



**Fort DuPont Redevelopment and Preservation Corporation
Board of Directors Meeting**

December 13, 2023 8:30 a.m.

Delaware City Fire Hall
815 5th Street
Delaware City DE 19706

AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes - Fort DuPont Redevelopment and Preservation Corporation Meeting of November 8, 2023
4. Treasurer's Report
5. Executive Director's Report
6. Committee Reports
 - a. FDRPC Finance and Audit Committee Meeting of October 9, 2023
 - b. FDRPC Executive Committee Meeting of October 30, 2023
7. Proposed Meeting Schedule for 2024
8. Resolution Recognizing Service of Kevin Whittaker to FDRPC
9. Refinancing of Existing Debt
10. Branch Canal Ownership Briefing (may result in an executive session)
11. Delaware City updates
12. Public comment
13. Executive Session (if necessary)
14. Actions to be voted upon from Executive Session (if applicable)
15. Next meeting date: January 10, 2024
16. Adjournment

Please note: Pursuant to 29 Del. C 10004(e)(2), this Agenda may be changed to include additional items including executive sessions or to delete items that arise at the time of the meeting.

Potential executive session pursuant to 29 Del. C. 10004(b)(9) (“Personnel matters in which the names, competency and abilities of individuals employees...are discussed.”)

Potential executive session pursuant to 29 Del. C. 10004(b)(2) (“discussions regarding sales or leases of real property) and 29 Del C. 10004 (b)(6) (discussion of the content of documents, excluded from the definition of “public record,” where such discussion may disclose the contents of such documents).

Potential executive session pursuant to 29 Del. C. 1004 (b)(4) (“Strategy sessions, including those involving legal advice or opinion from an attorney-at-law...”) and 29 Del. C. 10004(b)(6) (discussion of the contents of documents, excluded from the definition of “public record,” where such discussion may disclose the contents of such documents.

FORT DUPONT REDEVELOPMENT AND PRESERVATION CORPORATION
BOARD OF DIRECTORS MEETING

The Fort Dupont Redevelopment and Preservation Corporation Board of Directors meeting was held on November 8, 2023 at the Delaware City Fire Hall, 815 5th Street, Delaware City, with Chair John McMahon presiding.

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.

BOARD MEMBERS PRESENT

Ms. Ruth Ann Miller (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 8:41 a.m.)
Mr. Kurt Foreman (Delaware Prosperity Partnership) (arrived at 8:33 a.m.)
Mr. Rony Baltazar-Lopez (Secretary of State)
Mr. Harry Hill (Delaware City Manager)
Mr. Kevin Whittaker (Delaware City Resident)
Mr. Michael Graci (Fort DuPont Resident)
Ms. Wendy Rogers (Fort DuPont Resident)

BOARD MEMBERS ABSENT

Secretary Shawn Garvin (Department of Natural Resources and Environmental Control (DNREC)
Senator Spiros Mantzavinis (Chair, Bond Bill Committee)
Representative Sean Matthews (Co-Chair, Bond Bill Committee)
Mr. Doug Eriksen (Delaware City Resident)

STAFF MEMBERS PRESENT

Mr. Tim Slavin, FDRPC Executive Director
Ms. Janice Moturi, Deputy Director/Controller
Mr. Bert Scoglietti (FDRPC Treasurer)(departed at 9:00 a.m.)

APPROVAL OF MINUTES – FORT DUPONT REDEVELOPMENT AND PRESERVATION CORPORATION (FDRPC) BOARD MEETING OF OCTOBER 11, 2023

Dr. Stewart moved for approval of the FDRPC Board meeting minutes of October 11, 2023. The motion was seconded by Ms. Miller and unanimously carried.

TREASURER’S REPORT

Mr. Bert Scoglietti, Treasurer, reviewed the revised Fort DuPont Redevelopment and Preservation Corporation Budget vs. Actuals: Budget FY 24, P&L Draft 1 – FY24 P&L for July 2023 - June 2024 as of September 30, 2023 (Exhibit #1) and noted the following:

- 4010 State Appropriation – \$775,000 has been drawdown of \$2.25M.
- 6525R Prof Fees – Accounting – This line item is up around \$20,000 due to audit expenses.

- 6711 Building 20-PX – This line item reflects improvements to the PX building. Future reports will reflect some expenditures for major capital items such as repairing the dip, or the connection between the roundabout and Old Elm Avenue.
- 7200 – Debt Expense – This line item reflects what has been paid this fiscal year for the debt service, including item 7220 – FDRPC RLF Repayment, which is the \$273,000 curtailment payment for loan 810 for the duplexes.
- 7700 Payroll Expenditures – This line item is up \$49,000 since last month, which is tracking right on budget.

Dr. Stewart moved for acceptance of the Treasurer’s Report, seconded by Ms. Miller and unanimously carried.

EXECUTIVE DIRECTOR’S REPORT

Mr. Tim Slavin, Executive Director, reviewed the Executive Director’s Monthly Report For the period October 1, 2023 to October 31, 2023 and noted the following:

Capital Projects

- **Old Elm Avenue** – The connection between the roundabout and Old Elm Avenue is now complete. The project also included the finish coat of asphalt for Old Elm Avenue to Maple Boulevard. The next portion of this phase is to do the striping, signage by Delaware City, and dedication of the streets to Delaware City. There is a second memorandum of agreement to be executed and Delaware City’s attorney has been alerted. Chief Henderson provided a proposed plan for parking and signage that was vetted with the community. Once the project is complete, they will review the proposal to address community feedback.
- **Branch Canal Bank Revetment and Promenade** – FDRPC is still awaiting notice from the Federal Emergency Management Agency (FEMA) that the funding has been released and is available to initiate the project. Two permits are pending for this project. One is a US Army Corps of Engineers (USACE) permit, which required a minor hydrological study. The study was completed two weeks ago and will be submitted to the USACE. The other is a subaqueous permit from DNREC, which is lagging behind the USACE permit but is progressing well.
- **Old Battery Lane Duplexes** – These duplexes have been completed and are awaiting permitting from DNREC. The environmental covenant submitted to DNREC was returned due to a lack of description regarding the meets and bounds. Once this is rectified, it will be resubmitted. This is the final step for the brownfield remediation. Following this, the subsequent step will involve stormwater management, which is a separate, less complicated permit.

Operations

- **Real Estate Update**
 - The last lot available at 1311 Officers Row is under contract for a full price sale with a closing date of November 28, 2023. One residential lease unit is currently vacant.

- Non-performing real estate properties are being evaluated to identify potential options for them. This encompasses various buildings, such as the FDRPC office located at 260 Old Elm Avenue and the residential property at 1605 Maple Boulevard. There is the potential to create three lots for duplexes along Maple Boulevard, and the opportunity for two new duplexes along Old Battery Lane. Additionally, there is an existing duplex on Old Battery Lane that can be restored, along with lots on Old Elm Avenue initially designated for townhomes. They are leaning toward continuing single-family homes in this area to match the Canal District.

These are all assets that the FDRPC owns outright, and the most effective ways to monetize them are being explored. Whether through a fee simple sale, constructing the project and retaining the properties as leases, or mortgaging some properties to diversify our revenue, which aligns with our strategic plan's recommendations. Real estate appraisals are being procured for several properties to establish a baseline understanding of their values. Appraisals have been ordered for the Maple Boulevard residences, the Old Elm Avenue office building, and the Governor Bacon Hospital. This will help to understand what the highest and best use value is, factoring in the current condition of the properties.

The goal is to present this comprehensive strategy through the Finance and Audit Committee to the Executive Committee and eventually to the full FDRPC Board, tentatively scheduled for later in 2024. This presentation will encompass a range of potential actions we could undertake.

- **Website Redesign** – The website redesign is currently in progress. We utilized an aggregator, bark.com, and received over 30 proposals, three of which were from Delaware contractors. We selected Evolve Media from California and have collaborated with them remotely. They presented a conceptual design that we reviewed and approved, and they are now integrating the necessary information and features into this design. We anticipate the new website to go live by the end of December.

A significant focus of the redesign is shifting away from the current website's emphasis on property sales. Instead, our goal is to transform it into a transparent portal for FDRPC's business. This revamp aims to make it much simpler for users to locate crucial documents, whether they pertain to our meetings, financial records, or essential documents for residents to conduct business.

Other Activities

- **Adaptive Reuse Activity** – We are starting to see healthy conversation in Delaware City about using the arts as a catalyst for some of the renewal we want to see and some of the use of spaces at Fort DuPont. We have had separate conversations with the Delaware City Library. The library hosts a lot of events and is limited with the space that it has. We have talked with Delaware Made, a nonprofit maker space. A big maker space with a successful model in Wilmington had to close when they lost their lease and they are very interested in space at the Fort DuPont campus. They have talked with the Division of the Arts as well.

This is seen as an opportunity to adaptively reuse some spaces like the Chapel, which could be used immediately, the theater as a performing arts space, and possibly the Painter building as a mixed-use space for arts related activities. This is also an opportunity to use outdoor spaces and create temporary pop-up spaces on the campus.

Based on the conversation this past week, they will follow with an informal working lunch meeting at the library and include some of the other arts organizations near or in Delaware City and see if they can capture this energy and turn it into something that would be mutually beneficial to Delaware City and Fort DuPont.

- **Fort DuPont Tour** – Saturday, November 11, 2023 at 9:00 a.m. there will be a tour of Fort DuPont for the residents and anyone else who is interested. The tour will include the chapel, the theater, the Painter building and the bakery. Other buildings on Old Battery Lane will be included if time permits.

Mr. Foreman moved for acceptance of the Executive Director’s Report, seconded by Dr. Stewart and unanimously carried.

COMMITTEE REPORTS

FDRPC Finance and Audit Committee Meeting of September 11, 2023

Mr. Whittaker moved for acceptance of the FDRPC Finance and Audit Committee Report of September 11, 2023. The motion was seconded by Mr. Graci and unanimously carried.

FDRPC Maintenance Committee Meeting of September 12, 2023

Mr. Whittaker moved for acceptance of the FDRPC Maintenance Committee Report of September 12, 2023. The motion was seconded by Mr. Graci and unanimously carried.

FDRPC Executive Committee Meeting of September 25, 2023

Mr. Whittaker moved for acceptance of the FDRPC Executive Committee Report of September 25, 2023. The motion was seconded by Mr. Graci and unanimously carried.

REQUEST FOR STATE FUNDING FOR FISCAL YEAR 2025

Mr. Tim Slavin, Executive Director, reviewed the request for state funding for fiscal year 2025. He noted that the request had been submitted and no action was required.

PERSONNEL HANDBOOK AMENDMENTS

Mr. Tim Slavin, Executive Director, advised that the handbook was reviewed and revised with the involvement of Excelsior, the firm that was engaged through their employment liability practices insurance company. The handbook has been brought in line with the latest best HR practices and some, but not all, of the practices observed by the state of Delaware. Mr. Slavin noted that this is the third time the handbook has been presented to the FDRPC Board.

Mr. Baltazar-Lopez asked if Retaliation Prohibited on page 13 would include whistleblower protection. Responding, Mr. Slavin stated that they cannot create a policy in conflict with existing Delaware Code.

Mr. Foreman moved for approval of the Personnel Handbook, seconded by Mr. Whittaker and unanimously carried.

DELAWARE CITY UPDATES

Mr. Harry Hill, City Manager – Delaware City, provided the following updates:

- Delaware City will be holding a Winter Wonderland the first or second week in December. A committee is being created for the event and more information will be provided.
- November 25th is Small Business Saturday in Delaware City and it should be a lot of fun. Lynn Dilliplane will be taking pictures with Santa Claus at no charge.
- Delaware City is currently undergoing a project to replant trees and eliminate those in poor condition. Among these trees, there is one situated at the corner of the community center property, possibly the oldest tree in Delaware City, that might need to be removed. The city has five different arborists assessing its condition. Additionally, there is another tree located near the flagpole on the same property that might also require removal.
- Police matters are a recurring concern. Currently, Delaware City has two officers, including the chief, and covering all necessary hours with this staffing level poses limitations. To address this, schedules are regularly adjusted, resulting in somewhat unpredictable police presence. Financial constraints in Delaware City's budget have led them to consider hiring part-time officers without benefits to avoid potential layoffs. We are seeking budgetary allowances to recruit additional officers, with one currently in training and expected to join within the next few weeks, bringing the count to three. The goal is to reach at least four officers, pending a final budget audit before proceeding further. We are evaluating our financial flexibility this month and seeking state approval for reallocating funds as necessary.
- Mr. Hill walked around with Tim Konkus, who is familiar with a significant number of business owners along the main street. They visited approximately ten different businesses, spending at least 15 to 20 minutes with each of them. The objective was to understand what the business owners need from their government.

PUBLIC COMMENT

None.

RECESS INTO EXECUTIVE SESSION - DISCUSSIONS REGARDING SALES OR LEASES OF REAL PROPERTY

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

Meeting recessed at 9:00 a.m.

RECONVENE

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

Meeting reconvened at 9:26 a.m.

POTENTIAL ACTION ON DISCUSSIONS REGARDING SALES OR LEASES OF REAL PROPERTY

None.

NEXT MEETING DATE

The next meeting is scheduled for December 13, 2023 at 8:30 a.m.

ADJOURNMENT

Mr. Baltazar-Lopez moved for adjournment, seconded by Mr. Edgell and unanimously carried.

Meeting Adjourned at 9:26 a.m.

Exhibits

Exhibit 1 – Revised FDRPC Budget vs. Actuals: Budget FY 24, P&L Draft 1 – FY24 P&L for July 2023 - June 2024 as of September 30, 2023

APPROVED: December 13, 2023

Fort DuPont Redevelopment and Preservation Corporation
Budget vs. Actuals: Budget_FY24_P&L Draft 1 - FY24 P&L
 July 2023 - June 2024

	Sep-23			% of Budget
	Actual	Budget	over Budget	
Income				
4005 Carryforward	0.00	300,000.00	-300,000.00	0.00%
4010 State Appropriation	775,000.00	2,250,000.00	-1,475,000.00	34.44%
4015 Bike Path Funding	0.00	0.00	0.00	
4020 Roundabout	0.00	0.00	0.00	
4100 RENTAL INCOME	63,039.52	159,623.08	-96,583.56	39.49%
4100-DN DNREC	0.00	10,500.00	-10,500.00	0.00%
4100-OM OMB	0.00	9,315.00	-9,315.00	0.00%
4110 SPECIAL EVENT REVENUE	4,400.00	6,600.00	-2,200.00	66.67%
4130 CAM REVENUE	0.00	0.00	0.00	
4131 Lawncare - CAM (State Tenants)	0.00	3,200.00	-3,200.00	0.00%
4132 Snow/Ice - CAM (State Tenants)	0.00	15,000.00	-15,000.00	0.00%
4133 Community Association	0.00	730.00	-730.00	0.00%
Total 4130 CAM REVENUE	\$ 0.00	\$ 18,930.00	-\$ 18,930.00	0.00%
4150 TENANT REIMBURSEMENTS	0.00	0.00	0.00	
4151 Utility Reimbursements	19,353.17	126,000.00	-106,646.83	15.36%
Total 4150 TENANT REIMBURSEMENTS	\$ 19,353.17	\$ 126,000.00	-\$ 106,646.83	15.36%
Total 4100 RENTAL INCOME	\$ 86,792.69	\$ 330,968.08	-\$ 244,175.39	26.22%
4200 REAL ESTATE SALES	226,453.61	1,216,200.00	-989,746.39	18.62%
4251 Late Payment Fee	0.00	0.00	0.00	
4300 GRANTS	0.00	0.00	0.00	
4400 Sales	40,000.00	0.00	40,000.00	
4430 Services	188,524.22	0.00	188,524.22	
4500 HTC CREDITS	0.00	185,000.00	-185,000.00	0.00%
4800 BANK LOANS - BUDGETED PROCEEDS	0.00	0.00	0.00	
4900 Other Revenue	40,716.25	0.00	40,716.25	
Total Income	\$ 1,357,486.77	\$ 4,282,168.08	-\$ 2,924,681.31	31.70%
Gross Profit	\$ 1,357,486.77	\$ 4,282,168.08	-\$ 2,924,681.31	31.70%

	Sep-23			% of Budget
	Actual	Budget	over Budget	
Expenses				
6000 Capital Improvement Expenditure	0.00	0.00	0.00	
6030 Bank Charges	149.45	1,000.00	-850.55	14.95%
6300 Construction Expenditures	0.00	0.00	0.00	
6463 Office Improvements	0.00	0.00	0.00	
Total 6300 Construction Expenditures	\$ 0.00	\$ 0.00	\$ 0.00	
6400 Building Improvements{77}	0.00	0.00	0.00	
6409a 09a Doors	0.00	0.00	0.00	
6409b 09b Painting-Exterior	0.00	0.00	0.00	
6409c 09c Painting-Interior	0.00	0.00	0.00	
6412 12 Light Fixtures	0.00	0.00	0.00	
6417 Supplies & Materials	0.00	0.00	0.00	
6420 20 General Condititons	0.00	0.00	0.00	
6456 Permitting	0.00	0.00	0.00	
Total 6400 Building Improvements{77}	\$ 0.00	\$ 0.00	\$ 0.00	
6460 ENVIRONMENTAL	6,718.50	0.00	6,718.50	
6470 FEASIBILITY STUDIES	0.00	0.00	0.00	
6730 Market Feasibility Study	0.00	0.00	0.00	
Total 6470 FEASIBILITY STUDIES	\$ 0.00	\$ 0.00	\$ 0.00	
6480 SPECIAL EVENT EXPENSES	500.00	0.00	500.00	
6500 PROFESSIONAL FEES	2,212.28	0.00	2,212.28	
6505 Prof Fees - Engineering	0.00	0.00	0.00	
6515 Prof Fees - Architectural	1,687.50	0.00	1,687.50	
6520R Prof Fees - Legal	42,278.83	240,000.00	-197,721.17	17.62%
6525R Prof Fees - Accounting	23,355.00	38,196.60	-14,841.60	61.14%
6545 Roadways/Utilities	91.42	0.00	91.42	
Total 6500 PROFESSIONAL FEES	\$ 69,625.03	\$ 278,196.60	-\$ 208,571.57	25.03%
6510 DEMOLITION	0.00	0.00	0.00	
6535 PERMITTING	195.00	2,795.78	-2,600.78	6.97%
6600R FEES - OTHER	0.00	0.00	0.00	
6606 Permit Fees	0.00	1,418.88	-1,418.88	0.00%
6610 Bank Fees	106.37	1,838.65	-1,732.28	5.79%
6620 HTC Fees	0.00	7,668.54	-7,668.54	0.00%
6625 Bank Charges	10.95	0.00	10.95	
6627 Applied Bank Fees	13.00	0.00	13.00	
Total 6625 Bank Charges	\$ 23.95	\$ 0.00	\$ 23.95	
6631 Del City Rental Tax	0.00	1,329.56	-1,329.56	0.00%
Total 6600R FEES - OTHER	\$ 130.32	\$ 12,255.63	-\$ 12,125.31	1.06%

	Sep-23			% of Budget
	Actual	Budget	over Budget	
6700 IMPROVEMENTS	0.00	1,850,000.00	-1,850,000.00	0.00%
6702 Building 39-1303 Officers Row	1,117.00	0.00	1,117.00	
6711 Building 20-PX	38,125.00	0.00	38,125.00	
6712 Building 24-Theater	2,080.00	0.00	2,080.00	
6713 Building 55-Chapel	1,245.00	0.00	1,245.00	
6721 Roundabout	457.15	0.00	457.15	
6734 Building 23-Band Barracks	840.00	0.00	840.00	
6740 Building 28-Bakery	1,085.00	0.00	1,085.00	
6741 Building 30-Stable	10,825.00	0.00	10,825.00	
6748 Building 52-Tilton	1,376.00	0.00	1,376.00	
6749 Pump House	9,485.00	0.00	9,485.00	
Total 6700 IMPROVEMENTS	\$ 66,635.15	\$ 1,850,000.00	-\$ 1,783,364.85	3.60%
6800 SITE UTILITIES	35.00	0.00	35.00	
6810 Electric	52,321.08	144,000.00	-91,678.92	36.33%
6815 Gas	629.17	4,400.00	-3,770.83	14.30%
6820 Water	2,466.46	14,000.00	-11,533.54	17.62%
6825 Sewer	1,699.17	20,000.00	-18,300.83	8.50%
6830 Phone/Internet	0.00	10,200.00	-10,200.00	0.00%
6835 Trash	765.00	0.00	765.00	
Total 6800 SITE UTILITIES	\$ 57,915.88	\$ 192,600.00	-\$ 134,684.12	30.07%
7000 OPERATING EXPENSES	0.00	0.00	0.00	
7005 Museum	0.00	0.00	0.00	
7009 Computer Support	2,514.27	0.00	2,514.27	
7010 Office Supplies	4,060.75	12,000.00	-7,939.25	33.84%
7015 Taxes & Licenses	253.63	0.00	253.63	
7020 Travel	0.00	1,000.00	-1,000.00	0.00%
7025 Meals and Entertainment	114.09	1,040.00	-925.91	10.97%
7030 Utilities - Office	4,695.45	6,700.00	-2,004.55	70.08%
7035 Phone/Internet - Office	152.18	0.00	152.18	
7040 Repairs & Maintenance	1,222.00	5,200.00	-3,978.00	23.50%
7045 Discretionary Expenses	0.00	7,970.00	-7,970.00	0.00%
7050 Equipment and Furnishings	0.00	5,100.00	-5,100.00	0.00%
7051 Uniforms	915.95	0.00	915.95	
Total 7000 OPERATING EXPENSES	\$ 13,928.32	\$ 39,010.00	-\$ 25,081.68	35.70%

	Sep-23			% of Budget
	Actual	Budget	over Budget	
7100 COMMON AREA MAINTENANCE	10.00	0.00	10.00	
7105 Lawn Care	47,960.00	113,000.00	-65,040.00	42.44%
7110 Storm Water Management	0.00	2,200.00	-2,200.00	0.00%
7115 Pest Control	0.00	3,200.00	-3,200.00	0.00%
7120 Fire & Security Monitoring	210.00	4,600.00	-4,390.00	4.57%
7125 Snow & Ice Removal	0.00	3,800.00	-3,800.00	0.00%
7130 Building Repairs & Maintenance	0.00	19,000.00	-19,000.00	0.00%
7135 Road Repairs	0.00	3,300.00	-3,300.00	0.00%
7140 Landscaping Maintenance	10,908.68	20,000.00	-9,091.32	54.54%
7141 Auto	1,934.26	9,600.00	-7,665.74	20.15%
7145 Equipment Expense	2,257.37	42,000.00	-39,742.63	5.37%
7146 Supplies	0.00	5,900.00	-5,900.00	0.00%
7830 Utilities	0.00	17,000.00	-17,000.00	0.00%
7831 Water & Sewer	0.00	2,200.00	-2,200.00	0.00%
Total 7830 Utilities	\$ 0.00	\$ 19,200.00	-\$ 19,200.00	0.00%
Total 7100 COMMON AREA MAINTENANCE	\$ 63,280.31	\$ 245,800.00	-\$ 182,519.69	25.74%
7200 DEBT EXPENSE	0.00	0.00	0.00	
7205 Officers Row - Applied Prin/Int Loan 0380	20,796.70	51,180.00	-30,383.30	40.63%
7210 DMHEF Repayment	6,944.78	72,696.00	-65,751.22	9.55%
7215 OBL Duplexes - Applied Prin/Int Loan 0810	14,388.63	20,834.45	-6,445.82	69.06%
7220 FDRPC RLF Repayment	273,000.00	273,000.00	0.00	100.00%
Total 7200 DEBT EXPENSE	\$ 315,130.11	\$ 417,710.45	-\$ 102,580.34	75.44%
7300 Depreciation Expense	0.00	0.00	0.00	
7500 MARKETING EXPENSES	0.00	0.00	0.00	
7510 Advertising & Promotion	0.00	24,000.00	-24,000.00	0.00%
7525 Marketing Collateral	0.00	0.00	0.00	
7530 Promotional Memberships	0.00	0.00	0.00	
7540 Stationery & Printing	0.00	0.00	0.00	
7550 Website & Social Media	3,591.75	20,000.00	-16,408.25	17.96%
7551 Video	0.00	0.00	0.00	
7555 Marketing - Other	7,029.95	0.00	7,029.95	
Total 7500 MARKETING EXPENSES	\$ 10,621.70	\$ 44,000.00	-\$ 33,378.30	24.14%
7700 PAYROLL EXPENDITURES	18,270.83	0.00	18,270.83	
7710 401k	3,659.64	8,634.00	-4,974.36	42.39%
7720 Employee Benefits - Health	18,430.16	80,004.00	-61,573.84	23.04%
7721 Employee Benefits - Dental	51.85	4,050.00	-3,998.15	1.28%
7730 Payroll Tax Expense	9,568.48	17,809.80	-8,241.32	53.73%
7740 Salaries & Wages	158,612.55	578,172.58	-419,560.03	27.43%
7750 Payroll Service Fees	419.98	2,500.00	-2,080.02	16.80%
Total 7700 PAYROLL EXPENDITURES	\$ 209,013.49	\$ 691,170.38	-\$ 482,156.89	30.24%

	Sep-23			% of Budget
	Actual	Budget	over Budget	
7850 INSURANCE	0.00	0.00	0.00	
7851 General Liability	0.00	9,489.00	-9,489.00	0.00%
7852 Flood Insurance	169.00	0.00	169.00	
7853 Property	89,460.93	85,080.54	4,380.39	105.15%
7854 Builder's Risk	0.00	3,229.00	-3,229.00	0.00%
7855 Workers Comp Insurance	0.00	4,404.00	-4,404.00	0.00%
7856 Auto	15,361.00	15,361.00	0.00	100.00%
7857 D & O/ E&O Insurance	8,855.00	12,757.52	-3,902.52	69.41%
7858 Business Owners	0.00	0.00	0.00	
7859 Pension & Crime	0.00	1,900.00	-1,900.00	0.00%
Total 7850 INSURANCE	\$ 113,845.93	\$ 132,221.06	-\$ 18,375.13	86.10%
8000 VALUE OF REAL ESTATE SOLD	0.00	0.00	0.00	
Administrative Expenses	0.00	417.00	-417.00	0.00%
Legal Fees - Operating	0.00	0.00	0.00	
Property Management	0.00	0.00	0.00	
7880 Repair & Maintenance	0.00	1,717.00	-1,717.00	0.00%
7890 Payroll	0.00	0.00	0.00	
7892 Salaries	9,752.64	0.00	9,752.64	
Total 7890 Payroll	\$ 9,752.64	\$ 0.00	\$ 9,752.64	
7900 Security	0.00	70.00	-70.00	0.00%
Total Property Management	\$ 9,752.64	\$ 1,787.00	\$ 7,965.64	545.75%
Uncategorized Expense	0.00	0.00	0.00	
Total Expenses	\$ 937,441.83	\$ 3,908,963.90	-\$ 2,971,522.07	23.98%
Net Operating Income	\$ 420,044.94	\$ 373,204.18	\$ 46,840.76	112.55%
Other Income				
Reimbursed Expenses	-50.00	0.00	-50.00	
Total Other Income	-\$ 50.00	\$ 0.00	-\$ 50.00	
Other Expenses				
ASK MY ACCOUNTANT	0.00	0.00	0.00	
Total Other Expenses	\$ 0.00	\$ 0.00	\$ 0.00	
Net Other Income	-\$ 50.00	\$ 0.00	-\$ 50.00	
Net Income	\$ 419,994.94	\$ 373,204.18	\$ 46,790.76	112.54%

Tuesday, Nov 07, 2023 10:03:54 AM GMT-8 - Accrual Basis

Fort DuPont Redevelopment and Preservation Corporation
Budget vs. Actuals: Budget_FY24_P&L Draft 1 - FY24 P&L
 July 2023 - June 2024

	Oct-23			
	Actual	Budget	over Budget	% of Budget
Income				
4005 Carryforward	\$0.00	\$300,000.00	(\$300,000.00)	0.00%
4010 State Appropriation	\$775,000.00	\$2,250,000.00	(\$1,475,000.00)	34.44%
4015 Bike Path Funding	\$0.00	\$0.00	\$0.00	
4020 Roundabout	\$0.00	\$0.00	\$0.00	
4100 RENTAL INCOME	\$71,205.41	\$159,623.08	(\$88,417.67)	44.61%
4100-DN DNREC	\$0.00	\$10,500.00	(\$10,500.00)	0.00%
4100-OM OMB	\$0.00	\$9,315.00	(\$9,315.00)	0.00%
4110 SPECIAL EVENT REVENUE	\$4,550.00	\$6,600.00	(\$2,050.00)	68.94%
4130 CAM REVENUE	\$0.00	\$0.00	\$0.00	
4131 Lawncare - CAM (State Tenants)	\$0.00	\$3,200.00	(\$3,200.00)	0.00%
4132 Snow/Ice - CAM (State Tenants)	\$0.00	\$15,000.00	(\$15,000.00)	0.00%
4133 Community Association	\$0.00	\$730.00	(\$730.00)	0.00%
Total 4130 CAM REVENUE	\$0.00	\$18,930.00	(\$18,930.00)	0.00%
4150 TENANT REIMBURSEMENTS	\$0.00	\$0.00	\$0.00	
4151 Utility Reimbursements	\$32,400.06	\$126,000.00	(\$93,599.94)	25.71%
Total 4150 TENANT REIMBURSEMENTS	\$32,400.06	\$126,000.00	(\$93,599.94)	25.71%
Total 4100 RENTAL INCOME	\$108,155.47	\$330,968.08	(\$222,812.61)	32.68%
4200 REAL ESTATE SALES	\$226,453.61	\$1,216,200.00	(\$989,746.39)	18.62%
4251 Late Payment Fee	\$0.00	\$0.00	\$0.00	
4300 GRANTS	\$0.00	\$0.00	\$0.00	
4400 Sales	\$40,000.00	\$0.00	\$40,000.00	
4430 Services	\$188,524.22	\$0.00	\$188,524.22	
4500 HTC CREDITS	\$0.00	\$185,000.00	(\$185,000.00)	0.00%
4800 BANK LOANS - BUDGETED PROCEEDS	\$0.00	\$0.00	\$0.00	
4900 Other Revenue	\$40,716.25	\$0.00	\$40,716.25	
Total Income	\$1,378,849.55	\$4,282,168.08	(\$2,903,318.53)	32.20%
Gross Profit	\$1,378,849.55	\$4,282,168.08	(\$2,903,318.53)	32.20%

	Oct-23			
	Actual	Budget	over Budget	% of Budget
Expenses	\$0.00		\$0.00	
6000 Capital Improvement Expenditure	\$0.00	\$0.00	\$0.00	
6030 Bank Charges	\$149.45	\$1,000.00	(\$850.55)	14.95%
6300 Construction Expenditures	\$0.00	\$0.00	\$0.00	
6463 Office Improvements	\$0.00	\$0.00	\$0.00	
Total 6300 Construction Expenditures	\$0.00	\$0.00	\$0.00	
6400 Building Improvements{77}	\$0.00	\$0.00	\$0.00	
6409a 09a Doors	\$0.00	\$0.00	\$0.00	
6409b 09b Painting-Exterior	\$0.00	\$0.00	\$0.00	
6409c 09c Painting-Interior	\$0.00	\$0.00	\$0.00	
6412 12 Light Fixtures	\$0.00	\$0.00	\$0.00	
6417 Supplies & Materials	\$0.00	\$0.00	\$0.00	
6420 20 General Condiditons	\$0.00	\$0.00	\$0.00	
6456 Permitting	\$0.00	\$0.00	\$0.00	
Total 6400 Building Improvements{77}	\$0.00	\$0.00	\$0.00	
6460 ENVIRONMENTAL	\$6,718.50	\$0.00	\$6,718.50	
6470 FEASIBILITY STUDIES	\$0.00	\$0.00	\$0.00	
6730 Market Feasibility Study	\$0.00	\$0.00	\$0.00	
Total 6470 FEASIBILITY STUDIES	\$0.00	\$0.00	\$0.00	
6480 SPECIAL EVENT EXPENSES	\$3,672.94	\$0.00	\$3,672.94	
6500 PROFESSIONAL FEES	\$2,808.28	\$0.00	\$2,808.28	
6505 Prof Fees - Engineering	\$0.00	\$0.00	\$0.00	
6505-06 Survey	\$0.00	\$0.00	\$0.00	
Total 6505 Prof Fees - Engineering	\$0.00	\$0.00	\$0.00	
6515 Prof Fees - Architectural	\$1,687.50	\$0.00	\$1,687.50	
6520R Prof Fees - Legal	\$42,278.83	\$240,000.00	(\$197,721.17)	17.62%
6525R Prof Fees - Accounting	\$23,355.00	\$38,196.60	(\$14,841.60)	61.14%
6545 Roadways/Utilities	\$193.80	\$0.00	\$193.80	
Total 6500 PROFESSIONAL FEES	\$70,323.41	\$278,196.60	(\$207,873.19)	25.28%
6510 DEMOLITION	\$0.00	\$0.00	\$0.00	
6535 PERMITTING	\$195.00	\$2,795.78	(\$2,600.78)	6.97%
6600R FEES - OTHER	\$0.00	\$0.00	\$0.00	
6606 Permit Fees	\$0.00	\$1,418.88	(\$1,418.88)	0.00%
6610 Bank Fees	\$156.37	\$1,838.65	(\$1,682.28)	8.50%
6620 HTC Fees	\$0.00	\$7,668.54	(\$7,668.54)	0.00%
6625 Bank Charges	\$10.95	\$0.00	\$10.95	
6627 Applied Bank Fees	\$13.00	\$0.00	\$13.00	
Total 6625 Bank Charges	\$23.95	\$0.00	\$23.95	
6631 Del City Rental Tax	\$0.00	\$1,329.56	(\$1,329.56)	0.00%
Total 6600R FEES - OTHER	\$180.32	\$12,255.63	(\$12,075.31)	1.47%

	Oct-23			
	Actual	Budget	over Budget	% of Budget
6700 IMPROVEMENTS	\$0.00	\$1,850,000.00	(\$1,850,000.00)	0.00%
6702 Building 39-1303 Officers Row	\$1,117.00	\$0.00	\$1,117.00	
6711 Building 20-PX	\$80,250.00	\$0.00	\$80,250.00	
6712 Building 24-Theater	\$14,005.00	\$0.00	\$14,005.00	
6713 Building 55-Chapel	\$17,145.00	\$0.00	\$17,145.00	
6716 Canal District	\$0.00	\$0.00	\$0.00	
6716.30 Roads/Utilities	\$298,000.00	\$0.00	\$298,000.00	
Total 6716 Canal District	\$298,000.00	\$0.00	\$298,000.00	
6721 Roundabout	\$13,592.04	\$0.00	\$13,592.04	
6734 Building 23-Band Barracks	\$840.00	\$0.00	\$840.00	
6740 Building 28-Bakery	\$5,085.00	\$0.00	\$5,085.00	
6741 Building 30-Stable	\$10,825.00	\$0.00	\$10,825.00	
6744 Maintenance Shop	\$0.00	\$0.00	\$0.00	
6748 Building 52-Tilton	\$1,376.00	\$0.00	\$1,376.00	
6749 Pump House	\$13,360.00	\$0.00	\$13,360.00	
Total 6700 IMPROVEMENTS	\$455,595.04	\$1,850,000.00	(\$1,394,404.96)	24.63%
6800 SITE UTILITIES	\$35.00	\$0.00	\$35.00	
6810 Electric	\$65,631.93	\$144,000.00	(\$78,368.07)	45.58%
6815 Gas	\$629.17	\$4,400.00	(\$3,770.83)	14.30%
6820 Water	\$3,147.38	\$14,000.00	(\$10,852.62)	22.48%
6825 Sewer	\$3,398.34	\$20,000.00	(\$16,601.66)	16.99%
6830 Phone/Internet	\$0.00	\$10,200.00	(\$10,200.00)	0.00%
6835 Trash	\$1,380.00	\$0.00	\$1,380.00	
Total 6800 SITE UTILITIES	\$74,221.82	\$192,600.00	(\$118,378.18)	38.54%
7000 OPERATING EXPENSES	\$0.00	\$0.00	\$0.00	
7005 Museum	\$0.00	\$0.00	\$0.00	
7009 Computer Support	\$4,570.46	\$0.00	\$4,570.46	
7010 Office Supplies	\$4,408.88	\$12,000.00	(\$7,591.12)	36.74%
7015 Taxes & Licenses	\$253.63	\$0.00	\$253.63	
7020 Travel	\$0.00	\$1,000.00	(\$1,000.00)	0.00%
7025 Meals and Entertainment	\$114.09	\$1,040.00	(\$925.91)	10.97%
7030 Utilities - Office	\$6,005.44	\$6,700.00	(\$694.56)	89.63%
7035 Phone/Internet - Office	\$152.18	\$0.00	\$152.18	
7040 Repairs & Maintenance	\$2,326.00	\$5,200.00	(\$2,874.00)	44.73%
7045 Discretionary Expenses	\$0.00	\$7,970.00	(\$7,970.00)	0.00%
7050 Equipment and Furnishings	\$0.00	\$5,100.00	(\$5,100.00)	0.00%
7051 Uniforms	\$3,005.16	\$0.00	\$3,005.16	
Total 7000 OPERATING EXPENSES	\$20,835.84	\$39,010.00	(\$18,174.16)	53.41%

	Oct-23			
	Actual	Budget	over Budget	% of Budget
7100 COMMON AREA MAINTENANCE	\$10.00	\$0.00	\$10.00	
7105 Lawn Care	\$62,600.00	\$113,000.00	(\$50,400.00)	55.40%
7110 Storm Water Management	\$0.00	\$2,200.00	(\$2,200.00)	0.00%
7115 Pest Control	\$299.99	\$3,200.00	(\$2,900.01)	9.37%
7120 Fire & Security Monitoring	\$2,342.00	\$4,600.00	(\$2,258.00)	50.91%
7125 Snow & Ice Removal	\$0.00	\$3,800.00	(\$3,800.00)	0.00%
7130 Building Repairs & Maintenance	\$0.00	\$19,000.00	(\$19,000.00)	0.00%
7135 Road Repairs	\$0.00	\$3,300.00	(\$3,300.00)	0.00%
7140 Landscaping Maintenance	\$15,180.48	\$20,000.00	(\$4,819.52)	75.90%
7141 Auto	\$1,934.26	\$9,600.00	(\$7,665.74)	20.15%
7145 Equipment Expense	\$2,257.37	\$42,000.00	(\$39,742.63)	5.37%
7146 Supplies	\$0.00	\$5,900.00	(\$5,900.00)	0.00%
7830 Utilities	\$287.72	\$17,000.00	(\$16,712.28)	1.69%
7831 Water & Sewer	\$0.00	\$2,200.00	(\$2,200.00)	0.00%
Total 7830 Utilities	\$287.72	\$19,200.00	(\$18,912.28)	1.50%
Total 7100 COMMON AREA MAINTENANCE	\$84,911.82	\$245,800.00	(\$160,888.18)	34.55%
7200 DEBT EXPENSE	\$0.00	\$0.00	\$0.00	
7205 Officers Row - Applied Prin/Int Loan 0380	\$27,728.00	\$51,180.00	(\$23,452.00)	54.18%
7210 DMHEF Repayment	\$6,944.78	\$20,834.40	(\$13,889.62)	33.33%
7215 OBL Duplexes - Applied Prin/Int Loan 0810	\$27,135.21	\$72,696.00	(\$45,560.79)	37.33%
7220 FDRPC RLF Repayment	\$273,000.00	\$273,000.00	\$0.00	100.00%
Total 7200 DEBT EXPENSE	\$334,807.99	\$417,710.40	(\$82,902.41)	80.15%
7300 Depreciation Expense	\$0.00	\$0.00	\$0.00	
7500 MARKETING EXPENSES	\$0.00	\$0.00	\$0.00	
7510 Advertising & Promotion	\$0.00	\$24,000.00	(\$24,000.00)	0.00%
7525 Marketing Collateral	\$0.00	\$0.00	\$0.00	
7530 Promotional Memberships	\$0.00	\$0.00	\$0.00	
7540 Stationery & Printing	\$0.00	\$0.00	\$0.00	
7550 Website & Social Media	\$10,428.75	\$20,000.00	(\$9,571.25)	52.14%
7551 Video	\$0.00	\$0.00	\$0.00	
7555 Marketing - Other	\$7,029.95	\$0.00	\$7,029.95	
Total 7500 MARKETING EXPENSES	\$17,458.70	\$44,000.00	(\$26,541.30)	39.68%
7700 PAYROLL EXPENDITURES	\$18,270.83	\$0.00	\$18,270.83	
7710 401k	\$4,178.88	\$8,634.00	(\$4,455.12)	48.40%
7720 Employee Benefits - Health	\$24,582.12	\$80,004.00	(\$55,421.88)	30.73%
7721 Employee Benefits - Dental	\$77.85	\$4,050.00	(\$3,972.15)	1.92%
7730 Payroll Tax Expense	\$12,607.77	\$17,809.80	(\$5,202.03)	70.79%
Total 7740 Salaries & Wages	\$199,470.58	\$578,172.58	(\$378,702.00)	34.50%
7750 Payroll Service Fees	\$1,511.13	\$2,500.00	(\$988.87)	60.45%
Total 7700 PAYROLL EXPENDITURES	\$260,699.16	\$691,170.38	(\$430,471.22)	37.72%

	Oct-23			
	Actual	Budget	over Budget	% of Budget
7850 INSURANCE	\$0.00	\$0.00	\$0.00	
7851 General Liability	\$0.00	\$9,489.00	(\$9,489.00)	0.00%
7852 Flood Insurance	\$169.00	\$0.00	\$169.00	
7853 Property	\$89,460.93	\$85,080.54	\$4,380.39	105.15%
7854 Builder's Risk	\$0.00	\$3,229.00	(\$3,229.00)	0.00%
7855 Workers Comp Insurance	\$0.00	\$4,404.00	(\$4,404.00)	0.00%
7856 Auto	\$15,361.00	\$15,361.00	\$0.00	100.00%
7857 D & O/ E&O Insurance	\$8,855.00	\$12,757.52	(\$3,902.52)	69.41%
7858 Business Owners	\$0.00	\$0.00	\$0.00	
7859 Pension & Crime	\$0.00	\$1,900.00	(\$1,900.00)	0.00%
Total 7850 INSURANCE	\$113,845.93	\$132,221.06	(\$18,375.13)	86.10%
8000 VALUE OF REAL ESTATE SOLD	\$0.00	\$0.00	\$0.00	
Administrative Expenses	\$0.00	\$417.00	(\$417.00)	0.00%
Legal Fees - Operating	\$0.00	\$0.00	\$0.00	
Property Management	\$0.00	\$0.00	\$0.00	
7880 Repair & Maintenance	\$0.00	\$1,717.00	(\$1,717.00)	0.00%
7890 Payroll	\$0.00	\$0.00	\$0.00	
7892 Salaries	\$9,752.64	\$0.00	\$9,752.64	
Total 7890 Payroll	\$9,752.64	\$0.00	\$9,752.64	
7900 Security	\$0.00	\$70.00	(\$70.00)	0.00%
Total Property Management	\$9,752.64	\$1,787.00	\$7,965.64	545.75%
Uncategorized Expense	\$18,607.00	\$0.00	\$18,607.00	
Total Expenses	\$1,471,975.56	\$3,908,963.85	(\$2,436,988.29)	37.66%
Net Operating Income	(\$93,126.01)	\$373,204.23	(\$466,330.24)	-24.95%
Other Income	\$0.00		\$0.00	
Other Miscellaneous Income	(\$650.00)	\$0.00	(\$650.00)	
Reimbursed Expenses	(\$50.00)	\$0.00	(\$50.00)	
Total Other Income	(\$700.00)	\$0.00	(\$700.00)	
Other Expenses	\$0.00		\$0.00	
ASK MY ACCOUNTANT	\$167.43	\$0.00	\$167.43	
Total Other Expenses	\$167.43	\$0.00	\$167.43	
Net Other Income	(\$867.43)	\$0.00	(\$867.43)	
Net Income	(\$93,993.44)	\$373,204.23	(\$467,197.67)	-25.19%

Friday, Dec 01, 2023 08:27:26 AM GMT-8 - Accrual Basis



Executive Director Monthly Report

For the period November 1, 2023 to November 30, 2023

Our board meeting will be held on December 13, 2023 at 8:30 a.m. at the **Delaware City Fire Hall**. Board packets will be distributed via email (as a pdf attachment).

Capital Projects

- **Marina Village**
 - a. Lennar. Due diligence on needed approvals continues by FDRPC.

- **Old Elm Ave.** The Old Elm Avenue project is awaiting signage and striping to be provided by Delaware City. An on-site walk-through was held with Chief of Police and the Assistant Fire Chief Jeff Sands. The striping contractor has done a site inspection. Weather will likely be a determinant in completing the striping, which may be delayed until spring.

- **Branch canal bank revetment and promenade.** FDRPC is still awaiting notice from the Federal Emergency Management Agency (FEMA) that the funding has been released and is available to initiate the project.

- **Branch canal ownership.** FDRPC Executive Director Tim Slavin reached out to Senator Carper's office on the issue of the 2018 Water Resources and Development Act (WRDA) language which gives authority to the Army Corps of Engineers (ACOE) to transfer ownership of the Branch Canal to FDRPC. A (zoom) meeting was held with staff members of the Senate Environmental and Public Works Committee (EPW).

ACOE representatives have been in contact with EPW staff members on the issue and a follow up zoom meeting is scheduled for December 11, 2023. Tim Slavin will provide a briefing on the issue in executive session at the December 13, 2023 Board of Directors meeting.

- **Environmental permitting status.**
 - a. Operable Unit 10: Brownfield.
 - The environmental covenant governing Operable Unit 10 (DNREC Archive Building) has been filed with the New Castle Recorder of Deeds.
 - b. Old Battery Lane: Erosion and Sediment Control Permit
 - Upon filing of the environmental covenant governing Operable Unit 10, the next step is to obtain an Erosion and Sediment Control Permit (E & S) from DNREC. Verdantas has submitted the plan for this permit on behalf of FDRPC.
 - c. Branch Canal Revetment
 - There are three issues to be resolved before FDRPC can proceed with bidding the project:
 - Funding letter from Federal Emergency Management Agency (FEMA);
 - 408 permit (Army Corps of Engineers)
 - The permit application has been submitted by FDRPC.
 - Sub-aqueous permit.
 - Sub-aqueous Permit. (DNREC)
 - The permit application has been submitted by FDRPC.

Operations

- **Real estate update.**
 - a. Real Estate for sale
 - The potential buyer on the lot at 1311 Officers Row was unable to close by the date specified in the contract offer and the contract expired. The lot was again listed for \$125,000.
 - b. Leasing: One residential unit is available for lease on or after December 8, 2023: 1605 Maple Blvd.

- **FOIA Officer.** There were no FOIA requests presented for November 2023.

- **Subdivision of three properties.** FDRPC is proceeding with the subdivision of three existing properties: the Tilton (Governor Bacon) Building, the FDRPC offices (260 Old Elm Ave.), and the residential single-family home at 1605 Maple Boulevard.
- **Appraisals.** FDRPC has obtained current market appraisals for the following properties: Tilton (Governor Bacon) Building, Paynter Building, Post Exchange (PX), FDRPC offices (260 Old Elm Ave.), and the single-family home at 1605 Maple Boulevard.
- **OMB Hearing.** FDRPC Board Chair John McMahon provided comments at the FY 25 Budget hearing conducted by the Office of Management and Budget on November 15, 2023.

Other activities:

Cultivation. The following tours and briefings were given:

- Delaware City Library staff and board.
- New Castle Board of Realtors Public Policy Committee.
- Existing business from Bear, Delaware.

Committees. The following committee meetings were held in November 2023:

- Finance and Audit: November 13, 2023
- Executive: Regularly scheduled monthly deferred to December 4, 2023

FORT DUPONT REDEVELOPMENT AND PRESERVATION CORPORATION
FINANCE AND AUDIT COMMITTEE

The FDRPC Finance and Audit Committee meeting was held on October 9, 2023, at 4:00 p.m. via Zoom with the anchor location at the FDRPC Office at 260 Old Elm Avenue, Delaware City, Delaware, with Vice Chair Tim Dilliplane presiding.

BOARD MEMBERS PRESENT

Ms. Ruth Ann Jones (Controller General of the State of Delaware)
Dr. Courtney Stewart (Office of Management and Budget)
Mr. Tim Dilliplane
Mr. Bob Lucas

BOARD MEMBERS ABSENT

Mr. Michael Graci
Mr. Bert Scoglietti (FDRPC Treasurer)

STAFF MEMBERS PRESENT

Ms. Janice Moturi
Mr. Tim Slavin

OTHERS PRESENT

None.

**APPROVAL OF MINUTES – FDRPC FINANCE AND AUDIT COMMITTEE MEETING OF
September 11, 2023**

By unanimous consent, the minutes of the Finance and Audit Committee meeting of September 11, 2023 were approved.

NEW BUSINESS

- **Monetizing assets to create working capital.**
 - Appraisal costs for both properties
 1. 260 Old Elm Ave- Main office
 2. 1605 Maple Blvd- leased out for 2023.

- **New construction**
 - 1307 Officers row- lot value 112,500
 - Available lots
 1. Duplexes on Maple Blvd- 4 lots
 2. Battery lane -5 lots
 3. Options to consider.
 1. Sell as improved lots.
 2. Build and sell.
 3. Build and lease.

 - Both new businesses tabled for further discussion for next meeting.no action

OLD BUSINESS

- New Business- Committee charter read to members of the committee.
- Audit findings- Significant audit matters
 1. 2022-001 Financial close process
 2. 2022-002 Allocation of costs; cost of properties sold.
 3. 2022-003 Cash Disbursement Documentation and approval
- Budget discussion
 1. FY 24 budget numbers were raised with the committee.
- No further action on both audit and budget numbers

RECESS INTO EXECUTIVE SESSION - REASON FOR EXECUTIVE SESSION

No executive session

RECONVENE

No need to reconvene form executive session.

POTENTIAL ACTION TO BE VOTED UPON FROM EXECUTIVE SESSIONES

None

NEXT MEETING DATE

The next meeting is scheduled for November 13, 2023, at 4:00 p.m.

ADJOURNMENT

Ms. Jones moved for adjournment, seconded by Dr. Stewart and unanimously carried.

Meeting Adjourned at 4:45 p.m.

APPROVED: November 13, 2023

FORT DUPONT REDEVELOPMENT AND PRESERVATION CORPORATION
EXECUTIVE COMMITTEE MEETING

The FDRPC Executive Committee meeting was held October 30, 2023 via Zoom with the anchor location at the FDRPC office at 260 Old Elm Avenue, Delaware City, Delaware with Chair John McMahon presiding.

CALL TO ORDER

Chair McMahon called the FDRPC Executive Committee meeting to order at 9:34 a.m.

COMMITTEE MEMBERS PRESENT

Dr. Courtney Stewart (Office of Management and Budget)
Mr. Bert Scoglietti (FDRPC Treasurer)
Ms. Wendy Rogers (Resident of Fort DuPont)

COMMITTEE MEMBERS ABSENT

Ms. Ruth Ann Miller (Controller General of the State of Delaware)

STAFF MEMBERS PRESENT

Mr. Tim Slavin, FDRPC Executive Director
Ms. Janice Moturi, FDRPC Deputy Director/Controller

APPROVAL OF MINUTES – FDRPC EXECUTIVE COMMITTEE MEETING OF SEPTEMBER 25, 2023

Mr. Scoglietti moved for approval of the September 25, 2023 FDRPC Executive Committee meeting minutes. The motion was seconded by Dr. Stewart and unanimously carried.

STATUS ON KEY PROJECTS

Mr. Tim Slavin, Executive Director of the FDRPC, provided updates on the following key projects:

Old Elm Avenue/Dip Project

The project to correct the elevation difference, or dip, between the roundabout and Old Elm Avenue and to finish the top coat on Old Elm Avenue is in its last two days. Reopening of all roadways is scheduled for November 1, 2023, depending on the weather, which puts the project ahead of schedule. Residents have been notified through social media.

Chapel, Theater, and Bakery

Environmental remediation of the chapel, theater, and bakery is complete. The current focus is on making incremental progress with each of these buildings and opening up new sections to complete.

Concerning the chapel, the demolition of the back addition, which has a failing foundation, is being contemplated. Originally, the plan was to replace the addition and integrate ADA-accessible facilities in the rear. However, this approach is being reconsidered and thought is being given to sealing off the back temporarily and adding a front-facing bathroom and ramp to expedite the reopening of the building. Subsequent tasks involve addressing the HVAC system and fitting the interior with fixtures, finishes, and

equipment. As it's a simple space, only an additional means of egress is necessary. To show progress and deter potential nighttime vandalism, the building is being lit from the inside using a timed system that operates from 5:00 p.m. to midnight.

The next step for the theater is to bring electricity into the building and a quote has been obtained. The work requires a transformer to step down the power into the building and the supply chain wait list for transformers right now is five months. As a work-around, they may pull electricity over from the PX building on a temporary basis to get the theater building lit. It is cleaned up and cleaned out and it looks and presents a lot better. Some of the seating may be temporarily removed so that, as tours of the building are given to potential funders, there is a little more room to walk around.

The small bakery building really came out nicely with the environmental cleanup. There is a lot more space than it lent itself to believe. They are looking at the possibility of taking the ceiling out to expose the rafters and open up the space nicely. There is still one cooler system there and taking walls down on it would really free space up.

Responding to Mr. Scoglietti, Mr. Slavin advised that all of the remaining structures, with the exception of one, are contributing to the National Registry District so they have a level of significance. The bakery in particular, as it is shown to people who may have an interest in it, is showing more and more possibilities. People think that it is a good space to set up a small coffee shop that would vend baked goods but not prepare food on site.

The PX building, which is by the flagpoles overlooking the parade grounds, has a new roof on it. Mobilization of the project was scheduled for November 13, 2023 and the contractor had an opening in their calendar so it was moved up. The project from start to finish was four days. The PX building is now weatherproofed and the next thing is to look at a strategy for window replacement. The previous tenant, the Delaware Military Heritage and Education Foundation, had the windows removed to be worked on and they lost track of them. Unless they can be found, the windows will have to be replaced. Mr. Scoglietti noted that one of the DNREC garages on the Blue Water site is for window restoration. He advised that he would look for any paperwork he may have on the windows and reach out to DNREC about where the windows might be.

Open House

An open house is scheduled for Saturday, November the 11th for residents and any other interested parties. It will be a walking/driving tour of the chapel, the theater, the Governor Bacon building, the Painter building and the bakery.

Old Battery Lane Permitting

The Old Battery Lane permitting for DNREC is in the last phases. The environmental covenant that had to be created at the conclusion of the permitting has been signed, notarized and sent back to DNREC and is awaiting their signature. Once it is signed and filed with the deed, even though there is a 20-day public appeal period, they can proceed with the E and S permitting which allows the site work. Verdantas has given them a quote for the work.

Fiscal Year 2025 Budget Request

Courtney Stewart and Cerron Cade conducted a recent site visit that prompted the submission of the Fiscal Year 2025 budget request. Delays in this submission were due to communication issues. The budget request includes additional funding for infrastructure concerning the DNREC maintenance building. Additionally, there was a renewed request for funding related to both the chapel and the theater, as previous attempts to secure funding from state government sources were unsuccessful. This is a not-to-exceed amount and can be adjusted if alternative funding sources become available.

The DNREC maintenance building situation stems from an agreement made during the sale of the Grassdale property. This agreement involved Jeff Randol, DNREC, and OMB negotiating on behalf of DNREC. The primary aim was to ensure DNREC's compensation for the displacement of their office building. To compensate, the building on the parade grounds was renovated and repurposed for their office use. Additionally, they will be made whole with the storage of DNREC's collections, pending the issuance of permits for Old Battery Lane and the completion of the stable building.

DNREC would also be made whole with a new five bay garage maintenance building, with a tentative location marked in the South Field near the National Guard Armory. DNREC continues to utilize the existing five bay garage on the Grassdale site, which is still owned by Blue Water. Although there was some contention about this arrangement approximately a year ago, no further issues have arisen. One of the challenges, and there will be an executive session about it, is the Marina Village and some of the early work of the Land Use Planning Committee. The Southfield site was originally designated warehousing and light industrial for a DNREC maintenance building and a Fish and Wildlife building. They may be rethinking how they use the spaces in some of those areas and they will have that discussion.

FDRPC does not have the income to support constructing the new five bay maintenance building that has already been specked out and designed. The estimate for the site work is nearly \$1,000,000. A request for \$3,500,000 was submitted in the event that they have to build the new building. While the agreement stipulates providing new space for DNREC, it does not require constructing entirely new buildings. The possibility of utilizing rehabilitated spaces has been part of ongoing discussions.

Branch Canal Ownership Issue

Efforts to get more and better information from the Army Corps of Engineers regarding the Branch Canal ownership issue have not yielded results. Mr. Slavin has a meeting scheduled with three staff members of the Environmental Public Works Committee later in the week. This is the committee chaired by Senator Carper and it is the gatekeeper for the Water Resource Development Act. He hopes to better understand their options as a result of the meeting.

Update on Vandalism

The Delaware City police solved the case very quickly and charges were brought against 10 children between the ages of 10 and 14. Three or four children were charged with felonies and others were charged with misdemeanors. It was the third or fourth offense for those charged with felonies. The damages to the building were estimated to be around \$10,000 and the decision was made not to file an insurance claim.

EXECUTIVE SESSION – PRELIMINARY DISCUSSIONS - SALES OR LEASES OF REAL PROPERTY AND PERSONNEL

Mr. Scoglietti moved to recess into executive session, seconded by Dr. Stewart and unanimously carried.

Meeting recessed at 9:55 a.m.

Meeting reconvened at 10:19 a.m.

ACTIONS TO BE VOTED UPON FROM THE EXECUTIVE SESSION

There was no action to be taken as a result of the executive session.

ADJOURNMENT

Mr. Scoglietti moved for adjournment, seconded by Dr. Stewart and unanimously carried.

Meeting adjourned at 10:20 a.m.

APPROVED: December 4, 2023



Board of Directors
Meeting Schedule for 2024

All meetings begin at 9:30 a.m. and will be held at the Delaware City Fire Company, 815 5th Street, Delaware City DE 19706

January 10, 2024

February 14, 2024

March 13, 2024

April 10, 2024

May 8, 2024

June 12, 2024

July 10, 2024

August 14, 2024

September 11, 2024

October 9, 2024

November 13, 2024

December 11, 2024



FORT DUPONT

SHAPED BY HISTORY & ANCHORED IN NATURE

WHEREAS, Kevin Whittaker has served the Fort DuPont Redevelopment and Preservation Corporation since 2022, and has served with distinction until November 27, 2023; and

WHEREAS, during his years of service to the Fort DuPont Redevelopment and Preservation Corporation he has served in the position of Chair of the Maintenance Committee; and

WHEREAS, throughout his tenure, Kevin Whittaker has displayed a professional approach to his duties and responsibilities as a Board member; and

WHEREAS, the Fort DuPont Redevelopment and Preservation Corporation has benefited from Kevin Whittaker's insight and knowledge and character.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Fort DuPont Redevelopment and Preservation Corporation express their gratitude to Kevin Whittaker for the many hours of public service he gave and express their sincere appreciation to him.

ADOPTED: DECEMBER 13, 2023

Signed:

John McMahon, Chair



MEMORANDUM

To: FDRPC Board of Directors

From: Tim Slavin

Date: December 6, 2023

Re: Branch Canal

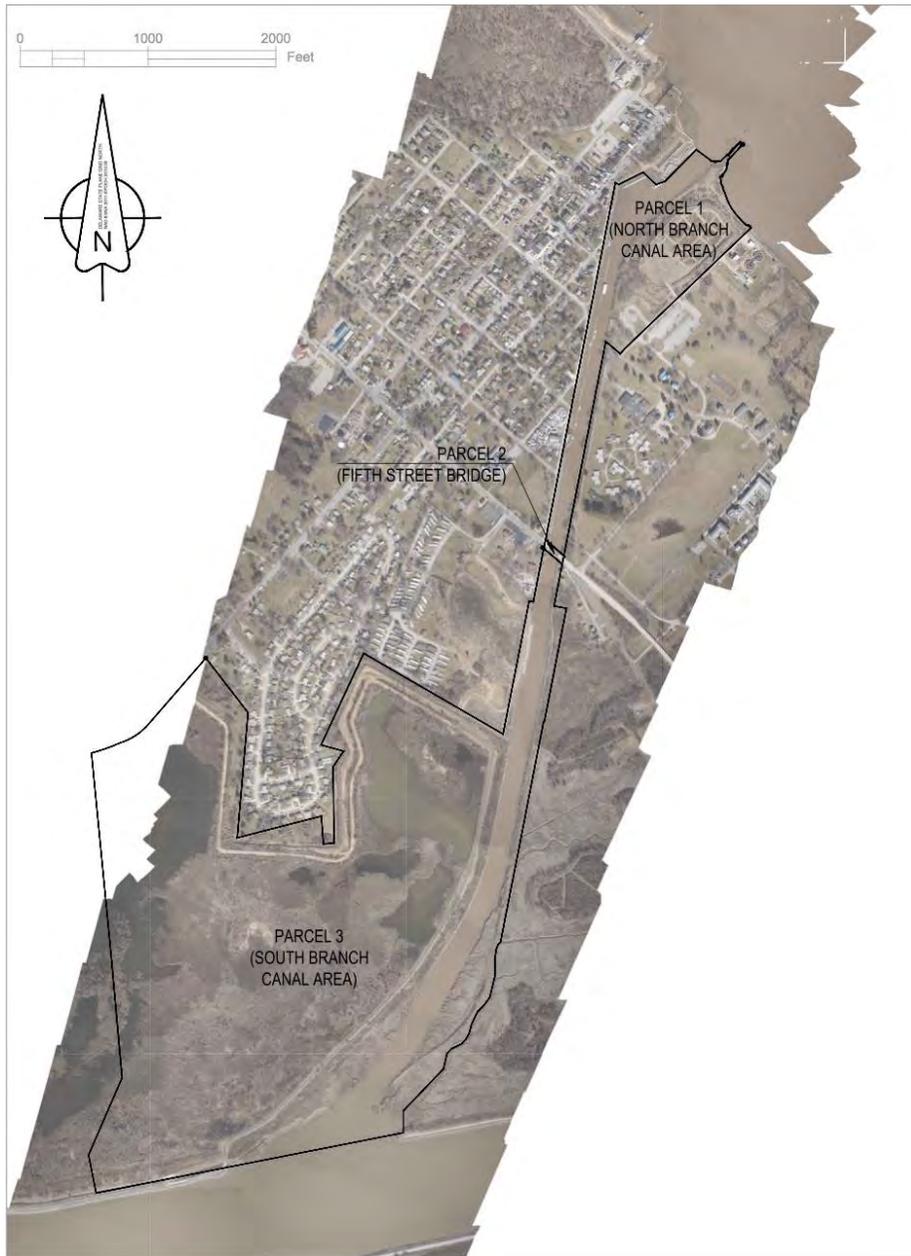
Executive Summary

The transfer of ownership of the Branch Canal from the Army Corps of Engineers (ACOE) to the Fort DuPont Redevelopment and Preservation Corporation (FDRPC) remains pending. The Board of Directors of FDRPC has never formally voted to accept the transfer of the parcel. Options for the Board of Directors range from accepting ownership, to modifying the terms of the transfer, to declining the transfer.

Background and Context

The 2018 Water Resources and Development Act (WRDA) approved by Congress and signed by then-President Trump on October 23, 2018, granted authority to the Secretary of the ACOE to transfer ownership of two parcels:

- **Parcel 1: North Branch Canal Area.** This parcel is approximately 31.6 acres of land that includes the bed and banks of the Delaware Branch Channel on the north side of the Fifth Street Bridge to FDRPC. This includes the uplands areas which are currently used as a spoils site and is identified as the marina complex on the FDRPC Conceptual Plan of May 24, 2022.
- **Parcel 2: Fifth Street Bridge.** This parcel is approximately 0.27 acres of land comprising the 5th Street Bridge to be transferred to the State of Delaware.



The transfer was to be completed within 18 months of the approval of the Act. The transfer requires the approval of the Governor of Delaware to complete the transfer.

Additionally, for Parcel 1: North Branch Canal Area, the Act required FDPRC (the Grantee) to pay the Secretary of the ACOE “an amount that is not less than the fair market value of the land” to be granted.

Previous Board Discussions

The issue was first presented to the Board at the December 12, 2018 meeting.

December 12, 2018. The meeting minutes include the following from the Executive Director's verbal report:

"C. WRDA – Federal Legislation was signed October 23rd, 2018 regarding the branch canal transfer to the Corporation. There is a 180-day time period in which the process is to be completed. Mr. Randol stated that it is not likely we can meet the time limit and he is now working with the Army Corps of Engineers on a long-term lease. Secretary Garvin noted that one of the matters to be addressed is where to put future dredge spoils from routine dredging of the Canal. "

Board discussion of the issue is noted in the minutes of the following meetings:

March 13, 2019. The minutes of that meeting depict a long discussion regarding the potential effect of ownership of the Branch Canal by FDRPC. The discussion included concerns raised about liability, insurance, maintenance, and cost sharing with Delaware City. *A copy of the excerpted minutes is attached to this briefing.*

April 12, 2019. The minutes from that meeting include the following excerpt from the Executive Director's verbal report:

"Branch Canal – No updates to report. Mr. Randol provided an overview of the Rivers and Harbors Act of 1898 (handout) which he received from Mr. Walton, as requested by the Board at the March meeting. Ms. Frank asked Mr. Randol to clarify the status of the Branch Canal transaction. Mr. Randol explained that the Marina Village development is on Army Corps of Engineers (ACE) property and the original path forward was to lease the property from the ACE. In 2018, the Corps decided it would divest itself of the Branch Canal and recommended transferring the property to Fort DuPont. This was done through the WRDA bill, which was signed into law on October 23, 2018. The law is not binding on FDRPC, but is binding on the federal government should the FDRPC Board elect to move forward. The Corps is currently in the process of getting the property appraised, which will be used to help determine the purchase price to Fort DuPont. Discussions with Delaware City continue, with the intention that the city would acquire that portion of the Branch Canal leading from the north side of the canal to the center line of the canal. "

August 11, 2021. The minutes from that meeting include the following excerpt from the Executive Director's verbal report:

"Mr. Randol gave an update on the branch canal. The 5th street bridge is being transferred to the state, so Del Dot is taking the lead on the environment assessment, which is the last step. This could take up to a year to complete and transfer. Mr. Baylor stated that both the city and Fort DuPont have interest in the branch canal but it's unknown who will pay for maintenance; the Governor's stance is also unknown, since he has to sign off. Mr. Smith asked if it's necessary that the branch canal be sold. Mr. Baylor stated yes, the Army Corp of Engineering already stated they would be selling off their land, the ball is rolling on this. "

September 8, 2021. The minutes from that meeting include the following excerpt from the (then) City Manager David Baylor:

A meeting took place with Mr. Randol and Mr. Short regarding the Branch Canal, there are many questions up in the air and a discussion with the state is needed; the issues will be worked through on how the city and the fort are going to be affected.

April 12, 2023. After a briefing on the issue by Executive Director Tim Slavin, the board discussed the issue. *A copy of the excerpted minutes is attached to this briefing.* At the close of the discussion, the following motion was passed:

The motion that the legal representatives of the Fort DuPont Redevelopment and Preservation Corporation, the proper legal representative of the State, and the legal representative of Delaware City schedule a meeting with the US Army Corps of Engineers to discuss the property transfer issues was unanimously carried.

May 10, 2023. Legal Counsel Richard Forsten briefed the Board (in public session) on the status of the issue. *A copy of the excerpted minutes is attached to this briefing.*

June 14, 2023. A brief discussion was held by the Board as to the status of communication with ACOE about this issue.

August 28, 2023. A brief discussion was held by the Board as to the status of communication with ACOE about this issue.

Current status of proposed transfer from 2018 WRDA

In November 2023, FDRPC Executive Director Tim Slavin contacted Senator Carper's office to open a dialogue about this issue and to determine status.

A meeting was held (via Zoom) between representatives of the Senate Environment and Public Works Committee (Senate EPW) and Slavin to discuss. Present from Senate EPW were Nicole Comisky (ACOE employee on loan to Senate EPW), Linnea Saby, and Cody Baynori.

The meeting included an overview of the 2018 WRDA language. Nicole Comisky agreed to determine with ACOE what the status was, explore the de-coupling of Parcel 1 North Branch Canal Area and Parcel 2 Fifth Street Bridge to allow for two separate transfer processes, explore the potential for amended language in the proposed 2024 WRDA, and report back her findings.

Slavin stated that the FDRPC Board has not decided about ownership of the canal (as proposed in the original 2018 WRDA) and wanted to understand the full range of options available. Slavin stated that the Board would be briefed on the status at its December 13th, 2023 meeting.

A follow-up meeting with EPW and ACOE has been scheduled by Comisky for December 11th, 2023.

Risks and Mitigations

FDRPC ownership of the Branch Canal carries with it financial liability and risk.

FDRPC would be responsible for all improvements and maintenance to the canal bank along FDRPC's property. As noted in the minutes from (Note: FDRPC is undertaking improvements to the canal bank along FDRPC property to ensure bank stabilization and the completion of the multi-mode promenade from Route 9 to DNREC boat ramp.)

Issues associated with the costs for periodically dredging the canal and ensuring a navigable waterway were discussed at the Board meeting of March 19, 2019. Then Executive Director Jeff Randol stated that discussions with Delaware City officials about sharing the costs of maintenance (including dredging of the canal) had been initiated. No resolution on these issues was reached.

General liability to FDRPC would increase, as ownership would include both sides of the canal bank, as well as the canal. FDRPC should expect an increase in insurance premiums associated with property ownership of the canal.

There is currently no source of funding in place to offset these costs. There is only one current revenue source (Delaware City Marina) for the use of the Branch Canal. (Note: Delaware City Marina leases property from the Army Corps of Engineers.)

The inability to maintain an open waterway—even for brief periods of time-- would influence issues related to public safety, marine safety, and the local economy.

Access to water and dockage along the canal is currently governed by a series of agreements involving multiple parties, including ACOE, Delaware Natural Resources and Environmental Control (DNREC), Delaware City, Delaware City Fire Department, Delaware State Police, and the privately-owned Delaware City Marina. FDRPC would be responsible for ensuring that these agreements are current and would be a party to all such agreements.

Timeline and Implementation Plan

A timeline prepared by the ACOE Real Estate section which estimates a 40-week process. The process includes activities such as Survey, legal descriptions, appraisals, and environmental reports which shall be paid for by FDRPC.

A copy of the estimated timeline from ACOE is attached to this document.

Options

Option A. Await action by Army Corps of Engineers. FDRPC would allow the language of the 2018 WRDA to remain in place and await any further action by the ACOE. This option would likely require some type of decision by the Board at a date to be determined. Per the ACOE schedule, FDRPC would be expected to bear the costs associated with the preparation of the transfer.

Option B. Approve the transfer authorized in the 2018 WRDA. FDRPC would accept Parcel 1 North Branch Canal Area and become owner of the Branch Canal. Per the ACOE schedule, it is estimated that the transfer would be ready for action by ACOE approximately 40 weeks after FDRPC communicates its approval.

Option C. Decline the transfer authorized in the 2018 WRDA. FDRPC would decline the transfer of Parcel 2. This would leave the current ownership of Parcel 1 North Branch Canal Area with ACOE.

Option D. Modify the parcel to be transferred. Amend Parcel 1 North Branch Canal Area to a reduced amount of acreage to FDRPC which excludes the Branch Canal. The amended parcel would be the lands on the northeast corner of FDRPC property, bounded by the Branch Canal to the north, the Delaware River to the east, Wingate Road to the west, and the northern edge of the service road to the New Castle County water treatment plant to the south. This may require a legislative solution (through the proposed 2024 WRDA) or may be handled administratively by the ACOE.

Fort DuPont Redevelopment and Preservation Corporation

Board of Directors

March 13, 2019

Excerpted minutes

Branch Canal Agreement with Delaware City – Mr. Walton turned the discussion over to Mr. Randol. Mr. Randol had previously given a presentation to the Board regarding the transfer of ownership of the Branch Canal to Fort DuPont through federal legislation. Assuming the Corporation takes title to the property, Delaware City has expressed interest in obtaining ownership of a portion of the Branch Canal. Mr. Randol met with members of the city's council and staff to discuss the terms of an agreement that would transfer a portion of the Branch Canal to the City. A draft was subsequently presented to the City and then revised according to changes requested by the city that extended the city's purchase option period from thirty days to ninety days, and removal of a first right of refusal to repurchase the property by FDRPC. In lieu of the first right of refusal it was agreed that the city could not undertake actions that would adversely impact development of Fort DuPont. The Agreement defines what would be considered adverse actions impacting the development of Fort DuPont. Mr. Randol explained the city's portion of the canal would extend from the center line of the canal to "Old Delaware City".

Ms. Frank asked if the agreement is approved, who is responsible for maintaining the Canal? Mr. Randol explained that each would be responsible for their own shoreline but that the navigational portion of the canal would be shared between Delaware City and Fort DuPont on a pro-rata basis. Ms. Frank also asked if other government agencies will be involved in permitting the ownership of the canal and Mr. Randol stated there is no approval from federal or state agencies required to obtain title to the property. Mr. Garvin added that DNREC would be involved with permitting for any activity that directly or indirectly affects the water, such as

shoreline restoration. Further discussion followed regarding the Corporation's liability in owning the canal.

Ms. Frank asked what Fort DuPont's legal liability is in the event of an accident and Mr. Walton stated the Corporation would have to increase its liability insurance. Delaware City would fall under the municipal tort claims act therefore having slightly less liability. Based on Mr. Walton's comment, Mr. Slotter asked if it would make more sense for Delaware City to take full ownership of the canal to which Mr. Walton stated the federal legislation requires Fort DuPont to take full ownership of the canal. Mr. Walton also noted that, if the lands were owned by Delaware City and leased back to the Corporation, the Corporation would likely have the same liability exposure.

Ms. Frank asked for public comment at which time Mayor Green asked for clarification of "Adverse Impact" in the city's draft agreement. He also asked Mr. Walton if he would research the Rivers and Harbors Act of 1899, noting that he had been asked to find out if that act would apply to the Fort's ownership of the Branch Canal. Mr. Randol asked if Mayor Green knew the purpose behind the act and Mayor Green said he is not familiar with the RHA but would be receiving a copy of it later that day. Mr. Randol asked if anyone in attendance was familiar with the RHA of 1899, and Mr. Konkus stated he was and explained the act is legislation that requires waterways to remain open, with no bridges, locks or tolls that would impede free movement of commerce along a navigable U.S. waterway. He further explained the RHA as it relates to bridge construction is now under the purview of the U.S. Coast Guard. Mr. Walton stated he would research the RHA and report back at next month's meeting. Mr. Randol added that including any language that would impede development of the fort, the proposed marina or construction of a connector bridge would go against the Master Plan and what the city has historically supported.

Mr. Slotter stated the connector bridge is important to Fort DuPont and the city and both should agree on its placement. Mr. Slotter stated he could not support an agreement that gave full power to Fort DuPont. Mr. Garvin said he believes the RHA of 1899 is not relevant to the

proposed Agreement, but that Fort DuPont and Delaware City should work to include language that is mutually beneficial while reserving their respective rights to ensure their activities are protected. Ms. Frank asked Mr. Randol if the matter was time sensitive to which Mr. Randol replied it is not. Mr. Parets asked how soon Mr. Walton could provide an overview, as requested by Ms. Frank, and Mr. Walton replied he would give a report at the next meeting.

Mr. Parets also asked if the RHA was considered during construction of the 5th Street Bridge. That question could not be answered. Mr. Diliplane asked how long the Corporation would be in existence and should it no longer exist would Fort DuPont's title transfer to the city. Mr. Walton noted that the Corporation would exist into perpetuity as it would retain ownership of its property.

Fort DuPont Redevelopment and Preservation Corporation

Board of Directors

April 12, 2023

Excerpted minutes

Branch Canal issues. The open issues related to the possible transfer of ownership of the Branch Canal to the Fort DuPont Redevelopment and Preservation Corporation remains unresolved. Secretary Garvin and Executive Director Slavin spoke by phone about the issue and agreed that clarification was needed from the US Army Corps of Engineers (USACE) on three matters:

- Has the provision to transfer the Branch Canal been invalidated because it has not occurred within the 18-month period cited in the Water Resources Development Act of 2018?
- If the provision is still valid and FDRPC declines ownership, can the transfer of ownership of Parcel #2 (5th St Bridge) to DelDOT still occur?
- Is it possible for FDRPC or another entity to lease the lands identified for a future marina and make improvements?

Mr. Slavin advised that they look to have that conversation with the USACE. Secretary Garvin stated that, as a member of the FDRPC, he had a brief exchange with the USACE to put it on the radar screen that they were looking to re-engage that conversation. He noted that some of the unresolved issues from 2018 were the ownership of the boat ramp, who is responsible for dredging and the existing disposal site, and property maintenance.

Mr. Baylor stated that Delaware City also needs to be involved in those discussions so that they do not find themselves in a position where things were done and they had no say. He noted that Delaware City has a vital interest in what happens to the waterway. Mr. Baylor advised that the boat ramp is a jurisdictional nightmare between DNREC, the State, and Delaware City when there is an incident and he would like definitive answers on property issues going forward. He suggested that the Delaware City Solicitor, the attorney for the FDRPC, and the State's attorney from DNREC sit down and iron it out once and for all. Mr. Baylor expressed concern with the land being sold to the highest bidder and ending up in a third party's hands. Chair McMahan agreed that they ought to make it a concern and get the right people in the room to get some resolution one way or the other. Mr. Baylor suggested getting the congressional delegation involved.

Secretary Garvin stated that the USACE is ready for the conversation. It was the FDRPC that stopped pursuing the discussions because it was not sure what it wanted to do and what it was asking the USACE for. Secretary Garvin said that he saw no scenario where Delaware City was not at the table for those conversations.

Mr. Baylor recalled that originally the FDRPC did an end around and initiated this legal maneuver to get Congress to pass it and to have the president sign it so that the corporation could take over the waterway and the land adjoining it. It was also his recollection that the Executive Director at the time, and the board was aware, was getting financial work done to assume what the cost would be for the turnover of the property. Mr. Baylor noted that DelDOT was also involved because the 5th Street bridge was going to be granted to them. He noted that Delaware City did not initiate this and was brought in at the last minute once everything was done.

Mr. Baylor moved that the legal representatives of the Fort DuPont Redevelopment and Preservation Corporation, the proper legal representative of the State, and the legal representative of Delaware City schedule a meeting with the US Army Corps of Engineers to discuss the property transfer issues. The motion was seconded by Mr. Whittaker.

Fort DuPont Redevelopment and Preservation Corporation Board Meeting of April 12, 2023
Page 4

Mr. Whittaker suggested that the FDRPC Board should determine what it wants out of the canal before approaching all the other agencies. He thought maybe a special meeting was necessary. Mr. Baylor stated that they could not determine what they want until they know what is on the table. He stated that there were three parcels of property under consideration with the agreement and, in order to make an educated decision, they have to understand what the parcels are and how they will impact the decision of any separation of those parcels. Mr. Baylor advised that there is an element of land that abuts the Branch Canal near the Mobile Home Park, there is the bridge, there is the Branch Canal on the end that empties into the Delaware River and to the river's edge at Fort DuPont, and there is a part of the canal that will impact a current business owner. Before they can make any educated decision, they have to understand what the complexity of all that is and what the impact is then they can make a strategic plan on how to move forward.

Mr. Whittaker stated that he would like to preserve the opportunity to build a marina without owning the canal for the good of the neighborhood, but he thought it would be a private investor or public/private partnership building it. He again suggested having a separate meeting that is just on the Branch Canal and starting from the very beginning because of some of the moves that were made years ago. Chair McMahon thought that they needed the lawyers to tell them exactly what they thought they were doing then so the Board can make a decision on what it ought to do. Responding to Mr. Foreman, Mr. Baylor stated that his intention was for

the attorneys to do fact finding and report back to the board on the legal status of the property transfers. Mr. Forsten stated that he thought they all need to understand precisely what the law provides, whether it is still effective, and what their options are. He advised that he could meet with the attorneys and come up with what their understanding of the law means, what they could do under the law, and if there was an option to do something different. Mr. Forsten said that he would then bring that report to all of them to inform their decision about how to move forward. Mr. Baylor requested that each entity be appropriately represented so they can each make the best decision for their interest.

Mr. Slavin noted that a month ago he presented some of the documents and reports that had been commissioned and he stated then that, in his opinion, they did not yet have enough information to make an informed decision and the decision, yes or no, is complicated with either option, that it leads to other things. If they don't want to own that property, who will? If they do want to own it, what then becomes of the availability of spoil sites. There are all kinds of issues that come up and this initial conversation with the USACE is really designed to see if there are any full stops before they get any further, if this legislation is no longer valid, if that action is no longer valid then they really don't have a decision to make. Mr. Slavin advised that he was happy to assist in any way with that discussion among lawyers.

Secretary Garvin stated that he thought the conversation with the USACE was going to happen from a legal standpoint and, even if it is determined that the 18-month clock does not exist anymore, the USACE has other abilities to transfer properties to other entities so they have to have the conversation of what other options they have to inform the board moving forward.

The motion that the legal representatives of the Fort DuPont Redevelopment and Preservation Corporation, the proper legal representative of the State, and the legal representative of Delaware City schedule a meeting with the US Army Corps of Engineers to discuss the property transfer issues was unanimously carried.

Fort DuPont Redevelopment and Preservation Corporation

Board of Directors

May 10, 2023

Excerpted minutes

UPDATE ON THE BRANCH CANAL OWNERSHIP ISSUE

Mr. Richard Forsten of Saul Ewing Arnstein and Lehr LLP, Fort DuPont Redevelopment and Preservation Corporation's (FDRPC) legal counsel, advised that, as directed at the previous meeting, he met with the attorney from Delaware City and the attorney from the Department of Natural Resources and

Fort DuPont Redevelopment and Preservation Corporation Board Meeting of May 10, 2023
Page 5

Environmental Control (DNREC) by phone to discuss the Branch Canal legislation passed by Congress in 2018 (Water Resources Development Act (WRDA) 2018).

Mr. Forsten reviewed the details of the legislation and advised that the three participants on the call agreed that the legislation was still in force because when a legislature directs an agency to do something within a certain time period, it is considered directory and not mandatory in the sense that if, for whatever reason, the agency was not able to accomplish that task within the time period, the task could still be performed. He noted that there is a long and rich history of judicial decision to that effect and the courts recognize that agencies sometimes cannot get to things in a timely fashion. Mr. Forsten also advised that if you had a rogue agency that just did not like what the legislature was telling it to do, it would drag its feet and then just say they could not do it. He stated that the case law was clear that the Army Corp of Engineers still had the authority to transfer the properties.

Mr. Forsten noted that DNREC's attorney, Mr. Will Kassab, recalled in 2018 and 2019 talking to the U.S. Army Corps of Engineer's (USACE) attorney about this and they said the 180 days was not mandatory. Mr. Forsten advised that Mr. Kassab is reaching out to the Corps' current attorney then he, Mr. Kassab, and the attorney for Delaware City will get back together by phone in another week and a half to update themselves on the Corps' position.

Mr. Forsten advised that the question of how they want to proceed still remains. It appears that they can proceed with the transfers but there is a fair amount of work to be done, assuming they want to proceed.

Mr. David Baylor, Delaware City Manager, stated that since it was apparently initiated by the FDRPC, the onus was on either the FDRPC, the state or Delaware City. He recalled that the former FDRPC executive director, Jeff Randol, moved forward to get an evaluation or appraisal of the property, which came back at around \$500,000 to \$600,000. Mr. Baylor asked if the Board wanted to move forward with the acquisition of the canal.

Mr. Forsten stated that the Army Corps had decided that, from its point of view, the Branch Canal was surplus, meaning if they could dispose of it, they would, and that Jeff Randol's timing was happenstance or a happy coincidence because it gave the Corps somebody to give the ground to. The Corps' attorney commented that the process set forth in the statute was also easier or less time consuming and cleaner than the surplus process the Army Corp normally uses to dispose of surplus land. Mr. Forsten reminded members that Secretary Garvin advised them at the previous meeting that even though the statute had expired, the Corp always has the ability to dispose of surplus land. Mr. Forsten advised that if the Marina is going forward, they will at least need that part of the property because the area where they would like to put the Marina is owned by the Army Corp. Mr. Baylor stated that he would like to see the state acquire that property because it would be the cleanest thing for all parties involved. He noted that any private entity owning the canal would be problematic to both the residents of Delaware City and the FDRPC.

Legislative Disposal of Parcel #1 & #2, Branch Channel and 5th Street Bridge (Concurrent)
 Documentation Preparation and Submission Schedule
 All costs to be borne by Fort DuPont

11/14/2023

1. Schedule for Ancillary Required Documents - Title, Survey, Appraisal

<u>DISPOSAL ACTIVITY</u>	<u>INITIATE</u>	<u>COMPLETE</u>	<u>Duration/Notes</u>
Funding Received and Available			START DATE
Survey and Legal Descriptions	Day 1	1 week later	Time: 1 week for review and legal desc prep
Order, Receive, Review Appraisals	Day 1 + 1 week	13 Weeks Later	COMPLETE
Report of Government Title	Day 1	4 Weeks Later	Time: 4 weeks, including review
Environmental Reports	Day 1	16 weeks later	Time: 24 weeks (6 mos), including review (NAP)
Timeline for Receipt of Required Documents:			Day 1 16 Weeks Later Possible 24 Weeks with Review/Revision

2. Schedule for Documentation Drafting and Review

<u>REAL ESTATE ACQUISITION ACTIVITY</u>	<u>INITIATE</u>	<u>COMPLETE</u>	<u>Duration/Notes</u>
Preparation of Disposal Report	Day 1	20 weeks later	Requires ancillary documentation completion
Preparation/Review of Deeds	Day 1	20 weeks later	Requires ancillary documentation completion
Preparation of Staffing Memo	Day 1 + 10 Weeks	2 Weeks Later	
Review of Staffing Memo	Day 1 + 12 Weeks	3 Weeks Later	
Finalize documents, Forward to State of Delaware/Fort DuPont	Day 1 + 20 Weeks	4 Weeks Later	Delaware signs deeds for package and provides letter of approval for transaction
Package sent to NAD/HQ	Day 1 + 24 Weeks	24 Weeks Later	Package to NAD/HQ for signature
Timeline for Completion of Documents:			Day 1 24 Weeks Later

Timeline is based upon typical timeslines for actions shown.