

FORT DUPONT REDEVELOPMENT AND PRESERVATION CORPORATION
BOARD OF DIRECTORS MEETING

The Fort DuPont Redevelopment and Preservation Corporation Board of Directors meeting was held December 14, 2022 at the Delaware City Public Library, 250 5th Street, with Chair John McMahon presiding. Board members present were Ms. Ruth Ann Jones (Controller General of the State of Delaware), Dr. Courtney Stewart (Office of Management and Budget), Mr. David Edgell (Office of State Planning Coordination) (arrived at 8:40 a.m.), Mr. Kurt Forman (Delaware Prosperity Partnership), Mr. Rony Baltazar-Lopez (Department of State), Mr. David Baylor (Delaware City Manager), Mr. Kevin Whitaker (Resident of Delaware City), Mr. Michael Graci (Resident of Fort DuPont), Mr. Douglas Eriksen (Resident of Delaware City), and Ms. Wendy Rogers (Resident of Fort DuPont). Secretary Shawn Garvin (Department of Natural Resources and Environmental Control (DNREC)) was absent.

Staff members present were Mr. Tim Slavin, Executive Director, Mr. Bert Scoglietti, Treasurer, and Mr. Richard Forsten and Ms. Pam Scott of Saul Ewing Arnstein and Lehr LLP.

Members of the public present to speak were Tim Dilliplane and Jack Guerin.

CALL TO ORDER

Chair McMahon called the Fort DuPont Redevelopment and Preservation Corporation (FDRPC) Board of Directors meeting to order at 8:30 a.m.

APPROVAL OF MINUTES – NOVEMBER 9, 2022

Mr. Baylor moved for approval of the minutes of November 9, 2022. The motion was seconded by Mr. Whitaker and unanimously carried.

TREASURER’S REPORT

Financial Report

Mr. Bert Scoglietti, Treasurer, reviewed the FY 2022-23 Budget vs Actual Financial Report as of November 30, 2022 (Exhibit 1) and noted the following:

- 4010 State Appropriation – now shows the drawdown of \$1.5M.
- 4100 Rental Income – there is a lag in rental income due to NAI Emory Hill collecting the rents.
- 4200 Real Estate Sales – the Budget considered Officer’s Row – Building 39 was not in the budget – will amend the budget in the second half of the calendar year.
- 6631 Delaware City Rental Tax – \$1,347 for the first quarter.
- 6716.30 Roads/Utilities – \$139,000 of unanticipated expense.
- 6738 Duplexes on OBL – expenses for buildings 26 and 27 are off by \$36,000.
- 6800 Site Utilities – many of the expenses are reimbursed by the tenants.
- 7225 Debt Expense WSFS Loan – this loan is for two trucks – one truck is being sold and the proceeds will be used to pay the existing loan balance.
- 7720 Employee Benefits – Health – this expense is tracking a little high and will be monitored.

Dr. Stewart moved for acceptance of the Treasurer's Report, seconded by Mr. Baylor and unanimously carried.

COMMITTEE REPORTS

Design and Historic Preservation Committee

Chair McMahan advised that the Design and Historic Preservation Committee would be meeting at 4:00 p.m. that afternoon at the Delaware City Public Library.

EXECUTIVE DIRECTOR'S REPORT

Mr. Tim Slavin, Executive Director, thanked Mr. Shane Martin and Mr. Steve Gorski for their efforts to get the entranceway project through the final approvals and ready to start.

Mr. Slavin reviewed the Executive Director's Monthly Report For the period November 1, 2022 to November 30, 2022 (Exhibit 2) and noted the following project updates:

Canal District

The finish coat of asphalt has been applied and the decision was made to include Officer's Row after a suggestion from one of the homeowners, noting that they had been waiting four years for the top coat to be applied. The streets are now ready for dedication to Delaware City.

All of the street lighting poles have been installed and they are awaiting arrival of the lamps.

The asphalt finish coat on Old Elm Avenue has been delayed until spring because it is anticipated to see a lot of traffic with the entranceway project. Once the entranceway is complete, the top coat will be applied.

Entranceway To Fort DuPont

Mr. Slavin reviewed the history of the entranceway solution and noted the following:

- In February 2022, Delaware City Council had advised them of four conditions that must be met for approval to move forward. Those conditions have been met.
- They are still working through the DelDOT approval process.
- They have met with the Delaware City Fire Department, Delaware City Police, and Fish and Wildlife Park Police regarding the project.
- The contractor is honoring the project price proposed one year ago.
- There is a 90-day window to build the entranceway, beginning approximately late the week of December 19, 2022.
- There is a 10-day window for the notice to proceed from DelDOT and the installation of detour signs and a 10-day notification period for the community.
- The Reedy Point bridge will be closed for the duration of the project.
- A public information session will be held December 20, 2022 in the Community Center room to answer questions and to give people a sense of what the detours will look like.
- A temporary road will be constructed at Old Elm Road so that egress will always be available.

Branch Canal – Revetment Project

The review by the State Historic Preservation Office (SHPO) for any latent cultural resources that may be in the buried environment is complete and the areas designated by the FDRPC are outside of the SHPO's area of concern.

The revetment project is eligible for a grant of up to 90% reimbursable costs from the Federal Emergency Management Agency (FEMA). Verdantas is preparing the application on behalf of Fort DuPont.

Branch Canal – Transfer of Ownership

In 2018, language was approved by Congress and signed into law by then President Trump which allowed the U.S. Army Corp of Engineers (USACE) to transfer the 5th Street Bridge to DelDOT and the Branch Canal to the Fort DuPont Redevelopment and Preservation Corporation. The transfer of the Branch Canal requires the approval of the Governor of Delaware. This issue could be substantially resolved over the next year.

Marina Village

The Delaware City Planning Commission unanimously approved the special use permit for the proposed Marina Village project. The application will go before the Delaware City Council in January 2023. Once approved by City Council, the project will go through the approval process for the actual plan of the build-out.

Operational Issues

- The request for funding in the amount of \$4.25 million has been submitted to the Office of Management and Budget (OMB) for consideration of an increase in funding from the Governor's recommended budget. The additional funding request was \$2.5 million in ongoing funding to be dedicated to infrastructure upgrades, the continued preservation of historic structures, maintenance, and upkeep of campus buildings, and funding for administration; \$750,000 toward restoration at the historic Fort DuPont Theater; and \$1.0 million to complete the restoration of the historic Chapel.
- A meeting has been scheduled with the Executive Director of the Tybee Island Post Theater which has a successful Friends group. The Post Theater is identical to the Fort DuPont Theater.
- The Controller/Deputy Director position remains open. FDRPC contracted with the search firm Placers, Inc. for services and some candidates have applied. A small committee will be appointed to vet the candidates for final approval by the Board of Directors.
- Proposals have been requested from the University of Delaware Institute for Public Administration and the Delaware Alliance for Nonprofit Advancement (DANA) for facilitation of strategic planning, which would include community engagement. The University has declined; however, DANA will be submitting a proposal by the end of December.

Responding to Ms. Jones, Mr. Slavin advised that there is a cash flow issue for the roundabout project. He stated that they would request language in the bond bill that would allow the FDRPC to use previous appropriation to offset the cost. Mr. Slavin stated that the cost would be reimbursed from the sale of the former executive director's residence and the four lots, which would be sufficient to cover the cost.

Additional savings will be set aside from salaries and other line items. He also cautioned that there are penalties associated with the project not being completed in 90 days.

A long-term debt that Rockwell Homes owed to the FDRPC for the sale of some of the lots in the Canal District was settled in the amount of approximately \$190,000.

Mr. Erikson moved for acceptance of the Executive Director's Report, seconded by Mr. Baylor and unanimously carried.

RE-AFFIRMATION OF ENTRANCEWAY SOLUTION (Action Item 2022-12.14.01)

Mr. Tim Slavin, Executive Director, advised that the Fort DuPont Redevelopment and Preservation Corporation (FDRPC) is required to make improvements to the entranceway at Fort DuPont (Route 9 and Old Elm Avenue). These improvements will allow additional building permits to be issued. FDRPC is currently nearing its cap of the building permits it is permitted to have without further improvements.

Four options were considered for the entranceway solution:

1. Do Nothing option. This was eliminated because of the need for additional building permits.
2. Signal at Route 9 and Old Elm Ave. This was eliminated because of concerns raised by the U.S. Army Corps of Engineers (USACE) over the specter of traffic backing up on the Reedy Point Bridge.
3. Roundabout. This was accepted by FDRPC and DelDOT as the preferred alternative in 2019. The project was successfully bid and awarded to A-Del construction. Communication by FDRPC to the local community was deficient and resulted in the project being paused in December 2021.
4. Right In Right Out alternative. This alternative was studied by Verdantas at the request of FDRPC. The alternative included the raising of Old Battery Lane under the Reedy Point Bridge to raise the road out of the flood zone. This would result in a finished grade of 11 feet. The geotechnical study completed by Verdantas and issued on October 1, 2022 concluded that raising the roadbed to a level out of the flood zone would have a negative effect on the existing piers of the Reedy Point Bridge. As such, this would not be supported by the USACE. (Note: FDRPC will raise the roadbed to a proposed finish grade of five feet, which will eliminate the risk of the roadbed being flooded during minor flooding events.)

FDRPC staff met with Delaware City Fire Chief Allan Mackenzie and President Wally Poppe. Both Chief Mackenzie and President Poppe stated that they have maintained concerns about the roundabout as a solution to the entranceway. The concerns of the Delaware City Fire Company (DCFC) were noted as follows:

- DCFC maintains the position that a roundabout will present safety issues to the community.
- DCFC asked FDRPC for the following:
 - Confirmation that the width of the circle accommodates fire trucks, ambulances, and tractor trailers.
 - Description of the signal and lighting at the roundabout.
 - Description of the signage and lighting coming northbound from the Reedy Point Bridge.

- Description of the signage and lighting coming southbound into the roundabout from the city.
- Assurances that the state is addressing the safety requirements in the design.
- Confirmation that egress during construction is available for the largest of fire trucks of DCFC.
- Confirmation that DCFC will still have access to canal bank and Polktown Road during construction.

All of the concerns raised by the Delaware City Fire Department have been addressed to mutual satisfaction. The contractor for the project is available to begin the project in late December 2022. DelDOT has approved the revisions to the plan, which include allowing for egress through the front entrance during the entire period of construction.

Mr. Graci moved to reaffirm the roundabout option as the entranceway solution. The motion was seconded by Mr. Whitaker and carried with Mr. Baylor abstaining.

FREEDOM OF INFORMATION ACT POLICY (Action Item 2022-12.14.02)

Ms. Pam Scott of Saul Ewing Arnstein and Lehr LLP advised that, due to adoption of House Substitute 1 (HS 1) to House Bill 293 (HB 293), which made changes to the Freedom of Information Act, it was necessary to amend the draft Fort DuPont Redevelopment and Preservation Corporation's Freedom of Information Act Policy. Ms. Scott reviewed the amendments, as follows:

- Definitions were added for the terms "meeting" and "public business".
- Part 4 – Conduct of Meetings was added. Part 4 includes the following:
 - An agenda must be posted.
 - Minutes must be taken
 - An executive session is permitted upon an affirmative vote.
 - Public comment provisions include a time limit of three minutes per person and a total of ten (10) persons during any one meeting.
 - The Corporation reserves the right to reduce the time for comment if the comment is repetitive to something that has already been said by another member of the public.

At the request of Mr. Baltazar-Lopez, and with no objections from the Board, the policy will be amended to allow the Corporation to extend the public comment time limit if necessary.

At the request of Mr. Edgell, and with no objections from the Board, the policy will be amended to allow flexibility in the number of people permitted to speak during any one meeting in order to avoid disenfranchising anyone.

Mr. Baylor requested that a statement be read at the onset of any public comment period that any comments that are derogatory or are personal attacks would not be permitted and will be subject to the ending of those comments. Responding, Ms. Scott advised that language was included in Part 4 that would allow the Board to make an announcement that disruptive behavior and personal attacks would not be tolerated.

Mr. Baylor moved for approval of the Freedom of Information Act (FOIA) policy, as revised (Exhibit 3). The motion was seconded by Dr. Stewart and unanimously carried.

MEMORANDUM OF UNDERSTANDING (MOU) WITH DELAWARE CITY (Action Item 2022-12.14.03)

Mr. Richard Forsten of Saul Ewing Arnstein and Lehr LLP advised that, historically, when Fort DuPont was first set up and the master declaration and deed restrictions were put in place, that agreement and that document presumes that the Fort DuPont Redevelopment and Preservation Corporation (FDRPC) will be responsible for maintaining the roads, snow plowing, etc. Delaware City and the FDRPC have drafted a Memorandum of Understanding (MOU) which allows the dedication of streets completed to DelDOT standards and the associated stormwater management facilities to the public and Delaware City will take over maintenance of the streets and stormwater facilities, including snow removal.

Additionally, the Delaware City Police Department ("DCPD") has jurisdiction throughout the City to enforce the laws of Delaware City and the State, including traffic and parking violations.

Mr. Forsten advised that once the streets are dedicated to Delaware City, the FDRPC Board of Directors shall revisit the current process of accessing common area maintenance fees and recommend any changes which the Board deems appropriate in light of the reduction of services required to be performed by the FDRPC.

Mr. Baylor advised that no law enforcement agency can take action on the private streets at Fort DuPont, with the exception of DUI's and a few other offenses. He also noted that some of the streets are narrowly designed, which prohibits emergency vehicle access.

Mr. Baylor noted that the assessment that was being applied by the former executive director was considered double taxation by the homeowners. They were paying property taxes for the services they should be provided as well as the FDRPC assessment.

Ms. Rogers asked how the stormwater management of the roads was associated with the bio basins on the property and if that responsibility would be transferred to Delaware City. Responding, Mr. Forsten stated that, according to the MOU, to the extent that those facilities involve stormwater runoff from the roads, it would be Delaware City's responsibility. If they involve stormwater management for open space or the parade ground, it would be Fort DuPont's responsibility.

Mr. Graci questioned whether there was a transition period for the dedication of the established streets. Responding, Mr. Baylor stated that the cleanest effective date would be January 1, 2023. Mr. Forsten advised that as the remaining streets are complete, they would be dedicated to the city.

Mr. Baylor stated that, upon dedication of the streets, the city will review speed limits, identify fire lanes and no parking areas, etc. The residents will be notified of the effective date of enforcement action through various methods of communication.

Responding to Mr. Graci, Mr. Baylor stated that snow removal for this winter would be the responsibility of the FDRPC. He noted that he would work with Mr. Slavin to ensure the service is provided without interruption.

Mr. Foreman moved for approval of the Memorandum of Understanding with Delaware City (Exhibit 4). The motion was seconded by Mr. Whitaker and carried with Mr. Baylor abstaining.

DELAWARE CITY UPDATES

Roundabout

Mr. David Baylor, City Manager – Delaware City, noted that Mr. Slavin presented the roundabout option at the Delaware City Council meeting. He advised that there was a lot of healthy discussion. Mr. Baylor stated that Mr. Slavin has made himself available to law enforcement, all of the safety entities, and the city to discuss the process and resolve any questions about how to address the entranceway. He believes that the FDRPC has done all it can to address the entranceway.

Mr. Baylor noted that although he had preferred the right-in, right-out option, he recognizes that it would be a disservice to the Polktown residents.

Mr. Baylor expressed ongoing concern with the roundabout being placed between two bridges. He noted DelDOT's commitment to appropriate signage regarding the roundabout.

Branch Canal

Mr. Baylor, City Manager – Delaware City, expressed ongoing concern with the transfer of the canal. He stated that, due to the cost of dredging and maintenance, it would be more appropriate for the canal and its maintenance to transfer to the state. Mr. Baylor reiterated that the transfer of the canal was requested by the former executive director without the city's knowledge and the city does not have the financial resources to manage a waterway.

PUBLIC COMMENT

Mr. Tim Dilliplane, Chair of the Delaware City Planning Commission, asked what time the special meeting was being held on December 20, 2022. Responding, Mr. Tim Slavin, FDRPC Executive Director, advised that the meeting was scheduled for 6:00 p.m.

Mr. Jack Guerin of FightDECORRUPTION.com stated that the attorney general's office issued an opinion citing the Fort DuPont Redevelopment and Preservation Corporation (FDRPC) with Freedom of Information Act (FOIA) violations related to two FOIA requests submitted by Erica Lindsey. Mr. Guerin read the following from the opinion:

“The above violation is not an isolated incident, but rather appears to be a continuation of a concerning pattern of the FDRPC of ignoring FOIA requests and responding only after the requestor has filed a petition with this office. On May 5, 2022, July 18, 2022, and October 10, 2022, this office closed three separate FOIA petitions where documents or responses were provided to the requestor only after the requestor sought relief by filing a petition. In the October 10, 2022 correspondence, this office strongly cautioned FDRPC to produce timely responses to citizens' FOIA requests, and encouraged FDRPC's FOIA coordinator to attend FOIA training. This office has gone as far as to provide information regarding upcoming training provided by the Department of Justice. That guidance appears to have gone ignored, as FDRPC has violated FOIA within just weeks of this Office's direction. Under these circumstances, it is regrettably apparent that FDRPC is disregarding its FOIA obligations.”

RECESS INTO EXECUTIVE SESSION - POTENTIAL ACTION ON INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

Mr. Baylor moved to recess into executive session, seconded by Mr. Edgell and unanimously carried.

Meeting recessed at 9:17 a.m.

RECONVENE

Mr. Whitaker moved to reconvene the FDRPC Board meeting, seconded by Mr. Foreman and unanimously carried.

Meeting reconvened at 10:14 a.m.

POTENTIAL ACTION ON INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

Mr. Graci moved for acceptance of the Independent Accountants' Report on Applying Agreed-Upon Procedures (Exhibit 5). The motion was seconded by Mr. Whitaker and unanimously carried.

Mr. Baylor expressed concern with some of the issues that have come to light and, being a corporation which receives state funds, he felt there should be an independent review to ensure that there is accountability.

Mr. Baylor moved that the matter be referred to the Attorney General's Office of Public Trust for their review. The motion was seconded by Mr. Whitaker and unanimously carried.

NEXT MEETING DATE

The next meeting is scheduled for January 11, 2023 at 8:30 a.m.

ADJOURNMENT

Mr. Foreman moved for adjournment, seconded by Mr. Whitaker and unanimously carried.

Meeting Adjourned at 10:16 a.m.

Exhibits

Exhibit 1 – FY 2022-23 Budget vs Actual Financial Report

Exhibit 2 – Executive Director's Monthly Report

Exhibit 3 – Freedom of Information Act Policy

Exhibit 4 – Memorandum of Understanding with Delaware City

Exhibit 5 – Independent Accountants' Report on Applying Agreed-Upon Procedures

Fort DuPont Redevelopment and Preservation Corporation
Budget vs. Actuals: FY_2022_2023 - FY23 P&L
 July 2022 - November 2022

	Total			% of Budget
	Actual	Budget	over Budget	
Income				
4005 Carryforward	0.00	250,000.00	-250,000.00	0.00%
4010 State Appropriation	1,500,000.00	2,250,000.00	-750,000.00	66.67%
4100 RENTAL INCOME	12,455.40	0.00	12,455.40	
4100-15 Building 15	5,760.00	17,280.00	-11,520.00	33.33%
4100-25 Building 25	14,800.00	42,000.00	-27,200.00	35.24%
4100-36 Building 36	0.00	8,000.00	-8,000.00	0.00%
4100-42 Building 42	0.00	30,360.00	-30,360.00	0.00%
4100-43 Building 43	11,600.00	34,800.00	-23,200.00	33.33%
4100-45 Building 45	9,650.00	46,800.00	-37,150.00	20.62%
4100-46 OBL Duplexes	0.00	20,000.00	-20,000.00	0.00%
4100-DH DHSS	0.00	8,400.00	-8,400.00	0.00%
4100-DN DNREC	0.00	10,500.00	-10,500.00	0.00%
4100-OM OMB	9,315.00	9,315.00	0.00	100.00%
4100-S Storage	0.00	3,600.00	-3,600.00	0.00%
4110 SPECIAL EVENT REVENUE	0.00	0.00	0.00	
4111 Misc Events	5,250.00	6,700.00	-1,450.00	78.36%
Total 4110 SPECIAL EVENT REVENUE	\$ 5,250.00	\$ 6,700.00	-\$ 1,450.00	78.36%
4130 CAM REVENUE	0.00	0.00	0.00	
4131 Lawncare - CAM (State Tenants)	3,200.00	16,040.00	-12,840.00	19.95%
4132 Snow/Ice - CAM (State Tenants)	12,514.00	25,112.00	-12,598.00	49.83%
Total 4130 CAM REVENUE	\$ 15,714.00	\$ 41,152.00	-\$ 25,438.00	38.19%
4150 TENANT REIMBURSEMENTS	0.00	0.00	0.00	
4151 Utility Reimbursements	35,286.66	100,000.00	-64,713.34	35.29%
Total 4150 TENANT REIMBURSEMENTS	\$ 35,286.66	\$ 100,000.00	-\$ 64,713.34	35.29%
Total 4100 RENTAL INCOME	\$ 119,831.06	\$ 378,907.00	-\$ 259,075.94	31.63%
4200 REAL ESTATE SALES	0.00	0.00	0.00	
4202 Officers Row Ph1A	0.00	120,000.00	-120,000.00	0.00%
4208 OBL Duplexes	0.00	0.00	0.00	
Total 4200 REAL ESTATE SALES	\$ 0.00	\$ 120,000.00	-\$ 120,000.00	0.00%
4500 HISTORIC TAX CREDITS	0.00	0.00	0.00	
4500-30 HTC - OBL Duplexes	0.00	185,000.00	-185,000.00	0.00%
Total 4500 HISTORIC TAX CREDITS	\$ 0.00	\$ 185,000.00	-\$ 185,000.00	0.00%
4800 BANK LOANS - BUDGETED PROCEEDS	0.00	0.00	0.00	
4811 OBL Duplexes	367,497.43	623,426.00	-255,928.57	58.95%
Total 4800 BANK LOANS - BUDGETED PROCEEDS	\$ 367,497.43	\$ 623,426.00	-\$ 255,928.57	58.95%
Total Income	\$ 1,987,328.49	\$ 3,807,333.00	-\$ 1,820,004.51	52.20%
Gross Profit	\$ 1,987,328.49	\$ 3,807,333.00	-\$ 1,820,004.51	52.20%
Expenses				

	Total			% of Budget
	Actual	Budget	over Budget	
6030 Bank Charges	4.83	0.00	4.83	
6400 Building Improvements{77}	0.00	0.00	0.00	
6409c 09c Painting-Interior	-99.71	0.00	-99.71	
6417 Supplies & Materials	2,085.77	0.00	2,085.77	
Total 6400 Building Improvements{77}	\$ 1,986.06	\$ 0.00	\$ 1,986.06	
6460 ENVIRONMENTAL	48,775.09	0.00	48,775.09	
6464 Soil Analysis	4,950.00	50,000.00	-45,050.00	9.90%
Total 6460 ENVIRONMENTAL	\$ 53,725.09	\$ 50,000.00	\$ 3,725.09	107.45%
6480 SPECIAL EVENT EXPENSES	500.00	0.00	500.00	
6500 PROFESSIONAL FEES	560.00	0.00	560.00	
6505 Prof Fees - Engineering	4,601.50	0.00	4,601.50	
6505-01 Marina	1,500.00	200,000.00	-198,500.00	0.75%
6505-02 Master Planning	10,837.25	50,000.00	-39,162.75	21.67%
6505-04 Roads/Utilities	940.50	100,000.00	-99,059.50	0.94%
6505-05 Bike Path	27,222.50	0.00	27,222.50	
6505-06 Survey	0.00	10,000.00	-10,000.00	0.00%
6505-08 Geotechnical	17,055.90	0.00	17,055.90	
6505-09 Round-a-bout	26,964.00	25,000.00	1,964.00	107.86%
6505-11 Subdivisions	0.00	15,000.00	-15,000.00	0.00%
6505-12 OBL Duplexes	685.00	15,000.00	-14,315.00	4.57%
6505-13 Section 6F/106	0.00	10,000.00	-10,000.00	0.00%
6505-14 Marina Village	-2,635.00	0.00	-2,635.00	
6505-15 Park & Recreation	1,850.00	50,000.00	-48,150.00	3.70%
6505-20 Branch Canal	210.50	0.00	210.50	
Total 6505 Prof Fees - Engineering	\$ 89,232.15	\$ 475,000.00	-\$ 385,767.85	18.79%
6515 Prof Fees - Architectural	240.00	10,000.00	-9,760.00	2.40%
6520R Prof Fees - Legal	58,867.93	250,000.00	-191,132.07	23.55%
6525R Prof Fees - Accounting	22,275.00	50,000.00	-27,725.00	44.55%
6535R Prof Fees - HR	0.00	2,500.00	-2,500.00	0.00%
6536 Community Association	0.00	6,000.00	-6,000.00	0.00%
6545 Roadways/Utilities	7,886.75	0.00	7,886.75	
Total 6500 PROFESSIONAL FEES	\$ 179,061.83	\$ 793,500.00	-\$ 614,438.17	22.57%
6535 PERMITTING	3,924.00	0.00	3,924.00	
6600R FEES - OTHER	-0.50	0.00	-0.50	
6606 Permit Fees	5,487.04	5,000.00	487.04	109.74%
6610 Bank Fees	99.72	4,000.00	-3,900.28	2.49%
6620 HTC Fees	0.00	9,500.00	-9,500.00	0.00%
6625 Bank Charges	0.00	0.00	0.00	
6627 Applied Bank Fees	1,629.42	0.00	1,629.42	
Total 6625 Bank Charges	\$ 1,629.42	\$ 0.00	\$ 1,629.42	
6631 Del City Rental Tax	1,347.41	0.00	1,347.41	
Total 6600R FEES - OTHER	\$ 8,563.09	\$ 18,500.00	-\$ 9,936.91	46.29%
6700 IMPROVEMENTS	14,014.00	0.00	14,014.00	
6704 Building 45-1308 Officers Row	1,375.00	0.00	1,375.00	

	Total			% of Budget
	Actual	Budget	over Budget	
6706 Building 15-Post Headquarters	0.00	0.00	0.00	
6712 Building 24-Theater	826.00	0.00	826.00	
6716 Canal District	12,804.00	0.00	12,804.00	
6716.30 Roads/Utilities	139,000.00	0.00	139,000.00	
Total 6716 Canal District	\$ 151,804.00	\$ 0.00	\$ 151,804.00	
6721 Roundabout	45,516.99	0.00	45,516.99	
6724 Marina	16,797.75	0.00	16,797.75	
6734 Building 23-Band Barracks	5,090.00	0.00	5,090.00	
6735 Landscaping	120.00	0.00	120.00	
6738 Duplexes on OBL	0.00	623,426.00	-623,426.00	0.00%
6738-01 Building 26	194,026.01	0.00	194,026.01	
6738-02 Building 27	164,554.68	0.00	164,554.68	
Total 6738 Duplexes on OBL	\$ 358,580.69	\$ 623,426.00	-\$ 264,845.31	57.52%
6741 Building 30-Stable	298,834.98	0.00	298,834.98	
6748 Building 52-Tilton	8,029.50	0.00	8,029.50	
6759 Community Garden	700.92	0.00	700.92	
6766 Old Battery Lane	2,586.75	0.00	2,586.75	
6767 Building 82-POW Building	575.00	0.00	575.00	
6768 DNREC Magazine	0.00	100,000.00	-100,000.00	0.00%
6770 DNREC Maintenance Bldg	12,614.58	500,000.00	-487,385.42	2.52%
6772 Park & Recreation Amenities	6,000.00	0.00	6,000.00	
Total 6700 IMPROVEMENTS	\$ 923,466.16	\$ 1,223,426.00	-\$ 299,959.84	75.48%
6700X Site Evaluation (deleted)	0.00	0.00	0.00	
6735x Site Design (deleted)	365.00	0.00	365.00	
Total 6700X Site Evaluation (deleted)	\$ 365.00	\$ 0.00	\$ 365.00	
6800 SITE UTILITIES	210.15	0.00	210.15	
6810 Electric	64,236.40	85,000.00	-20,763.60	75.57%
6815 Gas	3,466.37	50,000.00	-46,533.63	6.93%
6820 Water	6,417.87	5,000.00	1,417.87	128.36%
6825 Sewer	5,782.36	5,000.00	782.36	115.65%
6835 Trash	2,019.00	5,000.00	-2,981.00	40.38%
Total 6800 SITE UTILITIES	\$ 82,132.15	\$ 150,000.00	-\$ 67,867.85	54.75%
7000 OPERATING EXPENSES	0.00	0.00	0.00	
7005 Museum	0.00	5,000.00	-5,000.00	0.00%
7009 Computer Support	0.00	2,500.00	-2,500.00	0.00%
7010 Office Supplies	5,027.14	15,000.00	-9,972.86	33.51%
7020 Travel	0.00	2,500.00	-2,500.00	0.00%
7025 Meals and Entertainment	0.00	2,000.00	-2,000.00	0.00%
7030 Utilities - Office	2,391.53	5,000.00	-2,608.47	47.83%
7035 Phone/Internet - Office	4,540.90	7,500.00	-2,959.10	60.55%
7040 Repairs & Maintenance	1,315.00	5,000.00	-3,685.00	26.30%
7045 Discretionary Expenses	0.00	2,500.00	-2,500.00	0.00%
7050 Equipment and Furnishings	0.00	20,000.00	-20,000.00	0.00%
7051 Uniforms	1,208.20	5,000.00	-3,791.80	24.16%

	Total			% of Budget
	Actual	Budget	over Budget	
Total 7000 OPERATING EXPENSES	\$ 14,482.77	\$ 72,000.00	-\$ 57,517.23	20.11%
7100 COMMON AREA MAINTENANCE	5,140.40	0.00	5,140.40	
7105 Lawn Care	42,586.55	125,000.00	-82,413.45	34.07%
7110 Storm Water Management	3,065.00	30,000.00	-26,935.00	10.22%
7115 Pest Control	1,485.00	5,000.00	-3,515.00	29.70%
7120 Fire & Security Monitoring	765.85	20,000.00	-19,234.15	3.83%
7125 Snow & Ice Removal	0.00	20,000.00	-20,000.00	0.00%
7130 Building Repairs & Maintenance	0.00	25,000.00	-25,000.00	0.00%
7135 Road Repairs	0.00	5,000.00	-5,000.00	0.00%
7140 Landscaping Maintenance	27,659.11	75,000.00	-47,340.89	36.88%
7141 Auto	143.82	15,000.00	-14,856.18	0.96%
7145 Equipment Expense	12,052.57	40,000.00	-27,947.43	30.13%
7146 Supplies	17.99	15,000.00	-14,982.01	0.12%
7830 Utilities	5,133.65	7,500.00	-2,366.35	68.45%
Total 7100 COMMON AREA MAINTENANCE	\$ 98,049.94	\$ 382,500.00	-\$ 284,450.06	25.63%
7200 DEBT EXPENSE	0.00	0.00	0.00	
7205 Officers Row - Applied Prin/Int Loan 0380	34,661.00	64,344.00	-29,683.00	53.87%
7210 DMHEF Repayment	0.00	9,996.00	-9,996.00	0.00%
7215 OBL Duplexes - Applied Prin/Int Loan 0810	12,141.65	53,100.00	-40,958.35	22.87%
7225 DEBT EXPENSE WSFS LOAN	7,400.00	17,771.00	-10,371.00	41.64%
Total 7200 DEBT EXPENSE	\$ 76,527.55	\$ 145,211.00	-\$ 68,683.45	52.70%
7500 MARKETING EXPENSES	400.00	0.00	400.00	
7510 Advertising & Promotion	128.37	24,000.00	-23,871.63	0.53%
7520 Graphics/Branding/Messaging	0.00	2,500.00	-2,500.00	0.00%
7525 Marketing Collateral	0.00	10,000.00	-10,000.00	0.00%
7550 Website & Social Media	5,913.42	25,000.00	-19,086.58	23.65%
Total 7500 MARKETING EXPENSES	\$ 6,441.79	\$ 61,500.00	-\$ 55,058.21	10.47%
7700 PAYROLL EXPENDITURES	0.00	0.00	0.00	
7710 401k	4,397.50	10,000.00	-5,602.50	43.98%
7720 Employee Benefits - Health	42,633.50	84,000.00	-41,366.50	50.75%
7721 Employee Benefits - Dental	736.03	0.00	736.03	
7730 Payroll Tax Expense	19,868.33	44,327.00	-24,458.67	44.82%
7740 Salaries & Wages	217,186.92	554,084.00	-336,897.08	39.20%
Total 7740 Salaries & Wages	\$ 217,186.92	\$ 554,084.00	-\$ 336,897.08	39.20%
7750 Payroll Service Fees	835.16	3,000.00	-2,164.84	27.84%
Total 7700 PAYROLL EXPENDITURES	\$ 285,657.44	\$ 695,411.00	-\$ 409,753.56	41.08%
7850 INSURANCE	-1,124.03	0.00	-1,124.03	
7851 General Liability	13,445.62	13,446.00	-0.38	100.00%
7853 Property	22,452.53	45,000.00	-22,547.47	49.89%
7854 Builder's Risk	0.00	3,610.00	-3,610.00	0.00%
7855 Workers Comp Insurance	4,916.00	14,000.00	-9,084.00	35.11%
7856 Auto	13,603.00	13,000.00	603.00	104.64%
7857 D & O/ E&O Insurance	8,070.00	2,515.00	5,555.00	320.87%
7858 Business Owners	3,747.14	1,410.00	2,337.14	265.75%

	Total			% of
	Actual	Budget	over Budget	Budget
7859 Pension & Crime	0.00	150.00	-150.00	0.00%
Total 7850 INSURANCE	\$ 65,110.26	\$ 93,131.00	-\$ 28,020.74	69.91%
Property Management	0.00	0.00	0.00	
7880 Repair & Maintenance	1,170.00	0.00	1,170.00	
7900 Security	210.00	0.00	210.00	
Total Property Management	\$ 1,380.00	\$ 0.00	\$ 1,380.00	
Total Expenses	\$ 1,801,377.96	\$ 3,685,179.00	-\$ 1,883,801.04	48.88%
Net Operating Income	\$ 185,950.53	\$ 122,154.00	\$ 63,796.53	152.23%
Other Income				
Reimbursed Expenses	1,789.79	0.00	1,789.79	
Total Other Income	\$ 1,789.79	\$ 0.00	\$ 1,789.79	
Net Other Income	\$ 1,789.79	\$ 0.00	\$ 1,789.79	
Net Income	\$ 187,740.32	\$ 122,154.00	\$ 65,586.32	153.69%

Tuesday, Dec 13, 2022 07:37:25 AM GMT-8 - Accrual Basis



Executive Director Monthly Report
For the period November 1, 2022 to November 30, 2022
December 1, 2022

Our board meeting will be held on December 14, 2022 at 8:30 a.m. at the **Delaware City Library**. Board packets will be distributed via email (as a pdf attachment) on December 7, 2022.

- **Entranceway.**

- Discussion about the proposed roundabout entranceway has been held with the City Council, the Delaware City Fire Department, the City Manager, and individual citizens. Additionally, both Sen. Poore and Rep. Minor-Brown have been briefed on the project. Verdantas has been working with DeIDOT on the pre-construction activities; the construction schedule has not been published as of this writing but the anticipated date is no later than December 20, 2022. The construction calendar calls for 90 days to completion of project., weather and materials permitting. I will be appearing before the City Council on December 12, 2022 to answer any remaining questions about the project.

- **Branch Canal issues.**

- **Canal bank revetment project.** A meeting was held (via Webex) with Nicole Minnibach of the U.S. Army Corps of Engineers, and Gwen Davis and Sarah Carr of the State Historic Preservation Office. Concerns were raised by the SHPO about possible effects of the staging areas proposed for the project. In order to address these issues, a map was prepared combining three layers: proposed revetment plan, existing conditions, and areas of concern identified in the cultural resources study conducted previously. A follow-up on site meeting is planned for later in November 2022.
 - This project is eligible for a grant of up to 90% reimbursable costs from the Federal Emergency Management Agency. Verdantas is preparing the application on behalf of Fort DuPont.

- **Proposed transfer of owners from U.S. Army Corps of Engineers (USACE).** DelDOT is proceeding with the issuance of the Environmental Assessment (EA) for public comment. The EA will be issued by the Army Corps of Engineers. DelDOT is aware that FDRPC has again stated that it is silent (at this time) on the issue of the transfer of ownership of the Branch Canal.

- **Marina Village.**
 - The Delaware City Planning Commission unanimously approved the special use permit for the proposed Marina Village project. The application now goes before the City Council in January 2023.

- **DNREC Archive building and DNREC Maintenance Shop.**
 - FDRPC is working with DNREC to complete the necessary permitting. An Environmental Covenant was signed by Tim Slavin on October 26, 2022 and transmitted to DNREC. Mobilization can not occur until these plans are approved by DNREC.
 - September 2022 report: The brownfield investigation for exterior work to the DNREC Archive building has been approved and now proceeds to a study. Water, sewer, handicap ramp, and parking lot are on hold until approvals are issued by DNREC. The Stormwater and Sediment (S&S) plan has been approved and signed off by DNREC for the DNREC Maintenance building. FDRPC has sent plans to prospective contractors for bids. Construction is expected to mobilize in late October/early November.

- **Design and Historic Preservation Committee.** The next meeting of the Design and Historic Preservation Committee is scheduled for Wednesday December 14, 2022 at 4:00 p.m

- **FDRPC Strategic Planning.** Proposals have been invited from the University of Delaware Institute for Public Administration and the Delaware Alliance for Nonprofit Advancement for strategic planning facilitation.

- **Deputy Director search.** The search for a candidate for the position of Controller/Deputy Director continues. FDRPC contracted with search firm Plancers, Inc. for services.

- **OMB Hearing.** Tim Slavin represented FDRPC at the budget hearing conducted by the Office of Management and Budget (OMB) for the Governor's Recommended Budget for FY 24. The request from FDRPC included:

- \$2.5M in ongoing funding to be dedicated to infrastructure upgrades, the continued preservation of historic structures, maintenance, and upkeep of campus buildings, and funding for administration.
- \$750.0 toward the restoration of the historic Fort DuPont Theater.
- \$1.0M to complete the restoration of the historic Chapel.
- Additionally, FDRPC included reference to the canal bank revetment project. Federal funding from FEMA is being sought for this project.

Fort DuPont Redevelopment And Preservation Corporation
Freedom of information Act (“FOIA”) Policy

Part 1 - Purpose

The purpose of this policy is to set forth the procedures for responding to requests from the public for “public records” and to set forth the requirements of the Corporation pertaining to its meetings. The Corporation is a “public body” as that term is defined in 29 *Del. C.* §10002(k), and, as such, is subject to the provisions of the Delaware Freedom of Information Act (“FOIA”). All “public records”, as that term is defined in 29 *Del. C.* §10002(o), shall be open and subject to disclosure to the Requesting Party, except if the information is specifically exempt from disclosure as set forth in 29 *Del. C.* §10002(o). Any “meeting” of the Corporation, as that term is defined in 29 *Del. C.* §10002(j) shall be open to the public, except for those which are closed to the public pursuant to 29 *Del. C.* §10004(b), (c) and (d).

Part 2 – Definitions

The following words and terms, when used in this policy, shall have the following meaning unless the context clearly indicates otherwise:

(1) “Corporation” means the Fort DuPont Redevelopment and Preservation Corporation.

(2) “FOIA” means the Delaware Freedom of Information Act as established pursuant to Title 29, Chapter 100 of the Delaware Code.

(3) “FOIA Coordinator” shall mean _____, or their

designee.

(4) “FOIA Request” or “Request” means a request to inspect or copy a Public Record pursuant to the provisions of 29 *Del. C.* §10003 and in accordance with this policy.

(5) “FOIA Request Form” means the form approved by the Corporation upon which requests for Public Records can be made, attached hereto as Exhibit “A”.

(6) “Meeting” means the formal or informal gathering of a quorum of the members of the Corporation for the purpose of discussing or taking action on public business.

(7) “Public Business” means any matter over which the Corporation has supervision, control, jurisdiction or advisory power.

(8) “Public Record” shall have the meaning set forth in 29 *Del. C.* §10002(o).

(9) “Requesting Party” means the party filing a FOIA Request.

Part 3 – Records Request, Response Procedures and Access

A. FOIA Coordinator

The Corporation shall designate a FOIA Coordinator who shall serve as the point of contact for FOIA Requests and coordinate the Corporation’s responses thereto. The FOIA Coordinator shall be identified on the Corporation’s website and the Corporation shall provide the name and contact information for the FOIA

Coordinator to the Attorney General's Office. The Corporation shall update this information on its website and with the Attorney General's Office within twenty (20) business days of any change in the FOIA Coordinator or their contact information. The FOIA Coordinator may designate other employees to perform specific duties and functions hereunder.

The FOIA Coordinator shall maintain a document which tracks all FOIA Requests. For each FOIA Request, the document shall include, at a minimum, the Requesting Party's contact information, the date the Corporation received the FOIA Request, the Corporation's response deadline, the date of the Corporation's response (including reasons for any extension), the names, contact information and dates of correspondence with individuals contacted in connection with the FOIA Request, the dates of review by the Corporation, the names of the individuals who conducted such reviews, whether documents were made available, the amount of copying and/or administrative fees assessed, and the date of final disposition. Attached hereto as Exhibit "B" is the form to be used for tracking FOIA Requests.

B. Form of Request

All FOIA Requests shall be made in writing and submitted to the Corporation in person, by email or by facsimile to the FOIA Coordinator. FOIA Requests should be submitted using the FOIA Request Form attached as Exhibit "A" to this policy; however, any FOIA Request that contains the required information and otherwise conforms to this policy shall not be denied solely because the request is not made

using the approved form.

All FOIA Requests shall adequately describe the records being requested in sufficient detail to enable the Corporation to locate such records with reasonable effort. The Requesting Party shall be as specific as possible when requesting records. To assist the Corporation in locating the requested records, the Corporation may request that the Requesting Party provide additional information known to the Requesting Party, such as the types of records being sought, dates, parties to correspondence, and the subject matter of the requested records.

Note that any records over three (3) years old may be located in off-site storage and will be subject to a retrieval fee. The Requesting Party shall be provided with a written cost estimate of such retrieval fees prior to retrieving such records. Records retrieved from storage will be kept on site for review for ten (10) business days before being returned to storage.

C. Method of Filing FOIA Request

FOIA Requests may be made to the Corporation by mail, in person, by email or by facsimile. Copies of the FOIA Request Form may be obtained from the Corporation either via the Corporation's website (www.ftdupont.org) or by contacting the Corporation at 302-838-7374.

D. Corporation Response to FOIA Requests

The Corporation will respond to a FOIA Request within fifteen (15) business days after receipt thereof, either by providing access to the requested records, denying

access to the records or parts thereof, or by advising that additional time is needed because the Request is for voluminous records, records that will require extended research to locate or legal advice is required. If access cannot be provided within fifteen (15) business days, the Corporation shall cite one of the reasons hereunder why more time is needed and provide to the Requesting Party a good faith estimate of how much additional time is required to respond to the request.

If a Request is denied, in whole or in part, the response shall indicate the reasons for the denial.

Prior to disclosure, records may be reviewed by the Corporation to ensure that those records or portions of records deemed nonpublic may be removed pursuant to 29 *Del. C.* §10002(o) or any other applicable provision of FOIA.

Copies of records requested can be picked up at the Corporation's offices, emailed (if available electronically) or sent via facsimile with no charge. If the Requesting Party requests that the records be mailed via Postal Service, the Requesting Party shall be responsible for the cost of mailing.

E. Request for Email Records

Requests for email records shall be fulfilled by the Corporation from its own records if doing so can be accomplished by the Corporation with reasonable effort. If the Corporation determines that it cannot fulfill all or any portion of such request, and such request pertains to the Corporation, the Corporation will reach out to the appropriate state or local agency to obtain and provide such email records.

F. Hours of Review

The Corporation shall provide reasonable access for reviewing Public Records during regular business hours (9:00 a.m. to 5:00 p.m.). Appointments will be scheduled at a mutually convenient time for the Requesting Party and the Corporation. If photocopies are desired, the specific records must be identified by tabbing the pages. If less than twenty (20) pages are to be copied and personnel are available to do so, copies will be made while the Requesting Party waits for them.

G. Fees.

(a) If paper records are provided to the Requesting Party, photocopying fees shall be as follows:

(i) Standard Sized, Black and White Copies/Printouts: The first twenty (20) pages will be provided free of charge. The charge for copying standard sized, black and white Public Records for copies over and above 20 shall be \$0.10 per single sided sheet (\$0.20 for a double-sided sheet). This charge applies to copies of the following standard size: 8.5" x 11", 8.5" x 14" and 11" x 17".

(ii) Standard Sized, Color Copies/Printouts: An additional charge of \$1.00 per sheet will be assessed for all color copies or printouts for standard sized copies and \$1.50 per sheet for larger copies.

(iii) Oversized Black and White Copies/Printouts: The charge for copying oversized Public Records shall be \$2.00 per 18" x 22" sheet and \$3.00

per 24" x 36" sheet. The charge for copying documents larger than 24" x 36" shall be \$ 1.00 per square foot. Over-sized documents that the Corporation is not capable of reproducing will be sent off-site and the Requesting Party will be charged the costs incurred.

(iv) Oversized Color Copies/Printouts: An Additional charge of \$1.50_ per sheet will be assessed for all color copies or printouts for oversized copies.

(v) Electronically Generated Records: Charges for copying records maintained in an electronic format will be calculated by the material costs involved in generating the copies (including but not limited to DVD, CD, or other electronic storage costs) and administrative costs.

(b) Administrative Fees shall be as follows:

(i) Administrative fees shall be assessed for requests requiring more than one hour of staff time to process. Charges for administrative fees may include staff time associated with processing FOIA Requests, including but not limited to, identifying records, monitoring file reviews and generating computer records. Administrative fees shall not include any cost associated with the Corporation's counsel's review of whether any portion of the requested records is exempt from FOIA.

(ii) For requests that require more than one hour of staff time, the Corporation shall provide a written cost estimate of such fees to the Requesting Party, listing all charges expected to be incurred in retrieving such records, prior to responding to any request that would require Requesting Party to incur administrative fees. Upon receipt

of the estimate, the Requesting Party may decide whether or not to proceed with the Request.

(iii) Administrative fees will be billed to the Requesting Party per quarter hour. These charges will be billed at the current hourly pay rate (pro-rated for quarter hour increments) of the lowest paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this Section F, including, but not limited to, copying fees.

(c) Payment of all fees shall be due no later than the time the records are released to the Requesting Party. The Corporation may require pre-payment of all fees prior to performing any services. The Corporation accepts cash or check payable to “Ft. DuPont Redevelopment and Preservation Corporation”. There is a return check fee of thirty-five dollars (\$35.00).

(d) Requesting Parties who do not reschedule or cancel appointments to view files at least one full business day in advance of the appointment may be subject to the charges incurred by the Corporation in preparing the requested records.

Part 4 – Conduct of Meetings

A. Public Meetings

Public meetings will be publicly advertised by way of the posting of an agenda as required by the provisions of 29 *Del. C.* §10004(e). Minutes of public meetings will be maintained pursuant to the provisions of 29 *Del. C.* §10004(f). The Corporation may call for an executive session upon affirmative vote of a majority of

members present at a meeting of the Corporation and otherwise pursuant to the provisions of 29 *Del. C.* §10004(c) and (e), to discuss those matters set forth in 29 *Del. C.* §10004(b).

B. Public Comment

The public will be provided the opportunity to comment on matters related to the Corporation at such time as set forth on the agenda for the public meeting. Public comment will be limited to three (3) minutes per person and a total of ten (10) persons during any public meeting; provided, however, that the Corporation, at its discretion, may extend the time per person for providing comments and may permit more than ten (10) persons to make comments during any public meeting. The Corporation reserves the right to reduce the time for comment if the comment is repetitive to something that has already been said by another member of the public. The Corporation also reserves the right to remove any person from a public meeting who is willfully and seriously disruptive of the conduct of such meeting, or persons who attempt to make personal attacks against any member of the Board of the Corporation or any member of staff of the Corporation.

This FOIA policy is hereby adopted by the Board of Directors of the Ft. DuPont Redevelopment and Preservation Corporation on this ____ day of _____ 20____.

John McMahan
Chair

Exhibit A

Request for Public Records Form

NAME OF REQUESTOR: _____

DATE OF REQUEST: _____

MAILING ADDRESS OF REQUESTOR: _____

PHONE: _____

EMAIL: _____

RECORDS REQUESTED: (Be as specific as possible, providing a description of the types of records, dates, parties to correspondence, subject matter, etc. The public body will do its best to assist you in identifying the records sought).

There may be costs involved in responding to your request. Refer to the Corporation's policy for information about costs and access to records.

PLEASE CONTACT ME IF COSTS WILL BE GREATER THAN: \$ _____

Within 15 business days from receipt of your request the Corporation must either provide you with access to records, deny your request or state that additional time is needed.

EXHIBIT "B"

FOIA TRACKING FORM (For internal use only)

FOIA REQUEST NUMBER: _____

CONTACT INFORMATION (where a response may be sent):

Name of Requesting Party: _____

Address: _____

City, State, Zip: _____

Phone: (h) _____ (w) _____ (cell) _____

Fax No. _____ Email: _____

Date Corporation received FOIA Request: _____

Date response due to Requesting Party: _____

Date Corporation reviewed FOIA Request: _____

Names of individuals, if any, with whom Corporation corresponded to respond to FOIA Request:

Names of those who reviewed FOIA Request on behalf of Corporation: _____

Were documents made available for review? _____ If so, when? _____

Fees assessed for copying/administrative services: _____

Date Corporation provided a response to Requesting Party: _____

Date of final disposition of FOIA Request: _____

“A Historic Past”



“A Bright Future”

CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is made by and between the Fort DuPont Redevelopment and Preservation Corporation (“FDRPC”) and the City of Delaware City (“City”) (individual a “Party” and collectively the “Parties”).

WHEREAS, the FDRPC was established pursuant to 7 *Del. C.* § 4733 for the purpose of exercising essential governmental functions within the Fort DuPont Complex (“Complex”); and

WHEREAS, the FDRPC has developed a redevelopment plan which includes the development of single-family homes, condominiums, retail businesses, vacation amenities and parks and recreational areas (“the Redevelopment Plan”); and

WHEREAS, pursuant to the Redevelopment Plan for the Complex, the FDRPC recorded its Amended Declaration of Covenants, Conditions, Agreements, Restrictions and Licenses, amendments dated June 19, 2020 and recorded July 7, 2020 in Instrument No. 20200707-0055721, which govern the conduct of persons within the Fort DuPont Complex (“Declaration”); and

WHEREAS, the Complex lies within the geographical boundaries of Delaware City as set forth in, *inter alia*, Section 1-02 of the Charter of Delaware City; and

WHEREAS, the Mayor and Council of Delaware City have well established procedures in place for comprehensive community response within the City limits which is performed by qualified, experienced and trained personnel for the purpose of responding to emergencies, addressing citizen concerns, controlling traffic flow,

policing traffic violations, responding to criminal complaints, and generally addressing the needs of the citizens of Delaware City, among other things; and

WHEREAS, the Delaware City Police Department (“DCPD”) has jurisdiction throughout the City to enforce the laws of Delaware City and the State of Delaware as set forth in, *inter alia*, Section 10-01 of the Charter of Delaware City; and

WHEREAS, the Board of Directors of the FDRPC herein agree that continuity of public safety, policing and emergency services is important and necessary for the citizens of the City; and

WHEREAS, the City has responsibility for maintaining streets within the geographical boundaries of the City that have been constructed in conformance with the Delaware Department of Transportation standards and dedicated to the City; and

WHEREAS, some streets in Fort DuPont preexisted the annexation of Fort DuPont into the City, and to date, no streets in Fort DuPont have been dedicated to any government entity, including the City, and are considered private streets;

WHEREAS, the City and Fort DuPont desire to establish a protocol whereby the City can provide full police services while in the process of accepting the dedication of the private streets in Fort DuPont; and

WHEREAS, nothing in this MOU shall preclude the FDRPC from enforcing its rules and regulations as outlined in the recorded Declaration and its accompanying exhibits;

NOW, THEREFORE, the City and the FDRPC hereby agree as follows:

1. The City accepts a dedication of the dominion and control of all currently existing Fort DuPont Complex streets and right-of-ways for the sole purpose of providing police, parking enforcement, and emergency services in the same manner in which it currently provides policing, parking enforcement, and emergency services to all streets within the geographical boundaries of Delaware City.


2. The FDRPC is required to design and improve streets within the Complex, and agrees to build all new streets and right-of-ways, and all improvements to the streets and right-of-ways, according to the specifications of the Delaware Department of Transportation, except that, for those streets and right-of-ways for which compliance with the Code would cause the loss of historical designation, as determined by the State Historical Preservation Office (“SHPO”) or a comparable agency, the FDRPC shall be eligible to apply for a waiver of said requirements from the Delaware Department of Transportation. Anything in this agreement notwithstanding, it is agreed that FDRPC retains control over the design and location of the roads in the Complex, so long as the design and location of roads meet Delaware Department of Transportation standards, until dedication of the streets and right-of-ways to the City.
3. The City shall accept dedication of each newly built street or right-of-way within the Complex, upon confirmation that each street has been constructed in conformance with standards promulgated by the Delaware Department of Transportation.
4. Fort DuPont shall fully dedicate the streets and right-of-ways within the Complex to the City upon completion and inspection that confirms the street and right-of-ways have been in conformance with Delaware Department of Transportation standards for each newly constructed street or right-of-way to be built in the Complex. At the same time as the streets are dedicated, the FDRPC shall dedicate, and the City shall accept dedication of, all stormwater management facilities associated with the streets upon confirmation that these facilities have been constructed in conformance with Delaware Department of Transportation standards.
5. The City agrees, on the date of dedication of any street or sets of streets, to assume ownership and control, and provide snow removal, associated storm water management maintenance, and maintenance and

upkeep of all streets within the Fort DuPont Complex which are specifically dedicated to the City.

- 6. Upon the dedication and granting of ownership of all the streets and right-of-ways in the Complex to the City for a given subdivision or area, the FDRPC Board of Directors shall revisit the current process of accessing common area maintenance fees and recommend any changes which the Board deems appropriate in light of the reduction of services required to be performed by the FDRPC.
- 7. Until such time as streets in the Complex are dedicated to the City, the FDRPC shall be responsible for maintenance, snow removal, and associated stormwater management associated with the streets not otherwise dedicated. During such time when some but not all streets in the Complex are dedicated to the City, the FDRPC and the City shall coordinate snow removal operations.
- 8. This MOU shall be effective immediately upon approval by the Mayor and Council of the City of Delaware City, upon approval of the Fort DuPont Board, and upon signatures of the City Manager of Delaware City and the Executive Director of Fort DuPont.
- 9. This MOU may be amended with the written, mutual consent of both the City Council of the City of Delaware City and the Board of Directors of the FDRPC.

In witness, following approval by the Fort DuPont Redevelopment and Preservation Corporation Board and the City Council of Delaware City this MOU is effective on this 1st day of December, 2022.

Timothy Slavin, Executive Director
Fort DuPont Redevelopment and
Preservation Corporation



David L. Baylor, City Manager
Delaware City, Delaware

**FORT DUPONT REDEVELOPMENT AND
PRESERVATION CORPORATION
(A Component Unit of the State of Delaware)**

**INDEPENDENT ACCOUNTANTS' REPORT ON
APPLYING AGREED-UPON PROCEDURES
REDACTED VERSION**

JUNE 30, 2022



BELFINT • LYONS • SHUMAN
Certified Public Accountants

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Independent Auditors' Report

To the Board of Directors
Fort DuPont Redevelopment and Preservation Corporation

We have performed the procedures enumerated below on the analysis of residential leases of Fort DuPont Redevelopment and Preservation Corporation (Corporation) for the period July 1, 2016 through June 30, 2022. The Corporation's management is responsible for the analysis of residential leases.

The Corporation has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of analyzing the residential leases for the review of those charged with governance. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

Procedure 1: Compile a complete schedule of the Corporation's residential leases in effect from July 1, 2016 through June 30, 2022, from client records and from information accumulated in our audit workpapers.

Findings: We compiled a schedule of leases in effect during the period from July 1, 2016 through June 30, 2022. We found that, during the period, the Corporation leased out 13 different rental units to 19 tenants. Tenants paid the rent and utilities due with varying levels of completeness and consistency. We compiled a schedule, which is attached to this report and titled Attachment A, containing the residency periods and outstanding balances for all of the 19 tenants. We also evaluated tenant rental activity for the subsequent period July 1, 2022 through October 31, 2022 and updated Attachment A accordingly. During our analysis of the leases, we found the following two items of interest:

- Tenant 7 was refunded a rent payment on August 1, 2021. At the time, he had an outstanding balance of rent due to the Corporation.
- Tenant 8 received a \$4,000 rent credit to his outstanding balance on June 27, 2019. The Corporation could not provide supporting documentation for this transaction.

To the Board of Directors
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Procedure 2: Summarize the key terms of each Corporation lease from lease documents provided (or, have already provided) and financial records (building number, property location, property type, property size, start and end dates, responsibility for utilities, tenant name, and monthly rent.).

- a. Identify any lease payment in arrears or not paid timely.
- b. Identify any utility reimbursements due to the Corporation in arrears or not paid timely.

Findings: We summarized the key terms of each lease in effect during the period from July 1, 2016 through June 30, 2022, from lease documents and financial records provided by the Corporation in Attachment B to this report. We identified rent and utility payments in arrears (but could not identify all rent and utility payments that may have been made late). We found the lease entered by the Corporation with a tenant for Unit 45B (Tenant 18) on June 1, 2019 did not specify a monthly rental or security deposit amount. On May 8, 2020, the Corporation extended this lease agreement for the period June 1, 2020 through May 31, 2021 for a lump sum rental payment of \$21,900.

Procedure 3: Identify Corporate officer, or employee authorizing and signing each lease.

Findings: In Attachment B, we identified the Corporate officer, or employee authorizing and signing each lease. See the appropriate columns indicating so on Attachment B, which is attached to this report. We found one lease approved by FDRPC Official 1, two leases provided had no indication of approval, and the remaining 16 leases were approved by FDRPC Official 2.

Procedure 4: Identify, to the extent possible, any leases with related parties or employees of the Corporation.

Findings: We identified leases with related parties or employees of the Corporation in Attachment B to this report. We found that four leases were executed with related parties of the Corporation. These related parties were Tenant 8, Tenant 15, Tenant 7, and Tenant 10.

We were engaged by the Corporation to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on the residential lease activity. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Corporation and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

Recommendations: We have identified improvements that could be made in the execution of leasing residential properties and the resulting collection of rents and utilities owed to you.

To the Board of Directors
Fort DuPont Redevelopment and Preservation Corporation

We noted that several employees of the Corporation were provided with on-site housing, owned by the Corporation, and paid rent, which may have been at a below-market rate. This is not unusual for employees of historical or educational institutions. Per the Internal Revenue Code, Section 119, employee housing benefits (including the difference between fair market value and actual rent) may be non-taxable to employees if all three of these conditions are met:

- The housing is provided on the property owned by the employer.
- The housing is provided for the convenience of the employer.
- The employee must accept housing as a condition of employment. A condition of employment is an agreement at the beginning of employment by both employer and employee.

The first two conditions appear to have been met. The third may also have been met but is not formally documented. We recommend that when such special arrangements are made, as a condition of employment, they be made formally and in writing.

- We noted inconsistencies in the billing of tenants for reimbursements for utilities and the subsequent collection of those amounts. Some of these inconsistencies are due to the set-up of utilities in certain properties. We recommend enacting a policy for tenants, where possible, to assume responsibility for the utilities in the leased property, to remove the pass-through of bills and payments to the Corporation.
- We noted that residential leases contained some inconsistent terms due to differences in properties' characteristics or tenant circumstances. We recommend that the Corporation keep lease terms as consistent as possible. One way to do this would be to have each new or renewed lease approved and signed by a member of management (Executive Director or Operations Director) and the Corporation's Board (or a designated member of the Board).

This report is intended solely for the information and use of Ft. DuPont Redevelopment and Preservation Corporation and is not intended to be, and should not be, used by anyone other than the specified party.

Belfint, Lyons & Shuman, P.A.

December 14, 2022
Wilmington, Delaware

FORT DUPONT REDEVELOPMENT AND PRESERVATION CORPORATION
Attachment A
Leases in Effect During the Period July 1, 2016 through June 30, 2022

Building/Unit	Tenant	Move in Month	Move out Month	Outstanding Balance Due to/(from) FDRPC
15	Tenant 1	March 2021	Current Tenant as of 6/30/2022	\$ 260.00
25A	Tenant 2	December 2018	July 2020	-
25A	Tenant 3	August 2020	January 2021	-
25A	Tenant 4	February 2021	Current Tenant as of 6/30/2022	-
25B	Tenant 5	February 2019	January 2020	-
25B	Tenant 6	June 2020	Current Tenant as of 6/30/2022	3,043.52
36	Tenant 7	February 2020	March 2022	1,498.56
39	Tenant 8	December 2017	Lease ended 6/30/2022	11,944.00
42A	Tenant 9	October 2017	February 2020	-
42A	Tenant 10	May 2020	Current Tenant as of 6/30/2022	2,588.00
42B	Tenant 11	October 2017	September 2018	273.00
42B	Tenant 12	December 2018	February 2022	1,337.50
43A	Tenant 13	November 2017	October 2018	1,325.00
43A	Tenant 14	November 2018	Current Tenant as of 6/30/2022	(800.26)
43B	Tenant 15	March 2018	January 2019	2,900.00
43B	Tenant 16	February 2019	Current Tenant as of 6/30/2022	-
45A	Tenant 17	June 2019	Current Tenant as of 6/30/2022	1,950.00
45B	Tenant 18	June 2019	July 2021	(391.00)
45B	Tenant 19	July 2021	Current Tenant as of 6/30/2022	-

We evaluated rental activity for the above tenants for the period 7/1/2022 through 10/31/2022 and noted the following:

Tenant 1 was current on rent from 7/1/22-10/31/22 and paid an additional \$112.10 on past-due balance.

Tenant 10 was mostly current on rent from 7/1/22-10/31/22 but added an additional \$42 on the past-due balance.

Tenant 16 was current on rent from 7/1/22-10/31/22 and paid off the outstanding balance.

Tenant 17 was current on rent from 7/1/22-10/31/22.

Tenant 6 was current on rent from 7/1/22-10/31/22.

FORT DUPONT REDEVELOPMENT AND PRESERVATION CORPORATION
Attachment B
Leases in Effect for the Period July 1, 2016 through June 30, 2022

Tenants	Building No.	Address	Property Type	Bedrooms	Baths	Size (Sq. Ft.)	Responsibility for Normal Utilities
							Split - Landlord covers gas, sewer, and garbage. Tenant covers electricity and
Tenant 1	15	1605 Maple Blvd.	Single Family	3	2.5	1540	water.
Tenant 7	36	1664 Maple Blvd.	Single Family	2	1	2692	Landlord
Tenant 8	39	1303 Officers' Row	Single Family	4	3	3456	Tenant
Tenant 2	25A	1306A Officers' Row	Duplex	3	2.5	1982	Tenant
Tenant 4	25A	1306A Officers' Row	Duplex	3	2.5	1982	Tenant
Tenant 3	25A	1306A Officers' Row	Duplex	3	2.5	1982	Tenant
Tenant 5	25B	1306B Officers' Row	Duplex	3	2.5	1982	Tenant
Tenant 6	25B	1306B Officers' Row	Duplex	3	2.5	1982	Tenant
Tenant 10	42A	2701 Staff Lane	Duplex	3	1.5	1503	Landlord
Tenant 9	42A	2701 Staff Lane	Duplex	3	1.5	1503	Tenant
Tenant 12	42B	2703 Staff Lane	Duplex	3	1.5	1503	Tenant
Tenant 11	42B	2703 Staff Lane	Duplex	3	1.5	1503	Tenant
Tenant 13	43A	2801 Quartermaster Rd.	Duplex	2	2.5	1503	Tenant
Tenant 14	43A	2801 Quartermaster Rd.	Duplex	2	2.5	1503	Tenant
Tenant 15	43B	2803 Quartermaster Rd.	Duplex	2	2.5	1503	Tenant
Tenant 16	43B	2803 Quartermaster Rd.	Duplex	2	2.5	1503	Tenant
Tenant 17	45A	1308A Officers' Row	Duplex	4	2.5	2567	Tenant
Tenant 18	45B	1308B Officers' Row	Duplex	4	2.5	2567	Tenant
Tenant 19	45B	1308B Officers' Row	Duplex	4	2.5	2567	Tenant

FORT DUPONT REDEVELOPMENT AND PRESERVATION CORPORATION
Attachment B - Continued
The Period July 1, 2016 through June 30, 2022

Tenants	Start Date	End Date	Security Deposit per Lease	Monthly Rent per Lease	Authorizer of Lease	Related Party?	Relationship to FDRPC
Tenant 1	3/1/2021	2/28/2022	\$ 1,700.00	\$ 1,700.00	No Signer on Lease	Tenant 1	Tenant 1
Tenant 7	2/1/2020	1/31/2021	Waived	500.00	FDRPC Official 2	Tenant 7	Tenant 7
Tenant 8	12/1/2017	11/30/2019	N/A	2,000.00	FDRPC Official 1	Tenant 8	Tenant 8
Tenant 2	12/1/2018	11/30/2019	1,850.00	1,850.00	No Signer on Lease	Tenant 2	Tenant 2
Tenant 4	2/1/2021	1/31/2022	1,850.00	1,850.00	FDRPC Official 1	Tenant 4	Tenant 4
Tenant 3	7/1/2020	6/30/2021	1,850.00	1,850.00	FDRPC Official 1	Tenant 3	Tenant 3
Tenant 5	2/1/2019	1/31/2020	1,850.00	1,850.00	FDRPC Official 1	Tenant 5	Tenant 5
Tenant 6	5/20/2020	4/30/2021	1,850.00	1,850.00	FDRPC Official 1	Tenant 6	Tenant 6
Tenant 10	5/1/2020	4/30/2021	1,000.00	1,000.00	FDRPC Official 1	Tenant 10	Tenant 10
Tenant 9	9/15/2017	9/14/2018	1,350.00	1,350.00	FDRPC Official 1	Tenant 9	Tenant 9
Tenant 12	12/14/2018	12/13/2020	1,350.00	1,350.00	FDRPC Official 1	Tenant 12	Tenant 12
Tenant 11	10/6/2017	10/5/2018	1,350.00	1,350.00	FDRPC Official 1	Tenant 11	Tenant 11
Tenant 13	10/31/2017	10/30/2018	1,325.00	1,325.00	FDRPC Official 1	Tenant 13	Tenant 13
Tenant 14	11/1/2018	10/31/2020	1,450.00	1,450.00	FDRPC Official 1	Tenant 14	Tenant 14
Tenant 15	3/2/2018	1/1/2019	1,450.00	1,450.00	FDRPC Official 1	Tenant 15	Tenant 15
Tenant 16	2/15/2019	2/14/2020	1,450.00	1,450.00	FDRPC Official 1	Tenant 16	Tenant 16
Tenant 17	6/1/2019	5/31/2020	1,950.00	1,950.00	FDRPC Official 1	Tenant 17	Tenant 17
				Prepaid \$21,900 for the year. This amount was not designated in the			
Tenant 18	6/1/2019	5/31/2020	0.00	lease.	FDRPC Official 1	No	Tenant 18
Tenant 19	8/5/2021	8/4/2022	1,950.00	1,950.00	FDRPC Official 1	No	Tenant 19