

**FORT DUPONT REDEVELOPMENT AND PRESERVATION CORPORATION**  
**BOARD OF DIRECTORS MEETING**

The Fort Dupont Redevelopment and Preservation Corporation Board of Directors meeting was held on April 12, 2023 at the Delaware City Fire Hall, 815 5th Street, Delaware City, with Chair John McMahon presiding. Board members present were Secretary Shawn Garvin (Department of Natural Resources and Environmental Control (DNREC)) (arrived at 8:37 a.m.), Mr. Bert Scoglietti (designee of Ruth Ann Jones, Controller General of the State of Delaware), Dr. Courtney Stewart (Office of Management and Budget), Mr. Kurt Foreman (Delaware Prosperity Partnership)(arrived at 8:33 a.m.), Mr. David Baylor (Delaware City Manager), Mr. Kevin Whittaker (Resident of Delaware City), Senator Spiros Mantzavinos (Capital Improvements Committee)(arrived at 8:39 a.m.), Mr. Michael Graci (Resident of Fort DuPont), Mr. Douglas Eriksen (Resident of Delaware City), and Ms. Wendy Rogers (Resident of Fort DuPont). Mr. David Edgell (Office of State Planning Coordination), Mr. Rony Baltazar-Lopez (Department of State), and Representative Sean Matthews (Capital Improvements Committee) were absent.

Staff members present were Mr. Tim Slavin – Executive Director, Ms. Janice Moturi – Deputy Director/Controller, and Mr. Richard Forsten and Ms. Pam Scott of Saul Ewing Arnstein and Lehr LLP.

Members of the public present were Mr. Jack Guerin.

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Executive Committee Meeting of February 27, 2023

**Mr. Whittaker moved for approval of the Executive Committee Meeting minutes of February 27, 2023. The motion was seconded by Dr. Stewart and unanimously carried.**

Fort DuPont Redevelopment and Preservation Corporation Board Meeting of March 8, 2023

**Mr. Whittaker moved for approval of the Fort DuPont Redevelopment and Preservation Corporation Board Meeting minutes of March 8, 2023. The motion was seconded by Dr. Stewart and unanimously carried.**

**TREASURER’S REPORT**

Mr. Bert Scoglietti, Treasurer, reviewed the Fort DuPont Redevelopment and Preservation Corporation Budget vs. Actuals: FY2022-2023 - FY23 P&L for July 2022 – February 2023 and noted the following:

- 4010 State Appropriation – the entire state appropriation has been drawn down as a result of the flexibility given in the mini bond bill in January. They were able to draw down some other reserve money that the corporation had for some capital projects to be applied to the roundabout project in the amount of \$900,000.

- 4100 Rental Income – this line item is up \$23,000 over last month and that amount should be dispersed based on the rents that have been received from those buildings. Next month's report will reallocate some of those funds to show the true rental income for those buildings.
- 6460 Environmental – this line item is up about \$6,000 from last month.
- 6500 Professional Fees – this line item is up \$23,000 since last month with Professional Engineering Fees (6505) being up \$9,000 from last month.
- 6721 Roundabout - \$1,041,227.79 – this line item is up by \$350,000 since the last report based on continuing payment for that particular project. There is another payment scheduled for \$260,000 which will probably show up in the next report, hopefully closing out the expenditures for the roundabout.
- 6741 Building 30 – Stable for DNREC – this line item is up about \$33,000 since last month.
- 6800 Site Utilities – this line item is up about \$20,000 since last month's report.
- 7000 Operating Expenses – this line item is running well below budget.
- 7200 Debt Expense – this line item summarizes the debt expense. 7225 Truck Loan – WSFS has been paid off and a payment was mistakenly posted at last month's meeting so that number is actually down \$8,885.
- 7740 Salary and Wages – this line item is up \$50,000 over last month; however, it is tracking pretty well on budget.
- Total Expenses – page 5 - \$3.7 million – this item is up about \$565,000 since last month mostly due to continued payments for the roundabout.

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

### **EXECUTIVE DIRECTOR'S REPORT**

Mr. Tim Slavin, Executive Director, introduced Ms. Janice Moturi, the new Deputy Director/Controller for the Corporation. He advised that Ms. Moturi comes to them from 10 years working for JP Morgan and she holds bachelor's and master's degrees from Goldey-Beacom College.

Mr. Slavin reviewed the Executive Director's Monthly Report for the period March 1 to March 30, 2023 and noted the following:

- Entranceway. The Entranceway roundabout is now fully open. They were able to beat some deadlines on this project and opened the Reedy Point Bridge with DelDOT on March 20, 2023, five days earlier than anticipated. The roundabout was finished Monday afternoon, April 10, 2023, when A-Del Construction finished the roundabout and opened it early and it is working well.

Mr. Slavin recognized the work of Mr. Shane Martin, project manager, and A-Del Construction for a phenomenal project and a phenomenal outcome.

- Old Elm Avenue Connection. The issue of the dip that takes place from Old Elm Avenue into the roundabout will be addressed after July 1, 2023. This work was not part of the roundabout project and will be bid out and finished off with top coat and asphalt all the way down Old Elm Avenue.

- 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 McMahon 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.

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 McMahan 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.**

- **Marina Village.** The request for a Special Use Permit for the next phase of residential development will be considered by the City Council on Monday, April 17, 2023. Amended drawings have been issued which address the concerns raised by city officials related to reducing the number of stacked townhomes in any one cluster (not to exceed four consecutive units), reconfiguring parking, reconfiguring stormwater management areas, and ensuring no encroachment on riparian buffers. The revised plan includes 130 duplexes and stacked townhomes and exceeds the number of parking spaces required by ordinance. FDRPC has contracted with Verdantas to assist in the proposed transferring of Land and Water Conservation Trust protections (6f). The Special Use Permit received the unanimous recommendation of the Planning Commission.
- **Declaration of Covenants.** The Declaration of Covenants requires that FDRPC establish two committees to ensure that all covenants are being met by land owners: a design committee and a maintenance committee. The Design Committee is currently active in the form of the Design and Historic Preservation Committee. Design guidelines have been issued previously, and the committee reviews proposed additions and alterations to properties covered by the covenants. The residential properties are deed restricted inside of Fort DuPont and that includes assessment of fees for common area maintenance that has been suspended for about a period of two years. They are legally obligated to restart that process and it is anticipated that there will be a briefing from legal counsel about a path forward at the next board meeting. The Maintenance Committee will be appointed by Chair John McMahon.
- **Real Estate Update.** Offers were received for three lots on Officers Row from two separate buyers, all within the authorized range. All three offers have been accepted and will close by the end of June. Additionally, the property at 1605 Maple Boulevard has been rented by Emory Hill at market rate for \$2,900 per month.
- **Cultivation Meetings.** They have begun the process of holding cultivation meetings looking for interest in the real estate development community for some of their larger buildings on campus, specifically the former Governor Bacon site, the Tilton building, and the Paynter building. They will be looking at what the potential reuse for those buildings is. Originally the vision was that they would be office buildings that would house companies that would relocate; however, they are not very hopeful that that is part of their scenario so they may be looking at an adaptive reuse.

**Mr. Foreman moved for acceptance of the Executive Director's Report, seconded by Secretary Garvin and unanimously carried.**

## **NEW BUSINESS**

### **RESOLUTION GRANTING SIGNING AND AUTHORITY TO CERTAIN PERSONS**

Mr. Tim Slavin, Executive Director, advised that the proposed resolution granting signing and authority to certain persons would allow two signatures on their accounts, John McMahon and Bert Scoglietti. Documentation is required to present to different financial institutions that say they are who they are.

**Mr. Baylor moved to waive the reading and adopt the Resolution. The motion was seconded by Mr. Whittaker and unanimously carried.**

**DELAWARE CITY UPDATES**

Mr. David Baylor, City Manager – Delaware City, advised that the Special Use Permit would be considered by the mayor and council during their meeting on Monday, April 17, 2023 at 6:00 p.m. There will be a public hearing for anyone who wants to make comments.

Mr. Baylor advised that he and Mr. Tim Slavin, Executive Director, have been working together with the police chief on some traffic safety issue at Fort DuPont. The next step is to get a small sample of residents involved to make sure that they are aware of what they are considering and then they would push it out to the community at-large and, hopefully, that will address some of the traffic safety concerns. Mr. Graci requested that he and Ms. Rogers be included on the committee regarding traffic within Fort DuPont because a lot of those comments come to them with regards to enforcement of some of the bigger violators, such as school buses, garbage trucks, and boaters.

Mr. Baylor noted that as the weather gets warmer, they will start to see more activity at the boat ramp with boaters. That increases the volume of traffic on Fort DuPont, which increases some safety issues, especially with speeding and running the stop signs so that the Police Department has been instructed to be zero tolerance and to write everyone a ticket to get that under control because there are now kids over there playing and there are residents walking their dogs and they should not have to jump out of the way of vehicles.

Mr. Baylor announced that the community yard sale is coming up at the end of the month.

Mr. Baylor gave kudos to the FDRPC Board on the traffic circle. He stated that it has turned out much better than he thought it would and, so far, they have had no issues. Mr. Baylor stated that he thought it had slowed traffic down and, from an aesthetic concept, it has added to that part of town.

**PUBLIC COMMENT**

Mr. Jack Guerin of FightDECORRUPTION.com asked if the FDRPC Board had received a response from the Department of Justice regarding the property management audit that was referred to them last December. Responding, Mr. Forsten advised that they were still looking at it as of two or three weeks ago when he had the last conversation. Mr. Baylor advised that it would probably be better for Mr. Guerin to ask the Department of Justice because if they decide to move forward, they are not going to share that information with the FDRPC Board.

**NEXT MEETING DATE**

The next meeting is scheduled for May 10, 2023 at 8:30 a.m.

**ADJOURNMENT**

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

Meeting Adjourned at 9:15 a.m.

APPROVED: May 10, 2023