



FORT DUPONT

SHAPED BY HISTORY & ANCHORED IN NATURE

Fort DuPont Redevelopment and Preservation Corporation Executive Committee

November 25, 2024 – 9:30 a.m.

Anchor location:

Fort DuPont Redevelopment and Preservation Corporation Office
260 Old Elm Avenue
Delaware City DE 19706

Link: <https://us06web.zoom.us/j/89858030737?pwd=lib73Tr7qaxChD2sRhMXW5SqWQaPnx.1>

Zoom Meeting ID: 898 5803 0737

Passcode: 725194

AGENDA

1. Call to Order
2. Approval of Minutes - Executive Committee Meeting of October 28, 2024
3. Status on Key Projects
4. Executive Session {Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property and §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body.}
5. Action Items resulting from Executive Session (if needed)
6. Next Meeting Date: December 30, 2024 at 9:30 a.m.
7. 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
EXECUTIVE COMMITTEE MEETING

The Fort DuPont Redevelopment and Preservation Corporation (FDRPC) Executive Committee meeting was held October 28, 2024 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 9:33 a.m.

COMMITTEE MEMBERS PRESENT

Ms. Ruth Ann Miller (Controller General of the State of Delaware)
Ms. Wendy Rogers (Resident of Fort DuPont)
Mr. Bert Scoglietti (FDRPC Treasurer)
Dr. Courtney Stewart (Office of Management and Budget)

COMMITTEE MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

Mr. Tim Slavin, FDRPC Executive Director
Ms. Janice Moturi, FDRPC Deputy Director/Controller
Mr. Richard Forsten, Saul Ewing Arnstein and Lehr LLP
Ms. Pam Scott, Saul Ewing Arnstein and Lehr LLP

OTHERS PRESENT

None

APPROVAL OF MINUTES – FDRPC EXECUTIVE COMMITTEE MEETING OF SEPTEMBER 30, 2024

Dr. Stewart moved for approval of the September 30, 2024 FDRPC Executive Committee meeting minutes. The motion was seconded by Mr. Scoglietti and unanimously carried.

STATUS ON KEY PROJECTS

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

Old Battery Lane Duplexes

The Old Battery Lane Duplexes project is addressing a change order from A-Del Construction to account for relocating a portion of the water main. This relocation was necessary because the existing conditions differed from what was indicated in the design drawings, requiring an additional agreement with Artesian.

For water projects ultimately transferred to Artesian, all aspects, including the purchase of supplies for the new connection, must go through them. A-Del and Artesian are now actively working on this process. Our target completion date for the project is November 30, 2024, with the units expected to be ready and rentable by January 1, 2025.

Bioretention Basins

Mr. Slavin reviewed a map depicting the locations of the bio basins and provided updates for each location, as follows:

- Bio Basin #3 is complete and awaiting certification from DNREC. This bio basin looks very good.
- Bio Basin #4 is experiencing soil issues, probably attributed to 28 days of no rain. Construction will be delayed until DNREC approves the water perk test. This will require a minor redesign of the bio basin.
- Bio Basin #5 is ready to go and construction will be started prior to bio basin #4.
- The plan is to complete construction work and hold off on the plantings, since that window has closed.
- The restricted parking areas along the street will be released back into use until they are ready to remobilize that site for the bio basins.

Pollinator Gardens

Delaware City received a grant from DNREC to establish pollinator gardens. A large one has been installed in front of the community center, and additional areas were requested on the Fort DuPont campus. As a result, two gardens are now in place.

Both gardens feature native plantings—one located in the Chapel Grove area and the other in a lot across the street from the Fort DuPont offices. These types of pollinator gardens typically take a full year to mature, but both are in excellent locations. The gardens currently have sharp, square edges, which we plan to soften for a more natural look.

Branch Canal Revetment Project

The amended budget and funding request is currently with DEMA, which is coordinating with FEMA to confirm its acceptability. All indications suggest it will be approved.

We are still waiting for the permit to be issued by the U.S. Army Corps of Engineers. They have indicated that all requirements have been met and that the delay is now just administrative paperwork.

Additionally, we have refreshed the subaqueous permit from DNREC, which covers all work below the water level. Verdantas is handling this aspect directly.

We are preparing to move forward, though the exact timing depends on when these permits are issued. Once we have the green light to mobilize, there are potential financing considerations that will be addressed under operations.

It's also important to note that DNREC has imposed seasonal restrictions for work along the Branch Canal, related to broader environmental guidelines for water projects. These restrictions will require us to pause work for an estimated three-month period at certain times. We plan to mobilize and make progress during allowable periods, then pause as required.

Brownfields Overview

Mr. Slavin presented a map created by Verdantas showing brownfields and operating units (OUs). Not all OUs are included, as some are too small to depict.

Fort DuPont is collaborating with the University of Delaware Technical Assistance Team to apply for an EPA grant. The grant aims to fund the remaining testing and assessment across the campus and determine remediation costs.

Currently, the entire campus has not been fully tested, assessed, or remediated. While findings have been minimal, the goal is to certify all land as no longer part of the brownfields program. This involves testing, assessment, and completing paperwork if no significant issues are found. The map indicates that less than half of the campus has been addressed.

Waterfront areas, designated for recreational use, still require testing and assessment, though the remediation standards are lower compared to areas intended for housing or schools. For example, OU11 (Battery Elder), managed by State Parks, is not open for development. A past issue involving unpermitted clearing of vegetation resulted in violations and required remediation.

Recent testing in this area identified elevated lead levels, which meet current standards but fall short of upcoming EPA and DNREC requirements. Additional testing and remediation, costing approximately \$11,000, are necessary. This process will include report writing and further remediation if needed. Despite these concerns, the area remains open to the public.

Addressing brownfield status enhances the value of properties, particularly for areas like South Field, which could become more appealing for purchase if cleared through the brownfields program. The EPA grant application is targeted for submission by November 14, 2024.

Responding to Ms. Scott, Mr. Slavin advised that past industrial use qualifies an area as a brownfield. There also seems to be some naturally occurring arsenic, which is a typical finding in Delaware, especially along the water. They have conducted more testing than they were originally requested and once they have defined the area, they will remove all of the contaminant. There is an option to cap it and put wells in, especially if it is for recreational purposes. Mr. Slavin believes that sends the wrong message and he prefers to remove the soil and replace it with clean soil.

Cashflow Challenges

Fort DuPont is approaching a pinch point due to two major capital projects. The Old Battery Lane project has faced cost overruns from a change order involving water main relocations. Similarly, the bio-basins required redesign-related change orders. An updated budget will be presented at the January board meeting to address these issues.

To ensure positive cashflow, we are exploring options to manage upfront costs, particularly for the \$1.7 million Branch Canal Revetment project. This project is 90% reimbursable but requires initial payments before reimbursement. To cover early expenses, we are considering a \$1 million line of credit as a safety net.

This comes as we await responses to our banking RFP. One of our current banking partners has offered to initiate the line of credit, but we plan to evaluate proposals from other bidders before moving forward. The recommendation will be reviewed by the Finance and Audit committee and then presented to the board.

Additionally, we expect a payment from Bluewater in October 2025. However, we are contractually obligated to ensure a sewer connection from the force main on our campus to Polktown Road, which will require some associated costs.

Marina Permit Update

Last Friday, we received an email and call from Verdantas regarding our marina permit application with DNREC. This is an old application, pending for four to five years. DNREC previously asked us—about three or four months ago—whether we wanted to keep it open, and we confirmed we did. They asked again recently, and we reiterated the same.

On Friday, DNREC informed us that if we keep the application open, they will be forced to deny it. They recommended we withdraw it to avoid denial. In response, I asked Verdantas whether denial would impact our ability to reapply.

After discussions with Ms. Pam Scott and Mr. Richard Forsten, FDRPC legal counsel, we believe it's critical to reaffirm our commitment to pursuing the marina and the plans outlined in our master plan. Taking any action that suggests otherwise would not be in our best interest.

This issue appears to be a procedural matter at DNREC. Updates will be provided as needed to keep everyone informed.

Friends of Fort DuPont

The next meeting of the Friends of Fort DuPont Board of Directors will be held on November 21, 2024, at 6:00 p.m. at the Fort DuPont offices.

Nominations and candidates for the board are still being accepted. Suggestions for potential nominees are welcomed and appreciated.

Dr. Stewart moved for acceptance of the Status on Key Projects. The motion was seconded by Ms. Miller and unanimously carried.

EXECUTIVE SESSION

Mr. Scoglietti moved to recess into executive session pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property and §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation. The motion was seconded by Ms. Miller and unanimously carried.

The meeting recessed at 9:54 a.m. and reconvened at 10:09 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.

NEXT MEETING DATE

The next meeting is scheduled for November 25, 2024 at 9:30 a.m.

ADJOURNMENT

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

The meeting adjourned at 10:10 a.m.

APPROVED: November 25, 2024