws are being violated.

**Mr. Baldini – Yes**

**Ms. Masiello – Yes**

**Dr. Yacucci – Yes**

**Mr. C. DeAscanis – Yes**

**Mr. Toner – Yes**

**The motion passed with a vote of 11 in favor and 1 opposed (Mr. Gallagher).**

- **Ft. Casimir** – PMC requested bids from three contractors. One did not show up, one provided an option using materials that would not last long, and the third provided a quote of \$40,000 to replace the old cables and fence with 165 black 366 stainless steel bollards at 4' intervals from The Strand to the Chestnut Street opening to keep traffic from moving down onto the park area. In response to a question from Mr. Alfree, Mr. Wilson stated there are emergency entrances already in place to allow access by people wanting to go behind their houses for temporary use, as well as City, Police and Fire Department emergency equipment. Mr. Wilson explained the need for this work, noting that Ft. Casimir Park is the original historical site of New Castle and it should be a facility that is first-class in every aspect.

**Mr. Wilson made a motion to approve the expenditure of \$40,000 to replace old cables and fence with 165 black 366 stainless steel bollards at 4' intervals from The Strand to the Chestnut Street opening. The motion was seconded by Ms. Masiello. A roll-call vote was taken.**

**Mr. C. DeAscanis – Yes**

**Dr. Yacucci – Yes**

**Ms. Masiello – Yes**

**Mr. Baldini – Yes**

**Mr. Gallagher – Yes** – In response to a question from Mr. Gallagher, Mr. Wilson confirmed that PMC requested three quotes and received two.

**Mr. Clayton – Yes**

**Mr. Alfree – Yes**

**Ms. Corcoran – Yes**

**Mr. Wilson – Yes**

**Mr. F. DeAscanis – Yes**

**Mr. Episcopo – Yes**

**Mr. Toner – Yes**

- **5<sup>th</sup> Street Library** – The library needs a considerable amount of work. Mr. Episcopo noted work that has already been completed. He added that the air conditioning

system and the carpeting is old, and it needs inside painting. Mr. Baldini stated that PMC is recommending replacement of four (4) Energy Recovery Ventilators at a cost of \$9,550 each (\$38,200 total) as soon as possible. He explained that the library is the most heavily trafficked asset that the Trust has and it is a high maintenance property; recommending that this request be moved to emergency status. Additionally, Mr. Episcopo stated that PMC was informed that all 18 heat pump units will eventually need to be replaced. Mr. Wilson noted PMC would like to have one pump unit in reserve. The cost of each unit is \$18,000. Mr. Episcopo added that the inside and outside need to be repainted.

**Mr. Wilson made a motion to approve the expenditure of \$38,200 to make the necessary repairs to the heat pumps immediately. The motion was seconded by Ms. Masiello.**

Mr. Gallagher questioned the quote, and Mr. Episcopo explained that the \$18,000 was for the entire unit.

**The motion carried unanimously.**

- Bellanca – Mr. Episcopo updated the Board on the status of termite and water damage at the Bellanca building.
- Little League – The T-ball fence has been moved in to a depth of 100' to provide more parking. PMC was informed that girls' softball tournaments cannot be held there because one of the fields is not legal. PMC is in the process of moving fields. The Little League did get a grant for lighting.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

Mr. Gallagher stated that percentage wise, the Trust is doing very well.

- The investment account decreased approximately 2%.
- The Committee will be meeting with the auditors this month and the report will be presented to the Board next month.
- The unrestricted balance is approximately \$400,000.

OTHER COMMITTEES

Battery Park Committee – Ms. Clayton reporting.

- Mr. Clayton noted that the new playground equipment is going in.

Mr. Toner recessed the meeting at 8:20 p.m. The meeting reconvened at 8:36 p.m.

- Ms. Masiello commended Ms. Panzarella for her diligence in keeping the Board members up-to-date with the online calendar as well as the fact that she is training three people to do the job that she has done single-handedly.

Trustees of the New Castle Common  
Minutes of September 5, 2023

Bylaws Committee – Mr. Gallagher reporting.

Mr. Gallagher read a draft of a recommended change to the Code of Conduct. He requested that the Board members review the change and submit comments to the Committee before the next Board meeting.

Mr. Baldini explained the proposed Bylaws/Policy/Procedures format changes.

Election Committee – Mr. Toner reporting.

Mr. Toner announced that there is a vacancy on the Trust Board and he asked for a volunteer to chair the Election Committee. Mr. Wilson volunteered to act as Chair. Mr. Toner appointed Mr. Wilson as Chair of the Election Committee.

Outreach Committee – Open House Update – Ms. Masiello reporting.

Ms. Masiello reported that the Open House is scheduled for October 14<sup>th</sup> from 1:00-3:00 p.m. Entertainment will be American Pie DJ. She noted that William Penn High School is unable to cater the affair, and the committee decided to have local eateries showcase their fare at the event.

Next Board Meeting

The next Board meeting is Tuesday, October 3, 2023, at 7:00 p.m.

COMMUNICATIONS – Mr. Alfree reporting.

Conflict of Interest – Based on the newly-approved Bylaws relating to Conflict of Interest, Mr. Alfree asked that if a contractor bidding on a project is related in some way to a member of the Board that the relationship be acknowledged. He suggested that all bids be documented as to who was contacted to submit bids and the result of that communication, and that the document be placed in the file. Mr. Gallagher asked that the scope of work be included on all bids.

Scholarships – Mr. Alfree reported that 15 scholarships were issued to New Castle students. Eight of the recipients also received the bonus. He added that one recipient attending Harvard received a 4.01 grade average. Over \$40,000 was distributed in scholarship funds this semester. Mr. Alfree added that all checks are written to the school the recipient attends.

Pickle Ball – A thank-you letter was received from Ms. Irene Biggs thanking the Trust for the pickle ball court.

William “Bill” Reader – A thank-you letter was received for the Trust donation made to Overfalls Foundation in Mr. Reader’s memory.

Trustee Tom Clayton – During the August 2, 2023 Fire Company meeting, past-president Tom Clayton, Sr., was honored with the title of “President Emeritus”.

Trustee Tom Clayton – Mr. Clayton’s term as a Trustee will expire on September 16, 2023. Mr. Clayton intends to run for the vacant seat.

Trustees of the New Castle Common  
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Message as Board Secretary – Mr. Alfree expressed his hope that the members of the audience realize the scope of the work done by the 12 sitting Trustees caring for Trust properties. He thanked each member of the Board for their diligence and commitment in maintaining the Trustees of the New Castle Common. Ms. Masiello added that when she became a Trustee she was astonished by the amount of work that the Board members do. Mr. Toner echoed Mr. Alfree's comments.

Executive Session – Mr. Alfree stated that two matters of real estate will be discussed during Executive Session.

**Public Comment**

Mayor Valarie Leary

Mayor Leary thanked the Trustees for their historic partnership with the City of New Castle, noting that over the years many projects and donations would not have occurred without the Trust. She particularly noted her appreciation for funding in 2015 that allowed the continuation of A Day in Old New Castle and summer concerts. She stated that servant-leaders have influence through inspiration.

Dorsey Fiske – 26 East 2<sup>nd</sup> Street

Ms. Fiske stated that the DOJ handed down a direction that the Trustees are subject to the Freedom of Information Act and that the Trust continues to break the law by refusing to observe it. She quoted from the DOJ's letter. She asserted that the Trustees must have something to hide from the beneficiaries of the Trust and everyone else. Ms. Fiske referenced attorney's fees paid by the Trust and that the Trust recently hired a second lawyer; which, she asserted, was done to protect the Trustees. She added that by running for another term as Trustee Mr. Clayton is continuing the self-perpetuating habit of making the Trustees a life term.

Phil Gross – 1301 13<sup>th</sup> Street

In response to a question from Mr. Gross regarding picnic tables/benches in Battery Park, Mr. Toner suggested that Mr. Gross submit his question in writing to Mr. Alfree for a response.

Susan Hager

Ms. Hager thanked the Trustees for their hard work, which is appreciated by all the beneficiaries. Ms. Hager read a letter signed by 26 concerned citizens regarding Mr. Toner's Facebook posts following the last election, noting that his comments make it hard for poll workers to come back to work in future elections.

Binney Beale – 26 The Strand

Mr. Beale spoke regarding the behavior of Trust President Toner, opining that his behavior should not be tolerated. He opined that Mr. Toner should resign. He added that adoption of the Code of Conduct is a step in the right direction.

**A motion was made by Mr. Alfree to move into executive session to discuss matters of real estate. The motion was seconded by Mr. Episcopo. The motion was unanimously carried and the meeting moved to executive session at 9:05 p.m.**

Trustees of the New Castle Common  
Minutes of September 5, 2023

The Board returned to regular session at 10:20 p.m.

**Mr. Alfree made a motion that the Board approve the Land Management Committee to finalize a License Agreement as it relates to 201-203 Delaware Street, as was discussed. The motion was seconded by Mr. Clayton and unanimously carried.**

**Mr. Gallagher made a motion adjourn the meeting. The motion was seconded by Mr. Clayton and the meeting adjourned at 10:21 p.m.**

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer

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

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

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

The monthly meeting of the Trustees was held on Tuesday, October 3, 2023, in the Trustees Board Room at Penn Farm beginning at 7:05 p.m. Mr. C. DeAscanis called for a moment of silence.

President's Communication

Mr. C. DeAscanis had no report.

Report from Mr. Sidlowski on The Hermitage

Mr. Sidlowski reported the following:

- Five volunteers have dedicated over 100 hours to date this year at The Hermitage.
- The Facebook page has 394 followers and has reached over 22,000 people. Instagram has 221 followers and reached 1,700 people. Social media postings included an aerial drone recording of one of the trails.
- Over 300 people have attended the 10 events held at The Hermitage this year.
- Events: monthly bird walks, monthly trail meetings, and the Native Plant Exchange.
- Projects: Front Entrance Garden (finished), DiMondi Trails, Afforestation of the Lower Meadow, Trail Updates, Bird House & Feeders, and Bee Houses. The Front Entrance Garden attracted many native species never accounted for at the Hermitage, including nesting Monarch Butterflies.
- Flora and Fauna: A rare species of Milkweed that has never been documented in Delaware before was found at The Hermitage. The beavers and foxes have returned.
- Invasive species are under control.

Trustees of the New Castle Common  
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- Mr. Sidlowski gave a report on Afforestation of the Lower Meadow.
- There will be a major tree planting of 10 special trees on October 21<sup>st</sup> at 11:00 a.m. Mr. Sidlowski invited the Trustees to attend and plant a tree.

Mr. Episcopo suggested that Mr. Sidlowski attend the Trustees Open House to give his update to the residents.

Mr. Alfree suggested that Mr. Sidlowski reach out to the City Tree Advisory Commission for volunteers and to update them on the work being done at The Hermitage. Mr. Alfree added that approximately 20 trees are growing at Penn Farm that the Tree Advisory Commission uses to plant as street trees in the City.

In response to a question from Mr. Wilson, Mr. Sidlowski stated that the new species of Milkweed is native to Delaware, but had been eradicated from the area.

Upcoming Events:

- Tree Planting, October 21<sup>st</sup> – 11:00 a.m.
- Native Plant Exchange, October 22<sup>nd</sup> – 10:00 a.m.

Monthly Calendar

- Outreach Committee – 10/9/23, 7:00 p.m.
- Trustees Open House – 10/14/23, 1:00 – 3:00 p.m.
- Property Maintenance Committee – 10/18/23, 4:00 p.m.
- Land Management Committee – 10/25/23, 4:00 p.m.

Minutes

9/5/23 TNCC Meeting Minutes – **Mr. Gallagher made a motion to accept the 9/5/23 TNCC Meeting minutes as amended. The motion was seconded by Ms. Masiello and was unanimously carried.**

Treasurer's Report – Mr. Gallagher reporting.

*Treasurer's Reports were sent out prior to the meeting.*

Mr. Gallagher noted that a payment of \$137,490 was received from the Delaware Department of Transportation as the result of Mr. Marinelli's efforts regarding easements. Mr. Taylor stated that payment is not a grant from the State.

September 30, 2023 – **Mr. Gallagher made a motion to accept the September 30, 2023, Treasurer's Report as submitted. The motion was seconded by Mr. Baldini and unanimously carried.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

- Old Tremont Property – Messrs. Taylor and Marinelli are working on finalizing the lease for the Old Tremont property.

Trustees of the New Castle Common  
Minutes of October 3, 2023

- Penn Mart Lawsuit – The Brief is still being worked on.
- Gregory Auto – The requests for expansion and special use have been removed and the lease will not be extended beyond the current end-date of 2033.
- Bellanca – Another discussion was held regarding Bellanca and who is responsible for maintenance. A meeting will be scheduled with Bellanca to clarify the use of the building and who pays for what under the term “maintenance”. Mr. Baldini added that a Federal contract plays into this as well.

PROPERTY MAINTENANCE REPORT – Mr. Episcopo reporting.

- Battery Park – Due to recent storms it was necessary to stop work on the clean-up and tree trimming in Battery Park and the committee is working with the contractor to complete the work.
- Good Will Fire House – The parking lot has been sealed and restriped. The roof repair will begin this week.
- 5<sup>th</sup> Street & Cherry Street Parking Lot – In response to several requests from neighbors, Crepe Myrtles will be replanted in the front of the parking lot.
- 5<sup>th</sup> Street Library – A problem with the basement is being addressed to prevent insect infestation and smells.
- 201-203 Delaware Street – Pro Works inspected the wall mounted heat pumps to determine if they need to be cleaned or replaced. Affordable Heating will also inspect them.
- 201 Delaware Street – Four proposals have been received to replace the bricks in the square behind 201 Delaware Street. The proposals are available for review in the Trust Office. Mr. Episcopo stated that the cost of bricks has increased \$.80 per brick for the special bricks. Mr. Baldini stated that the HAC application is for a one-for-one replacement and Mr. Bergstrom informed him that as such the work can be approved as Tier 1.
- Little League – Gates were placed at the dugouts.
- Dialysis Center Parking Lot – Mr. Episcopo spoke with the contractor and the work on the parking lot should commence soon. The work may be done in sections.
- 3<sup>rd</sup> Street Library – The committee will meet with Mike Connolly to inspect windows that are leaking. In addition, Mr. Bergstrom reported that there is a dead tree with limbs overhanging the building that could cause damage to the skylights in the roof.
- Penn Farm – Broken boards around the main fence at Penn Farm have been replaced.
- Ft. Casimir Monument – Mr. Wilson explained that the Board previously approved moving the monument (rock) and the Sons of the Revolution had a stand made for the it; however, the rock has an uneven base that needs to be cut flat before it can be placed on the stand. The closest vendor who can do the work is in Vermont. Mr. Bergstrom requested that the Trust approve a grant of \$1,000 to have the rock shipped to Vermont, cut, and shipped back.

**A motion was made by Mr. Wilson to approve a grant not to exceed \$1,000 to have the Ft. Casimir Monument (Rock) shipped to Vermont, cut to even the base, and reshipped back to Delaware. The motion was seconded by Ms. Masiello.**

During discussion Mr. Taylor asked if anyone was going to object to having the bottom of the rock cut. Mr. Wilson stated that the Sons of the Revolution have requested that the rock be cut. Mr. Wilson will confirm that there will be no objection to cutting the rock with Judge Cooch.

**A roll-call vote was taken:**

- Mr. Toner – Yes**
- Dr. Yacucci – Yes**
- Ms. Masiello – Yes**
- Mr. Baldini – Yes**
- Mr. Gallagher – Yes**
- Mr. Alfree – Yes**
- Ms. Corcoran – Yes**
- Mr. Wilson – Yes**
- Mr. F. DeAscanis – Yes**
- Mr. Episcopo – Yes**
- Mr. C. DeAscanis – Yes**

**The motion passed unanimously.**

Mr. Episcopo noted that he will not be at the November meeting and asked that all communications be directed to the Committee.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

- Mr. Gallagher will revise the Capital Budget to reflect that the Rear Market Street Brickwork is approved at \$80,000.

In response to a question from Mr. Episcopo, Mr. Gallagher reviewed grant contributions, noting that funds will not be released until the recipients submit receipts.

In response to a question from Mr. Alfree, Mr. Marinelli explained that sewer is billed quarterly and taxes are due in September.

Mr. Gallagher reported that the Audit Report stated that the Trust is following all Accounting Practices and Principles. Mr. Alfree stated that the accepted level of spending for non-profits is 10% and the Trust spent 5%.

In response to a question from Mr. Episcopo, it was explained that the quote for \$1,368.65 he received to replace the main board was for the elevator. Mr. Alfree stated that the committee is researching a power surge on the electrical panel and lightning rods for the Barn.

In response to a question from Mr. Episcopo, Mr. Alfree explained how events are handled at the Barn through Toby Hagerott. Mr. Alfree added that Mr. Hagerott is very conscientious about wear and tear on the Barn and only 5-8 events are held there each year.

Mr. Wilson recommended that the Board establish an official policy that Penn Farm is a smoke-free property. Discussion of the issue ensued.

**Mr. Wilson made a motion that the Board establishes an official policy that Penn Farm is a smoke-free property. The motion was seconded by Mr. Gallagher and unanimously carried.**

#### OTHER COMMITTEES

Battery Park Committee – Ms. Masiello reporting.

- Ms. Masiello asked for an update on the status of turning events over to the City. Ms. Panzarella explained that the process for events in Battery Park was turned over to the City effective October 1<sup>st</sup>. The link for events in Battery Park on the Trust website now redirects inquiries to the City website.
- Ms. Masiello stated that the state of the area adjacent to the new Playground in Battery Park is badly rutted from the delivery and installation of playground equipment, and is potentially dangerous. Mr. Alfree concurred, and recommended that a letter be sent to the City and the Playground Subcommittee requesting that the contractor return to fix the site. Mr. Marinelli added that the drainage system needs to be protected. Mr. Wilson stated that anyone responsible for altering the work done on the drainage system should be held accountable. Mr. Alfree will draft a letter for Board approval.

Ms. Masiello asked if the function of the Battery Park Committee still exists since events have been transferred to the City. Mr. Taylor stated that to officially dissolve the Battery Park Committee and document that the City is responsible all functions in Battery Park would require the General Assembly to change the Statute that created the Battery Park Commission. Mr. Taylor suggested that if the Trust wants to pursue this matter that the President and/or Secretary have discussions with City Officials, and he recommended that they first discuss the matter with Mr. Toner because he had initiated discussions with the City during his presidency. Mr. Toner suggested that Ms. Masiello reach out to City Council President Elect Souder. Mr. Baldini concurred. Mr. Wilson opined that this is a Charter change and suggested that Mr. Taylor reach out to the City Solicitor. Mr. Taylor recommended that discussions occur before a statute change is sought. After further discussion, it was agreed that the first course of action will be for the Board to send a letter to the City regarding the damage in Battery Park adjacent to the Playground.

Bylaws Committee – Mr. Gallagher reporting.

Mr. Gallagher noted that the first reading of proposed changes to Article XV took place last month and no revisions were recommended by the Board.

Article XV, Section 15.01, Code of Conduct – The committee proposes replacing the current Section 15.01 with the following:

As Trustees of the New Castle Common, we have an exclusive and extraordinary obligation and opportunity to bring benefit to the citizens of New Castle, Delaware for posterity. We are committed to conscientious stewardship and fiduciary fidelity to the terms, purposes, and intent of the Trust. We will do so with honesty, integrity, confidentiality, and respect for the Trust, our fellow Trustees, and the citizens of New Castle. Our Adherence to this Code of Conduct is essential in upholding these responsibilities.

As citizens of the city of New Castle, we enjoy the same rights and responsibilities as our fellow citizens. The Trust is over 250 years old and we as Trustees, along with our fellow citizens, are keepers of this important legacy.

Mr. Taylor clarified that the intent of the new language of Section 15.01 is to expand the Code of Conduct for the conduct of the Trustees vis-à-vis citizens of New Castle. He further clarified that in dealing with the public a Trustee can seek to call out another Trustee if he feels that Trustee has violated the Code of Conduct; however, a citizen who is not a Trustee would not be able to bring charges for alleged violations of the Code of Conduct.

**Mr. Gallagher asked for a vote to change Article XV, Code of Conduct, Section 15.01, as presented.**

**A roll-call vote was taken:**

**Mr. Toner – Yes**

**Mr. Yacucci – No**

**Ms. Masiello – Yes**

**Mr. Baldini – Yes**

**Mr. Gallagher – Yes**

**Mr. Alfree – Yes**

**Ms. Corcoran – Yes**

**Mr. Wilson – Yes**

**Mr. F. DeAscanis – Yes**

**Mr. Episcopo – Yes**

**Mr. C DeAscanis – Yes**

**The Board voted to approve the proposed changes to Article XV, Code of Conduct, Section 15.01.**

Mr. Gallagher stated that proposed changes to Policy XV, Code of Conduct, Section 15.01 took place last month and no revisions were recommended by the Board.

Policy XV, Code of Conduct, Section 15.01 – The committee proposes changes to Policy XV, Code of Conduct, Section 15.01.

Trustees of the New Castle Common  
Minutes of October 3, 2023

In response to a question from Dr. Yacucci, it was explained that only a Trustee can lodge a complaint against another Trustee under Article XV. Mr. Taylor stated that it is a very high standard of expected conduct. During discussion the process of lodging a complaint, selection of a committee to investigate the complaint, and adjudication by the Board was explained. It was noted that any complaint must be relevant to the Trust for it to advance to investigation by a committee. Mr. Taylor stated that approval of Article XV says it applies to a Trustees conduct with residents of New Castle. The Policy states it has to be relevant to the Trust. Ms. Masiello opined that the wording of Article XV implies that it pertains to the Trust. Mr. Gallagher concurred. After discussion, it was agreed to change language in the Policy document to state: "Any personal behavior of a Board Member that violates the Code of Conduct established in Article XV of the Bylaws, Code of Conduct, Section 15.01; shall constitute actions "Unbecoming A Trustee"."

Mr. Wilson recommended that approval of Policy XV be tabled to the November meeting.

Bylaws, Policies and Procedures – Mr. Gallagher distributed a full up-to-date set of Trustees Bylaws, Policies, and Procedures for the benefit of all Trustees. Mr. Alfree asked that the Members shred all versions not dated October 3, 2023. Mr. Baldini explained that all three documents have been formatted in accordance with the matrix discussed at last month's meeting. He added that after Policy XV is approved by the Board it will be reflected in the Policies document as Revision 1.

Election Committee – Mr. Wilson reporting.

An election will be held on December 9, 2023. To date, only one candidate, Thomas Clayton, has filed for the open seat on the Board.

Outreach Committee – Ms. Masiello reporting.

The Outreach Committee is working to present the Open House on October 14<sup>th</sup>. Ms. Panzarella stated that her deadline for the pamphlet is October 4<sup>th</sup> and suggested updated photos. Ms. Masiello suggested that Committee updates be presented as an insert to the pamphlet. Mr. Wilson will work with Ms. Panzarella to update photos.

Mr. Alfree stated that the Board will send a thank-you to Good Will Fire Company for bringing their new ladder truck out to the Farm so new photographs could be taken of Penn Farm.

Mr. Wilson stated that pictures of the Trustees will be taken when there is a full Board.

Next Board Meeting

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

COMMUNICATIONS – Mr. Alfree reporting.

- A thank-you note was received from L. E. Wilson thanking the Trust for his scholarship.
- Mr. Brian Mattaway sent a note to each of the Trustees.

Trustees of the New Castle Common  
Minutes of October 3, 2023

- Ms. Corcoran drafted a letter from the Trustees of the New Castle Common as it relates to the change of Presidency from Mr. Toner to Mr. C. DeAscanis. Mr. Alfree read the draft into the record:

Neighbors,

We hold our position as Trustees of the New Castle Common with humility and honor. For the last six months, we have been pressed to face how improper personal behavior can be hurtful to individuals and may have detrimental impact to the regard in which the Trust is held. We have heard your grievances and understand your genuine concern for the wellbeing of the Trust.

You, the citizens, elect the Trustees by a majority vote. That decision is not one the body of the Trust takes lightly or is rightfully empowered to reverse. We have, however, taken steps to address this matter. Mr. Toner resigned as president of the Trustees on September 18, 2023, but remains on the Board.

The Bylaws Committee of the Trustees met throughout the summer to examine existing bylaws, policies, and procedures, especially as they relate to the Code of Conduct. The existing Code from which we began our review pertained to the treatment of fellow Trustees in the work of the Trust. The revised bylaw expands the boundaries of consideration and when approved, will be available on the Trust website.

Through our discussions, we have concluded that the Trust cannot be expected to resolve concerns based on unsubstantiated or secondhand information. Although often agreed upon, the degree to which personal behavior is offensive is subjective. Animosity or grievances with individual Trustees, not related to the business of the Trust, cannot and should not be expected to be resolved within the body of the Trust.

As fellow citizens of Historic New Castle, our lives, interests, and beliefs, including political preferences, overlap and will sometimes collide. It is inevitable that differences will occur. In such instances that rightfully come before the Trustees, we will adhere to the bylaws, recognizing contrition and forgiveness as decided by the Trustees.

**Mr. Wilson made a motion to go into Executive Session for a matter of personnel. The motion was seconded by Mr. Toner.**

**A roll-call vote was taken:**

**Mr. Toner – Yes**

**Dr. Yacucci – Yes**

**Ms. Masiello – Yes**

**Mr. Baldini – Yes**

**Mr. Gallagher – Yes**

**Mr. Alfree – No**

**Ms. Corcoran – Yes**

**Mr. Wilson – Yes**

**Mr. F. DeAscanis – Yes**

**Mr. Episcopo – No**

Trustees of the New Castle Common  
Minutes of October 3, 2023

**Mr. C. DeAscanis – Yes**

**The motion carried and the meeting moved to Executive Session at 9:06 p.m.**

The Board returned to regular session at 9:20 p.m.

**A motion was made to adjourn the meeting. The motion was seconded and the meeting adjourned at 9:21 p.m.**

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
November 7, 2023

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

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

Also present: A. Taylor, Esquire (*Trust Attorney*)  
B. Snapp Danberg, Esquire (*Trust Attorney*)  
J. Panzarella, Administrative Coordinator  
M. Marinelli, Property Manager  
J. Rago, Department of Justice Special Investigator  
K. Levitsky, Assistant Attorney General; Consumer Protection Unit

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

#### President's Communication

Mr. C. DeAscanis reported the following:

- Mr. Toner accepted the open seat on the Property Maintenance Committee.
- Mr. C. DeAscanis stepped down from the Bylaws Committee and Mr. F. DeAscanis accepted the open seat.
- Ms. Julie Kirk, member of the Board of the Library, reported that there is an open seat on the Board. Mr. Gallagher opined that the Trust appoints two Trustees to the Board. Mr. Alfree will look into the matter. Ms. Masiello noted that no term dates for Board members has ever been discussed. Appointment of a second Trustee to the Library Board was tabled to a future meeting.

#### Monthly Calendar

- Outreach Committee – 11/13/23, 5:30 p.m.
- Finance Committee – 11/15/23, 1:00 – 4:00 p.m.
- Bylaws Committee – 11/21/23, 4:00 p.m.
- Property Maintenance Committee – 11/22/23, 4:00 p.m.
- Land Management Committee – 11/29/23, 4:00 p.m.

Minutes

9/18/23 TNCC Special Meeting Minutes – **Mr. Gallagher made a motion to accept the 9/18/23 TNCC Special Meeting minutes as presented. The motion was seconded by Dr. Yacucci and was unanimously carried.**

10/3/23 TNCC Meeting Minutes – **Mr. Gallagher made a motion to accept the 10/3/23 TNCC Meeting minutes as amended. The motion was seconded by Mr. Wilson and unanimously carried.**

Treasurer's Report – Mr. Gallagher reporting.

*Treasurer's Reports were sent out prior to the meeting.*

- Mr. Gallagher explained charges under M&T Bank, noting that almost \$75 is for account reconciliation service, \$30 is for ACH service, and \$30 is for remote check deposit services.
- \$200,000 will be moved into the Unrestricted Investments Account.
- In response to a question from Ms. Masiello, Ms. Panzarella stated that she would verify that an invoice was received for ice cream.

**Mr. Toner made a motion to accept the Treasurer's Report as submitted. The motion was seconded by Ms. Corcoran and unanimously carried.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

- Property Tax Refund – The county will refund three years of property taxes on tax-exempt properties, and Mr. Marinelli is applying to school districts for school tax refunds.
- Penn Mart Lawsuit – The lawsuit is pending and resolution is expected before the end of the year.
- Encroachment Letters – Letters were sent out to Van Dyke residents bordering the marsh.
- Pusan Apartment Complex – Messrs. Taylor and Marinelli worked on a draft lease that was sent to Mr. Pusan for review.
- Deals on Wheels – Mr. Alfree opined that they are in the final stages of this agreement.
- 326 Associates – 326 Associates wishes to fit a grocery store into the site. Richards had surveys and preliminary drawings done. Mr. Taylor noted that this is hinged on whether the Shell Gas Station exercises its option to extend their lease. The current lease expires on January 27, 2024.
- Playground Lease Agreement – In response to a question from Mr. Baldini, Mr. Taylor stated that the City Solicitor is working on license agreements for the Dog Park and the Playground. In response to a letter sent regarding the ruts in Battery Park left by the contractor after installation of the playground equipment, the Trust was informed that some work was done to fix the park; however, it does not meet the Trust standards.

Mr. Alfree opined that the matter will not be resolved until the spring. Regarding the drainage, Mr. Alfree opined that installation of the equipment did not interfere with the drainage system. Mr. Wilson noted what needs to be done to address any drainage issues. Further discussion included issues with the zip line that caused it to be closed shortly after the playground was opened.

PROPERTY MAINTENANCE REPORT – Mr. Wilson reporting.

In Mr. Episcopo's absence, Mr. Wilson reported that:

- 5<sup>th</sup> Street Parking Lot – The committee is working with residents by the 5<sup>th</sup> Street parking lot. Trees were removed this summer and replacements are being evaluated. To stay within budget the project may be delayed until spring.
- Ft. Casimir Park – Permits for bollards at Ft. Casimir Park have not yet been received.
- 201 Delaware Street – After reviewing all submissions, Delaware Lawn & Landscape was awarded the contract for brick replacement behind Town Hall for a cost of \$69,996. Permits have been issued and Mr. Wilson opined that the work will be completed before December 9<sup>th</sup>; however, if that is not possible the work will be delayed to the spring. Discussion of options if the work cannot be done before spring ensued. Mr. Taylor noted that the proposals are available in the Trust office for review.
- 3<sup>rd</sup> Street Library – There is leaking around windows due to an issue with the roof. Jimmy Curcio inspected the roof and obtained a quote of \$4,300 to caulk the cupola, replace all missing and broken slate, fabricate and install copper cap on the lower tier of the slate roof, and patch and paint the ceiling inside. Discussion of funding options ensued and it was agreed to vote on the matter.

**A motion was made by Mr. Wilson to approve emergency repairs to the 3<sup>rd</sup> Street Library roof for a cost of \$4,300. The motion was seconded by Mr. Toner.**

**A roll-call vote was taken:**

**Dr. G. Yacucci – Yes**  
**Ms. Masiello – Yes**  
**Mr. Baldini – Yes**  
**Mr. Gallagher – Yes**  
**Mr. Alfree – Yes**  
**Ms. Corcoran – Yes**  
**Mr. Wilson – Yes**  
**Mr. F. DeAscanis – Yes**  
**Mr. Toner – Yes**  
**Mr. C. DeAscanis - Yes**

- Professional Center Parking Lot – Work has not yet begun on the parking lot.
- Library Lower Meeting Rooms – All electrical work in the new library to control sewer flies has been completed. Mr. Wilson explained how the infestation occurred, noting that the sewer lid will be sealed.

Trustees of the New Castle Common  
Minutes of November 7, 2023

- Battery Park – The committee will move work on dead trees in Battery Park to next year’s budget.
- Ft. Casimir Monument – The Sons of the Revolution found funding for the monument cutting. Mr. Wilson met with them and the Dames of the Revolution to approve placement of the monument. The archeologist is choosing where to put the monument so that it does not disturb the Fort.
- No Smoking Signs – All signage has been installed at Penn Farm designating the site as “smoke free”.
- The Hermitage – Mr. Toner researched an invoice from Red Tail that appeared to be unusual. The November invoice will be at the base rate of 40 hours. The Trust expectations and the needs for the Hermitage going forward will be discussed when Mr. Episcopo returns.
- Work at Penn Farm – Mr. Alfree noted that there is a failed thermostat in the Penn Farm break room that should be covered under the warranty. Also, the electrician that wired Penn Farm will put a surge protector on the electrical panel. A battery back-up has been placed on Mr. Marinelli’s and Ms. Panzarella’s computers.
- 2<sup>nd</sup> & Chestnut Street Parking Lot – Mr. Wilson noted that the archaeologist wants to do another dig along the side of the house where the cars park. After the work is complete, the area will be patched. The parking lot would need to be closed during the archeological work. It was noted that repaving the parking lot had been previously discussed.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

The committee met with the investment advisors last month and investments were down 3% since the last quarter. Mr. Gallagher explained what was discussed with the investment advisors.

In response to a question from Mr. Wilson, Mr. Gallagher explained that funds given to non-profits were for designated items, and the funds need to be spent on those items. Mr. Wilson noted that work has been completed for a number of non-profits and that requests for reimbursement has not yet been received. He suggested that letters be sent to those organizations requesting receipts for work done. Mr. Alfree stated that receipts are needed by mid-March and suggested that the matter be revisited next year. Ms. Panzarella suggested that Mr. Zitz be involved in any conversation regarding when receipts are received, noting that some receipts have been received and paid already. A discussion of stating a time-frame for when receipts are received ensued.

OTHER COMMITTEES

Battery Park Committee – Ms. Masiello reporting.  
Ms. Masiello had no report.

Bylaws Committee – Mr. Gallagher reporting.

Trustees of the New Castle Common  
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Mr. Gallagher stated that proposed changes to Policy XV, Code of Conduct, Section 15.01 took place last month and revisions recommended by the Board were incorporated into the proposed document.

Policy XV, Code of Conduct, Section 15.01 – The committee proposes changes to Policy XV, Code of Conduct, Section 15.01. The committee recommends replacing the second paragraph of Section 15.01 with the following:

Any personal behavior of a Board Member that violates the Code of Conduct in Policy 15.01 Code of Conduct shall constitute actions “Unbecoming A Trustee”.

**A motion was made by Mr. Gallagher to approve Policy 15.01 of Policy XV, Code of Conduct. The motion was seconded by Mr. Alfree and unanimously carried.**

Mr. Gallagher stated that the committee proposes that the website be revised to include a document explaining why the TNCC acts both in a corporate and trust manner. The document was prepared by Ms. Snapp Danberg at the request of the Department of Justice in order to clarify who the Trust is and what its fiduciary responsibilities are.

Mr. Toner noted that the document appears to indicate that the Commons Land was established in 1704 when, in fact, it was established much earlier. Mr. Gallagher explained that the purpose of the document was not to review the entire history of the Trust, but to focus on the fact that the TNCC must operate as a corporation and a trust. After discussion, it was agreed to include a brief history of the Trust from its inception. Mr. Gallagher requested that any suggestions be submitted to him by the end of the month.

Election Committee – Mr. Wilson reporting.

Mr. Wilson stated that at this time, voting machines, volunteers, and the election date have all been confirmed. An election will still be held even if there is only one candidate. The election will be held at the Good Will Fire Company. Mr. Alfree explained the process.

Outreach Committee – Ms. Masiello reporting.

- Requests for new community grants were put in The Weekly.
- The time of the Outreach Committee will change to 5:30 p.m. each month.

Next Board Meeting

The next Board meeting is Tuesday, December 6, 2023, at 7:00 p.m. It will be a public meeting.

COMMUNICATIONS – Mr. Alfree reporting.

- Open House – Mr. Alfree thanked the group that handled the Open House. The weather was unfortunate, but the event was very nice.
- Position of Vice President – Mr. C. DeAscanis reported that Mr. Episcopo was elected Vice President with a vote of 8 to 3. His term will end with the 2024 Officer Elections.

Trustees of the New Castle Common  
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- Committee Assignments – Mr. Alfree asked that the Chairperson of all committees inform Ms. Panzarella of their committee members.
- Trustee Payment – Mr. Alfree stated that each Board member received one ear of corn for their service as well as a “Payday” chocolate candy bar supplied by Ms. Panzarella.

**A motion was made by Mr. Alfree to adjourn the meeting. The motion was seconded by Mr. Gallagher and the meeting adjourned at 8:20 p.m.**

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer

Trustees of the New Castle Common  
Meeting Minutes  
December 5, 2023

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

Absent: G. Yacucci  
A. Taylor, Esquire (*Trust Attorney*)

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

The monthly meeting of the Trustees was held on Tuesday, December 5, 2023, in the Trustees Board Room at Penn Farm beginning at 7:00 p.m. Mr. C. DeAscanis called for a moment of silence.

President's Communication

There was no report from Mr. DeAscanis.

Monthly Calendar – December 2023

- Outreach Committee – 12/11/23, 5:30 p.m.
- Bylaws Committee – 12/19/23, 4:00 p.m.
- Finance Committee – 12/20/23, 1:00 – 4:00 p.m.
- Property Maintenance Committee – 12/21/23, 4:00 p.m.
- Land Management Committee – 12/27/23, 4:00 p.m. (subject to change)

Monthly Calendar – January 2024

- TNCC Board Meeting – 1/2/2024, 7:00 p.m.
- Outreach Committee – 1/8/24, 4:00 p.m.
- Bylaws Committee – 1/16/24, 4:00 p.m.
- Finance Committee – 1/17/24, 4:00 p.m.
- Property Maintenance Committee – 1/18/24, 4:00 p.m.
- Land Management Committee – 1/31/24, 4:00 p.m.

Minutes

11/7/23 TNCC Meeting Minutes – **Mr. Gallagher made a motion to accept the 11/7/23 TNCC Meeting minutes as amended. The motion was seconded by Mr. Wilson and was unanimously carried.**

Treasurer’s Report – Mr. Gallagher reporting.

*Treasurer’s Reports were sent out prior to the meeting.*

Mr. Gallagher questioned a payment to Home Depot in the amount of \$20.91 for insecticide. Mr. Episcopo opined that a temporary spray was purchased for a wasp nest.

**A motion was made by Mr. Gallagher to accept the Treasurer’s Report as submitted. The motion was seconded by Ms. Masiello and unanimously carried.**

LAND MANAGEMENT COMMITTEE REPORT – Mr. Alfree reporting.

- Dog Park – A draft of the license agreement with the City was officially sent to the City Solicitor. Mr. Alfree notified Council President Souder that the agreement was sent.
- Old Tremont Motel – The revised lease agreement for Pusan at the old “Tremont Motel” has been delivered.
- Gregory Auto – The Deals on Wheels deal is off. Gregory Auto is aware that they are obligated to continue rental payments. There is 10 years left on the lease. Gregory Auto is currently for sale.

PROPERTY MAINTENANCE REPORT – Mr. Episcopo reporting.

Mr. Episcopo thanked the committee for carrying on while he was on vacation in November.

- Battery Park – The restrooms in Battery Park were vandalized for the third time this year. Mr. Episcopo detailed the damage that was done and asked the Board to approve closing the restrooms in Battery Park until further notice. Cameras are outside the restroom; however, that does not indicate who the perpetrators were. Mr. Alfree noted that the Council President Souder has been notified that the restrooms will be closed until further notice. He added that he had previously motioned to have the restrooms closed down and the building demolished. The extent of the vandalism was so severe that it was necessary to bring in the police. Mr. Alfree noted that the City asked if the restrooms could be open for special events. Mr. Alfree stated for the record that he concurred with Mr. Episcopo that the Board should close the restrooms effective immediately due to vandalism and that the matter will be revisited for the next “special event”. During discussion, Mr. Episcopo stated that the committee will discuss options at a future meeting, including having a “vandal-proof” restroom constructed. Mr. Baldini opined that the merits of permanently closing the restrooms versus repairing them to be reopened should be discussed. Ms. Corcoran expressed her concern with the location of the restrooms. Mr. Wilson noted that soap had been spread across the floor of the restrooms, which created a slip-and-fall hazard.

**A motion was made by Mr. Episcopo to winterize and close the Battery Park restrooms until further notice. The motion was seconded by Ms. Corcoran and unanimously carried.**

- Dunkin Donuts – The area behind Dunkin Donuts by the Tremont Motel is littered with Trash. Mr. Episcopo inspected the site two days in a row and no action had been taken to clean it up. Mr. Marinelli will contact Dunkin Donuts.
- Committee Meetings – Upcoming committee meetings:
  - The Hermitage – The committee will meet with the Hermitage caretakers at 4:00 p.m. on December 13<sup>th</sup> at the Farmhouse. Mr. Toner will chair the meeting to discuss the purpose and scope of the work they were hired for, to pull their mission creed back to the original plan, and to ensure there is no duplication of effort between them and the Trust’s contractor of choice for landscaping.
  - Little League – The Little League obtained a grant for lights at the girls’ softball field, which will allow them to have night games and to bring in additional teams. The committee will meet with them on December 18<sup>th</sup> at 4:00 p.m. at the Farmhouse to discuss the lighting. Equipment will take approximately 12 weeks to be delivered.
- 5<sup>th</sup> Street Library – The fly/flea issue has been partly taken care of. The sewer has been resealed and bug lights have been installed. Mr. Wilson explained the problem.
- 3<sup>rd</sup> Street Library – Mr. Wilson reported that the leaking problem at the 3<sup>rd</sup> Street Library has been repaired. On inspection the contractor found that the damage was not as severe as originally thought. All work has been completed and the estimated cost was reduced by 30%.
- 5<sup>th</sup> Street Library – Mr. Episcopo gave a brief history of work that had been previously done for an evaluation of the building. Mr. Baldini researched the original reports done in 2015-16 and matters that have been repaired and that need to be repaired. He recommended that a new needs assessment be conducted and, using the financial model constructed for the original analysis, determine the dynamics of what is happening now, with an eye toward better planning on the capital budget and being more proactive on maintenance and historical preservation of the building. In response to a question from Mr. Gallagher, Mr. Baldini opined that the committee is sufficiently qualified to ask the proper questions. Mr. Wilson concurred with Mr. Baldini that the Trust is qualified to find the right contractors to fix problems.
- 201 Delaware Street – The contractor will begin work on December 11<sup>th</sup>. On Mr. Wilson’s recommendation signs will be installed stating “Caution Uneven Bricks”.

FINANCE COMMITTEE REPORT – Mr. Gallagher reporting.

Mr. Gallagher stated that PMC is slightly high, but everything else looks good.

- In response to a question from Mr. Alfree, it was explained that the \$31,000 reported as remaining in the budget for the basketball courts in Battery Park is the amount that was in excess of the actual amount spent. After discussion, it was agreed that item will be moved to “closed”.

Trustees of the New Castle Common  
Minutes of December 5, 2023

- Mr. Alfree questioned what appeared to be a duplicate entry on page 3 of the report for HVAC units at the 5<sup>th</sup> Street Library. After discussion it was still unclear and Mr. Episcopo will research the matter and report back to the Board.
- Mr. Gallagher reminded the Trustees that input for the Budget should be provided to the committee by the end of February.
- Mr. Gallagher reported that investments went up 5% in November. He added that because the market is so erratic, he will not report investment status every month, but will report the investment status quarterly.
- The \$2M line of credit is back in place.

OTHER COMMITTEES

Battery Park Committee – Ms. Masiello reporting.

There was no report from the committee.

In response to a question from Mr. Episcopo, it was noted that having the Battery Park Committee is a requirement of the Trust Charter.

Bylaws Committee – Mr. Gallagher reporting.

- Mr. Gallagher reported that the committee reviewed the document and that the Trust acts as both a corporation and a trust. He added that the committee continues to get legal input, and the document should be ready by the January TNCC meeting. Mr. Gallagher asked that any additional legal input be submitted to the committee by the December 19<sup>th</sup> meeting.
- Mr. Gallagher requested that the Board establish an Ad Hoc committee to review the strategy of the Trust in order to be more proactive instead of reactive. He opined that this committee would consider matters that do not cleanly fit within the purview of existing committees. Mr. C. DeAscanis asked that Board members interested in serving on the Ad Hoc Committee send him an email.

Election Committee – Mr. Wilson reporting.

Mr. Wilson introduced the two candidates for the open seat on the Board. He reported that the election will be held on Saturday, December 9<sup>th</sup>, from 10:00 a.m. until 4:00 p.m.

Outreach Committee – Ms. Masiello reporting.

Ms. Masiello reported that the committee is preparing to receive grant requests from non-profits. Two requests have been received to date. Committee members will reach out to any non-profits who typically submit a request but have not submitted as of December 11<sup>th</sup>.

Next Board Meeting

The next Board meeting is Tuesday, January 2, 2024, at 7:00 p.m.

COMMUNICATIONS – Mr. Alfree reporting.

- A holiday card was received from the Nowland Associates.
- A thank you letter was received from Dave Salter for the Trust’s in-kind sponsorship for his event “Holiday Hoopla 5-K”. In response to a question from Mr. Gallagher, it was noted that construction equipment at the 2<sup>nd</sup> Street parking lot has been removed.
- A donation will be sent to the New Castle Lions Club in memory of Mr. Lafayette Moore, who recently passed away.
- Mr. Alfree noted that in accordance with the bylaws, a Form of Interest for the election of Officers will be delivered to all Board members. Those forms should all be returned to the committee and an election will be held in February. The results of the elections will be announced at the March meeting, and the newly elected Officers’ terms will be effective April 1, 2024.

PUBLIC COMMENT

Phil Gross – 1301 13<sup>th</sup> Street

Mr. Gross wished everyone a happy, healthy and safe holiday.

Mr. Gross thanked the Trustees for all they do, including the election process. He noted unethical things that were done:

- The Mayor made a public endorsement, which is an unethical action pursuant to the City Code.
- He opined that the paper is swaying elections and not creating factual comments by saying “Mr. Platt refused to answer questions presented.” Mr. Gross stated that is not factual.

He asked the Election Committee to take notice of these things so that the election will be viewed as fair and equitable.

Mr. Gross asked that when the Trust decides to revisit opening the restrooms, that visits from the Kalmar Nyckel be factored into its decision.

Mr. Gross asked that the Trust revisit bringing back picnic tables to Battery Park next summer.

Dorsey Fiske – 26 3<sup>rd</sup> Street

Ms. Fiske expressed her appreciation that the needs assessment done in 2015-16 is still being used.

Ms. Fiske stated that she has asked that all three parts of the Bylaws be published on the website, and expressed her hope that the Bylaws will be published in the future.

Ms. Fiske expressed her surprise that the December TNCC meeting was not published as a public meeting on the Trust website or Facebook page; nor was it published in The Weekly. She opined that information should be published on the website.

Trustees of the New Castle Common  
Minutes of December 5, 2023

Terry Buchanan – 136 East 2<sup>nd</sup> Street

Ms. Buchanan noted that the TNCC Board Meeting information was published in the Trust Notes section of The Weekly.

Ms. Buchanan stated that Mr. Platt chose not to put anything in The Weekly.

Brian Mattaway – 628 Delaware Street

Mr. Mattaway stated his appreciation for the Trust and the important work that it does. He added that one of his goals as a newly elected Councilperson is to partner with the Trust to help build community through a myriad of topics, such as encouraging and honoring our youth, supporting our seniors and standing with first responders.

Mike Platt

Mr. Alfree opined that it was not appropriate for candidates to conduct a debate during public comment.

A motion was made by Mr. Alfree to end the meeting. There was no second.

A motion was made by Mr. Episcopo to move to executive session. There was no second.

Mr. Alfree stated that his motion could be tabled, reiterating his opinion that discussion of the election is not appropriate for the Board. Mr. C. DeAscanis invited Mr. Platt to address the Board; however, Mr. Platt stated that he would yield the floor.

Andrew Camac – 23 West 3<sup>rd</sup> Street

Mr. Camac asked what will be done with the beach areas of the park. He noted that many youth will not go down there because “it’s gross”. Mr. Camac said that he and a friend, who is a professional tree cutter, attempted to clean up some of the driftwood with a chain saw; but they were told they would be arrested for doing so. Mr. Wilson explained that there are two different companies that have a river clean-up twice a year; adding that the beach area is subject to the Army Corps of Engineer’s construction of a jetty built to protect the C&D Canal that brought all the floating river trash to the New Castle side of the river. He stated that it is a major project to keep ahead of the accumulating trash. Mr. Wilson asked Mr. Camac to contact him with any issues that he sees, and Mr. Wilson will see that they are taken care of.

**A motion was made by Mr. Episcopo to move to executive session for a matter of real estate. Mr. Toner seconded the motion. The motion was unanimously carried and the meeting adjourned to executive session at 8:00 p.m.**

The Board returned to regular session at 8:27 p.m. With no further business to discuss, the meeting adjourned at 8:28 p.m.

Respectfully Submitted,

Kathleen R. Weirich  
Stenographer