

Excerpts from  
Trustees of New Castle Common Meeting Minutes 2011-2017

December 6, 2011

Mr. Meek talked about an article in a recent New Castle Weekly about Delaware Greenways cleaning up trails at the Hermitage property. With respect to the open space, a discussion followed about what the board should be doing with the Hermitage. One suggestion was to tie trails in with a wetlands type of project. It was stressed that the Trust needs to know what is going on and keep on top of activities. Discussion followed about the role of Delaware Greenways with trails and signage. Mr. Wilson will work with the Open Space Committee and research past minutes to determine what action was decided. Mr. Wilson would like the Open Space Committee to contact the president of Delaware Greenways to learn what the volunteer effort is.

March 6, 2012

Messrs. Meek and Yacucci and Ms. Fiske walked the Broad Marsh Dike area and agree it would be good to have pedestrian trails closer to our area. There are inaccessible areas because of ATV damage. He proposes Phase 1, under direction of Property Maintenance or Property Development, fencing and installing 4X4 poles. Phase 2, trail locations would be planned by the Open Space Committee and proposed to the Board and appropriate regulatory agencies. Signage and maps would be installed once approval is granted. Phase 3, parking would be allocated at The Hermitage. Suggestions are to have a boardwalk over the wet soil and a short pier or catwalk to the marsh. The idea is to protect the trails we have by keeping out the ATV vehicles. Deer stands need to be removed and signage will clearly state 'no hunting.' (Brief discussion about ATV's and trail bikes followed.)

Mr. Meek moved to erect fencing and install poles to limit access to ATV's on the trail (Phase 1). Ms. Fiske seconded the motion. Erv Thatcher will be consulted to install the poles. The motion was approved.

May 1, 2012

Trails and Broad Dike marsh area - Messrs. Meek and Thatcher looked at the area where Mr. Meek wants to install fences to block ATV's. It appears the fences will not block the ATV's from accessing the wet trails. We would need to go to Built-Rite Fence to get an appropriate fence. Mr. Thatcher will address the squatter issue at some point and will clean up the area he mows near the Hermitage extending to the river. Mr. Thatcher will routinely mow the area for no great additional expense. In the fall Mr. Meek will revisit opening up trails at the Hermitage farm

Minutes of April 1, 2014

The Hermitage - The committee proposes making The Hermitage a bird viewing site. They suggested a bird viewing platform, osprey platforms in the wetland section, and plantings for butterflies and birds. Costs would be low. Proposal was distributed to Board members and was viewed positively. Mr. Alfree inquired about liability to the Trust. Mr. Taylor said the Trust is protected by statute to use the property free of charge for recreational purposes. We need to make sure our insurance carrier is aware of the "improvement" (viewing stand) being made to the property and that we are adequately insured. According to Mr. Wilson extensive clearing will be needed to view the water and land birds. Ongoing work will be required to maintain what is done on the property. Going forward it will be a capital investment. Mr. Castagno thinks a partnership with another group that can develop a proper plan would be a good idea. The Board agreed with the concept and to pursue a plan and the costs involved.

May 6, 2014

Ms. Fiske made a motion to approve the hiring of Andrew Hayes to prepare a plan for a bird viewing area at The Hermitage. Mr. Meek asked about costs involved. She would like to verify that this property could support bird watching and suggestions how to plan for it. Mr. Alfree asked for a conceptual plan from Mr. Hayes to provide to the Board before the June meeting for further discussion.

June 3, 2014

Foresite Associates has given a proposal for bird viewing at The Hermitage and in the meadow near Bull Hill. The proposal was distributed to the Board prior to the meeting. A special meeting may be called this month before voting on the proposal. Mr. Taylor suggested that Mr. Hayes provide an additional proposal to include adding 'ADA compliant' for one or both areas prior to the meeting.

Sept 9, 2014

Ms. Fiske inquired if Drew Hayes would be consulted about vegetation to keep before cleanup of the Hermitage property. A professional will be needed to help maximize clean up efforts at the Hermitage once funding is determined.

February 2, 2016

Ms. Fiske has been in contact with Dave Carter, President of the Delaware Audubon Society, in hopes they would work with the Trustees to develop a bird watching area at the Hermitage site. The Audubon Society is not able to work with us for over a year. Ms. Fiske then contacted Lisa Smith, Executive Director of the Tri-State Bird Rescue. Ms. Smith is a member of the Delmarva Ornithological Society (DOS). She contacted the organization's president, Bill Stewart. Ms. Smith and Mr. Stewart met with Ms. Fiske and Mr. Meek at the site and are interested in collaborating on the project. The Hermitage area, marsh and surrounding land and trails total 145 acres. There are many birders in the City that could be contacted for help along with the American Birding Association (ABA) and DOS to form a volunteer group. The nature preserve would draw out-of-town visitors who would patronize local businesses. The DOS and ABA is willing to talk with the Board on the best ways to achieve a birding area inexpensively (ex.-bush hog to expand a loop trail and create a small parking lot). Ms. Fiske said it would be wise to post the land, noting a nearby deer stand. Any hunting should be regulated for safety. A platform or tower for the marsh could be added later that would enhance birding and wildlife viewers and photographers. A small brick outbuilding may be historic and needs to be secured. Remnants of a barn wall still exist and Mr. Wilson is concerned with theft of the bricks.

Mr. Meek distributed maps of the area. He noted an area from the high school to the edge of the marsh. The distance between the school and a deer stand is 600 ft. He wonders how reasonable it is to allow deer hunting so close to a school. The trails need to be opened up. Concerning liability, Mr. Taylor said if the Trust makes our lands available for recreation purposes at no charge to the public, it limits our liability. The tower would be covered by insurance. Mr. Wilson asked if this project would be managed by another nonprofit using our funds to get started. Mr. Meek said the DOS and ABA is willing to give us guidance and a volunteer group could be set up to manage the area. Hunting - Mr. Yacucci said that hunters must be 50 yds. away from an occupied building to discharge a firearm or bow. Mr. Wilson is not comfortable with hunting in the area while people have access to the property. The Open Space Committee was directed to focus on posting the property. This is a change in policy. Noting this change in policy, Mr. Castagna made a motion to post 'no hunting' signs throughout the Hermitage/Broad Marsh property and to authorize the Property Manager to handle and execute. Ms. Fiske seconded the motion. Motion approved.

Going forward, Mr. Wilson asked that the property be referred to as the Hermitage Wildlife Area.

Ms. Fiske made a motion that the Board set aside a sum of not more than \$25,000 in capital expenses to move ahead with implementing the first phase of the Hermitage Wildlife Area

project and that the Open Space Committee and Property Maintenance Committee consult with the Delmarva Ornithological Society, American Birding Association, and Drew Hayes (ForeSite Associates). Mr. Meek seconded the motion. Motion approved.

Discussion followed about the timeline of the project and how it might affect the budget. A line item for the project will be added to the budget. The committee's first order of business is to post the property and then ask Antonio to work on opening the trails before spring.

March 1, 2016

The Hermitage Wildlife Area - A meeting with an expert on birds is planned. Ms. Fiske has spoken with Dave Carter of the Delaware Audubon Society who will allow us to use some of his material. The committee will work with the Property Maintenance Committee on installing a small parking lot and to work on improving the trail. One of our tenants would like to donate to

March 21, 2016

Hermitage - Grass cutting and tree pruning. A \$5,000 unrestricted donation will be made by Richard Stat Associates. Mr. Meek reported that he and Ms. Fiske have mapped trails and were joined by Messrs. Clayton and Episcopo to walk the area. They are meeting with Antonio tomorrow to figure out what portion will be ADA accessible. Trails will be a simple, central trail and two (2) circular trails. Mr. Meek asked for confirmation that Antonio can go forward with bush hogging before the spring. He was informed it is in the capital budget.

April 5, 2016

Hermitage Wildlife Area - Ms. Fiske commended Mr. Meek for his work in identifying trails to be used and his work with Antonio to get the trails cleared. They hope to make the trails available in a couple of months. Mr. Meek reported their goal of having different kinds of trails with a plan for one to be handicap accessible. Russ Smith identified a wetlands area. We are permitted to put up a simple foot bridge with no railings that is exempt from Federal and State laws. We will be looking to identify whether we can put up a deck for birders to view wildlife. DNREC will visit the site on 4/20/16. Signage will be crucial in preventing ATV damage to the trails.

One of the goals is to have a deck that will look over the wildlife area. Mr. Meek asked if the committee would be able to acknowledge a sponsorship/donation in honor of someone who provides funding for the deck. Mr. Meek was charged with determining whether the individual wishes to remain anonymous.

May 3, 2016

Hermitage Wildlife Area - (Report provided to the Board via email.) Mr. Meek reported on plans to use the area for nature observation, trails, birding and hiking. One of the trails, or a portion, is to be ADA accessible and the other will be natural. Maps of the trails are on the Trustee website. One of the trails will be wheelchair accessible. That trail needs roots removed. Many people with varying expertise have walked the trails and offered input. A simple plank bridge will be built with the help of Tom Clayton and Tom Episcopo. Antonio cleared the trails with a bush hog. DNREC and the U.S. Army Corps of Army Engineers are fine with construction (observation deck, pilings for deck) as long as we do not release any materials back into the streams or marsh. Kate Hackett of Delaware Wild Lands visited the site and suggested creating a group of volunteers, Friends of the Hermitage Natural Area, to help with removal of invasive species, removing tree vines, cleaning debris from the trails and the like. Mr. Meek would like to have a volunteer cleanup day in May. Mr. Taylor has no concerns with volunteers helping on the property. The Board expressed no objections. This would conclude Phase I--opening the trails.

Mr. Meek further informed that Phase II of the project includes building an observation deck and some benches. Planting of grasses and native wild flowers are planned. Mr. Meek's plans to reach out to Mt. Cuba Center to learn how they handle their trails and flowers on the trails.

June 7, 2016

Hermitage Wildlife Area - The area is now open to the public. Mr. Meek has designed a map of the trails. Antonio Lawn Service helped to clean up the area and Messrs. Clayton, Meek and Episcopo put in two foot bridges over muddy areas. Mr. Meek organized a volunteer day on 5/14/16. About 8-10 people came out to help clean up the area. On 6/18/16 Mr. Meek and Ms. Fiske will meet with Sue Barton and Anna Wik of the University of Delaware Department of Soil and Plant Sciences. There is a pot hole in the parking lot that Professor Barton suggested we should consider leaving for now. It could serve as a deterrent against vandalism. The committee hopes to include a viewing platform in the future.

September 6, 2016

Hermitage Wildlife Area - The area is now open to the public. Mr. Meek has designed a map of the trails. Antonio Lawn Service helped to clean up the area and Messrs. Clayton, Meek and Episcopo put in two foot bridges over muddy areas. Mr. Meek organized a volunteer day on 5/14/16. About 8-10 people came out to help clean up the area. On 6/18/16 Mr. Meek and Ms. Fiske will meet with Sue Barton and Anna Wik of the University of Delaware Department of Soil and Plant Sciences. There is a pot hole in the parking lot that Professor Barton suggested we should consider leaving for now. It could serve as a deterrent against vandalism. The committee hopes to include a viewing platform in the future.

October 4, 2016

OPEN SPACE COMMITTEE REPORT - Ms. Fiske reporting.

Hermitage Wildlife Area -- Mr. Meek reported the trails are established and in good condition. Signage is needed at a small expense. Design for the platform is on hold until we resolve wetlands questions with the Army Corps of Engineers. Concerning the meadows, Mr. Meek has been in contact with the chief docent at Longwood Gardens who walked the Hermitage property with him and made suggestions on opportunities and problems. One of the problems is soil and determining what plants would best suit soil composition. We are looking at planting a tall grass meadow with flowering plants. In the future Mr. Meeks plans to meet with the chief gardener from Longwood Gardens to get input on how to proceed with the planting.

Mr. Meek learned of a paper done on the Hermitage house as part of a program for University of Delaware PhD students in 1991. He traced the man (Florida) who wrote the paper who still has a copy of the report with the original information including several black and white prints showing details of the house. He will provide that information to us.

November 1, 2016

Hermitage Wildlife Area -- Mr. Meek reported on activity over the last nine months. The Board approved the first phase at a cost of \$25,000. The original scope of work included creating new trails and planning for and building an observation tower for birding. He is proposing to expand the scope of the project. Mr. Meek reported that to date they have cleared trails and land, created preliminary trail signs and planted grass and wildflowers in the cleared areas. Experts from state agencies and organizations have visited the site and expressed praise. The site offers a mixture of meadows, forests and wetlands, enjoys resident and migrant bird populations, is close for New Castle residents, and the proximity to area schools offer opportunities for environmental education. Mr. Meek discussed the viewing platform that was part of the original scope with the Army Corps of Engineers (Corps). We will be required to apply for a 'jurisdictional determination' that takes 30-90 days after at least 15 items of the 30 items on the checklist are checked off. If the Corps visits and determines the area is wetlands, we would need to file for an application permit and present it in Dover. It is unlikely the platform will be built this fiscal year. Using funds currently available he proposes working on thinning the deer population and working on invasive plants in the meadow area below the

parking lot. The area is about two acres and contains several species of invasive plants. The principal designer of the meadow garden for Longwood Gardens walked the tract and proposed a multi-year approach to deal with invasive species and create a wildflower and grass area with different wildflowers. Mr. Meek described the work involved in the first year through fourth years. After the fourth year maintenance would involve mowing. Mr. Meek estimated a total cost of \$15,000 the first couple of years and less thereafter. He proposed extending the plan to include creating of a wildflower meadow in the back of the Hermitage. He suggested working with schools immediately to develop nature programs that would include the Hermitage Wildlife Area.

Discussion about the platform followed. Mr. Meek said the platform will need to be approved. He added that it will cost more than originally thought, noting that an engineer/architect will be needed to construct the platform and make it safe. Mr. Wilson considers the Hermitage Wildlife Area a 'jewel' and believes we should move forward with the project. He acknowledged and appreciates the amount of work Mr. Meek is putting into the Hermitage Nature Area.

Mr. Meek is seeking a long-term commitment from the Board acknowledging that we will use the property as a wildlife/nature area now and in the future.

To that end, Mr. Meek made a motion that the Board plan on creating a wildlife area in the Hermitage Nature Area and plan on maintaining it in the future. Mr. Clayton seconded the motion. Motion was approved.

December 6, 2016

Public Input: Doug Timm, Principal of Carrie Downey Elementary School, asked the Board for permission to access the area of the school that backs up to the Trust's Hermitage Natural Area for the purpose of an outdoor classroom/environmental education throughout the school year. The school has active running clubs that would use the path for exercise purposes.

**OUTREACH COMMITTEE REPORT - Mr. Meek reporting.**

Hermitage Natural Area - Mr. Meek revisited the possibility of using land we own at the Hermitage Natural Area with local elementary schools for the purpose of outdoor education and exercise. The area to the east side of the industrial track is set up in trails and will be developed over time. The west side of the industrial track is adjacent to Carrie Downie Elementary School and is also suitable. Mr. Meek supports the concept of using trails for nature studies and science classes, having paths from the school area to the east side of the track (approximate 1 mile running path), and possibly having natural playgrounds using logs and poles. Logs and poles on the site will be used to keep costs down. The school and students are supportive. Mr. Meek proposed hiring a contractor to cut through a chain-link fence, construct small, rustic facilities for outdoor classrooms, clear a trail and create a running trail. A potential downside is liability. Mr. Taylor stated anytime people use your property you could be held liable. The Trust would have an agreement with the school district stating the school's responsibilities and the Trust's responsibilities. Insurance helps with coverage. Mr. Taylor further explained there is a state law that helps shield liability if you make natural areas available for recreational use without charge. The slight improvements being made may increase our liability.

Mr. Meek talked about limitation and Trustee use of the property. A few years back an exit driveway was being planned from Family Foundation Academy out to Basin Road. Mr. Castagno said he knows of no other plans for the property. Mr. Meek said the agreement with the school would indicate that the school is not taking possession, that anything that is built there is temporary and could stop, and it is not truly encroaching on our property in that they are not building a structure. In terms of cost, there is negligible cost that could be paid for by what has been appropriated for the rest of the Hermitage project. In his memo to Board members, Mr.

Meek included a number of issues that should be addressed by the school in any agreement. Namely, the school would do maintenance on the property (trash, cleanup, etc.), in terms of creating the trail, Mr. Meek and Bruce Burk cleared the trail to make the path wide enough and suitable for running. The logs removed from the path are suitable for primitive playground equipment. Mr. Meek requested that the Board review his memo and the items listed for the agreement with the school district. Mr. Meek would like the Board to agree in principle to move forward to make the school property available to Carrie Downie and New Castle Elementary School (former high school). The feeder district for Carrie Downie is New Castle and south; the feeder district for the New Castle Elementary is the Broad Dike area up to Buttonwood. This means that all of the children in our area would benefit from this project. Mr. Meek confirmed that the area is open to the public. Mr. Taylor commented that removing the logs and creating paths could result in an increase in ATV use. He suggested the school could help with notification of police should abuse be incurred. Mr. Meek agreed, adding there are currently no significant ATV issues. Mr. Alfree cautioned against referring to the area as a "park" saying it should continue to be referred to as a natural area. Before any work can begin Mr. Meek needs to know where the wetlands are located behind Carrie Downie Elementary School. He has a wetlands delineation extending back to the area near Schoolside Apartments. The Army Corps of Engineers was not able to find wetlands delineation behind Carrie Downie Elementary School. If no delineation is determined then any building will be close to the school. Mr. Meek made a motion that the Trustees permit the use of the west portion of the Hermitage Natural Area by Carrie Downie Elementary School and that a suitable agreement be in place. Mr. Gallagher seconded the motion. Motion approved.

January 3, 2017

Hermitage Natural Area - Mr. Meek previously sent to the Board. He revisited the possibility of using land the Trust owns at the Hermitage Natural Area with local elementary schools for the purpose of outdoor education and exercise. In order to do this we need to identify locations that would not interfere with any wetland delineation. Mr. Meek nor the Army Corps of Engineers was aware of any such delineation. Mr. Gambacorta signed off on a payment to have a wetland delineation done in 2005 and a file exists. Mr. Castagno put Mr. Meek in touch with the survey team who performed the work. Their wetlands delineation expert provided Mr. Meek with a complete guide of where the wetlands are located in 2005. There is a substantial amount of land near the fence of Carrie Downie Elementary School that can be used for outdoor classrooms. Mr. McCulley (the expert) is willing to meet with Mr. Meek to learn what we can and cannot do in other areas including the area where we plan to put in a wildlife observation platform (next to the marsh). The next step concerning Carrie Downie Elementary School is to meet with the principal and teachers to find out what they want to do. And, he asked that Mr. Taylor provide assistance with developing a letter of agreement outlining responsibilities for all parties. Mr. Meek will proceed with meeting with Mr. McCulley to look at the eastern portion of the property.

Once the outdoor classrooms have been set up, Mr. Wilson wanted confirmation that the area will not restrict access for public use. Mr. Meek said it would not and envisions the area will be accessible from the industrial track bike path since that area has been cleared. There are two gates to be opened in the chain link fence between Carrie Downie Elementary School and the nature area and high school students could cross Basin Road and enter from the back of the property and have a cross country trail for about two miles. There will be gates in the fence that can be closed should the school determine there is a problem with vandalism.

Hermitage Natural Area - East Side (behind the current New Castle Middle School) - Mr. Meek reported that soon we will begin clearing the area of invasive weeds. The cost will be approximately \$3,000 to \$18,000 depending on the contractor and methods used. Depending on how much money is spent we can begin to work on the deck overlooking the wetlands. The original allocation is \$25,000; to date we have spent less than \$5,000. The cost of the clearing will be much less. Mr. Meek has met with a

wetlands specialist who said the area where the deck would be situated is a "Type 404 freshwater wetland" and pilings can be set directly in concrete. There is no problem in terms of construction. He suggested getting a qualified deck designer to design something safe for the public, is low maintenance, and can accommodate the public on the waterfront.

There is no progress to date in terms of a price for Mr. DiMondi's property. Mr. Meek has spoken with Mr. DiMondi.

West Side (behind Carrie Downie Elementary School) - There are two areas adjacent to the fence that would be suitable for outdoor classrooms. Mr. Meek will meet with the principal and teachers later this month. He invited other Board members to join him. Mr. Meek is waiting for a letter of agreement from Mr. Taylor to begin discussions with the school district. He said that someone is needed to split some trees to make logs. We could employ the services of Mr. Burke, Antonio's or himself if the Trust will purchase a chain saw. The soil is moderately acidic and is fertile. Mr. Meek is looking into easements that might be in place on the property. The owner is sure he has access to the street and believes he got City Council approval to change zoning from open space/recreation to single family zoning thus giving him adequate access to the street. Ms. Fiske said the Planning Commission voted in favor to recommend rezoning the property, but City Council did not rezone it. At that time the Trustees bought the property. Ms. Fiske reported that Ms. Burgmuller in the City Office is researching past minutes to learn more about the circumstances involved with the rezoning.

Mr. Alfree thanked Mr. Meek for offering to remove trees with a chainsaw. He expressed concern with Mr. Meek working with equipment/tools (chainsaw, Bobcat) citing insurance and personal reasons. Mr. Alfree believes the Board should get bids and pay to have the work done.