

**DSPC MINUTES OF BOARD MEETING  
Public Session**

December 11, 2025, at 3:00 p.m.  
Buena Vista, 661 S. Dupont Hwy, New Castle, DE  
And Virtual

**DSPC Board of Directors:**

Charuni Patibanda-Sanchez	Chair	Present
Fred Sears, II	Vice Chair	Present
Karen Bifferato	Director	Present*
Darius Brown	Director	Not Present
David Burt	Director	Present
Joshua Bushweller	Director	Present*
Douglas Catts	Director	Not Present
Ronald “Kimoko” Harris	Director	Present
Shante Hastings	Director	Present
Debra Heffernan	Director	Present*
Robert “Jerry” Medd	Director	Present
Ruth Ann Miller	Director	Present
Michael Smith	Director	Present*
Marietta “Peaches” Whalen	Director	Not Present

Also Present:

Bobbi DiVirgilio, DSPC Secretary  
Joel Heller, DSPC Treasurer  
Brian Devine, DSPC Engineer  
Katherine Betterly, Morris Nichols  
Tom McGonigle, Barnes & Thornburg  
Alex Venti\*  
Brian Midlick\*  
Carter Dillon\*  
Diego Lopez, Enstructure\*  
Emily Maung-Douglass, DE Sea Grant\*  
Eugene Young, Enstructure\*  
Karl Baker, Spotlight Delaware\*

Kathryn Bradley\*  
Laurie Stovall\*  
Michael Evanko, Enstructure\*  
Scott Sipple  
Simeon Hahn\*  
Steve Stegg\*  
Thomas Byrne\*  
Zoom User Identified as “Chris” \*  
Zoom User Identified as “DB” \*  
Zoom User Identified as “Lester B” \*  
Zoom User Identified as “Linda W.” \*

*\*Attended Virtually*

**I. Chair Welcome**

The meeting was called to order at 3:03 p.m. with Charuni Patibanda-Sanchez, Chair of the Board, presiding. The Chair welcomed everyone to the public session and each of the Board of Directors introduced themselves.

## II. Executive Session

A motion was made and seconded at 3:04 p.m. to go into executive session to discuss strategy sessions involving legal advice and to discuss the content of documents excluded from the definition of public record in §10002 of Title 29.

## III. Public Session

At 3:55 p.m. the meeting returned to Public Session. The Chair welcomed everyone back to the public session.

## IV. Consideration of Public Session Minutes of the September 30, 2025 Meeting

The Chair asked if all the members received and reviewed the minutes from September 30, 2025, public session. **The Vice Chair made a motion to approve the public session minutes, and Board Director David Burt seconded the motion. With no opposition, the motion was carried unanimously.**

## V. Consideration of the Executive Session Minutes of September 30, 2025 Meeting

The Chair asked if all the members received and reviewed the minutes from September 30, 2025, executive session. **Board Director Jerry Medd made a motion to approve the executive session minutes, and the Board Director David Burt seconded the motion. With no opposition, the motion was carried unanimously.**

## VI. DSPC Update

The Chair opened the meeting with an update on the Auditor's press conference relating to the performance audit that was issued the week prior. The Chair advised that DSPC fully cooperated with the Auditor's office and provided access to over 350 files. The Chair and Vice Chair made themselves available for interviews along with any DSPC staff as well. There were many collective hours were spent reviewing the documents and answering questions and, in the end, the Auditor made a series of findings, followed by what were labeled as "causes and effect". DSPC was presented with the causes, findings and effects by the Auditor in advance and DSPC promptly provided information correcting the inaccuracies. Unfortunately, the corrections that DSPC offered were not made to the actual report, but our responses were published with the Auditor's findings. For those interested, DSPC encourages you to read through these full responses. While DSPC did have some disagreements with the Auditor, DSPC respects the role of the Auditor's office and position and feels that it is appropriate to move forward. Changes have already been made to the DSPC website and how meetings are conducted to increase transparency and this will continue. There was also a finding about Enstructure hosting transparency meetings with the ILA and the DSPC. And while DSPC has many meetings with Enstructure and the ILA, including attendance at the DSPC Board meetings, DSPC is implementing these specific recommendations starting today. Specifically, Enstructure hosted a meeting in advance of the DSPC Finance Committee meeting today and will continue a quarterly basis.

The Chair concluded with thanking the Auditor's office for their interest in DSPC's work and that DSPC looks forward to returning the focus with Enstructure on growing the existing port and building the DCT project to benefit the workforce of Delaware.

The Chair commented that this DSPC Board held its first community meeting on November 19<sup>th</sup>. It had a very good turnout with a lot of the community interested in learning more about the project.

Councilman John Cartier was the moderator and offered questions that had been proposed by members of the community. There was also an opportunity for the audience to ask questions. DSPC was joined by Enstructure, who provide a lot of information about mitigation, impacts, noise, traffic and lighting.

## **VII. Enstructure/Port Wilmington Update**

The Chair welcomed Michael Evanko, Chief Commercial Officer of Enstructure, and Eugene Young, Senior Vice President of Enstructure, to the meeting and asked that they provide an update on the Port.

Mr. Evanko began by stating that they have kickstarted the 2025-2026 fruit season while continuing strong performance across breakbulk & warehouse operations and RoRo business, adding that they are continuing to monitor tariff and trade impacts. He also provided that the container & bulk tonnage is in line with FY24 with the overall labor hours being up by 21%.

## **VIII. Edgemoor Expansion Updates**

The Chair provided a brief update on the status of the permits. Regarding the permits previously issued by the US Army Corp of Engineers (Corp) that were challenged in Federal Court by Philaport, to which the Federal Court ultimately held that the Corp issued the permit in error -- DSPC carefully reviewed the Federal Court decision and the issues raised can be categorized in two ways: process and analysis. As stated in previous meetings, DSPC has been working with a consultant, Jacobs, who conducted additional studies on mitigation and safety analysis. On the issue of process, the Federal Court advised that DSPC needed to seek a statement of no objection from Philaport, which DSPC has made several attempts to obtain over the last year, including cooperating and sharing information that was requested. Notwithstanding these efforts, Philaport has ultimately not issued the statement of objection. DSPC has requested the Corp to apply an exception to this statement being received. This is a legal review that occurs with the Corp team, which is underway at this time.

The Chair went on to provide an update on the DNREC permits, stating that after the Environmental Appeals Board issued a new detailed decision in this matter, it was appealed to Superior Court. This matter has now been fully briefed and DSPC is awaiting a decision on this matter as well.

The Chair invited Enstructure to proceed with its presentation to provide an update on the expansion project.

Diego Lopez of Enstructure provided a brief update on the Edgemoor expansion, stating that the site investigations are near final and they have 30% of the design finalized at this time and are working towards 60% design milestone in the first quarter of 2026.

Mr. Young commented that the Town Hall hosted by both DSPC and Enstructure was held on November 19<sup>th</sup> with over 100 attendees. They were able to deliver project updates on the Delaware Container Terminal and answered questions related to traffic and noise conditions along with environmental concerns. Mr. Young also provided that Enstructure and ILA worked together to donate 500 turkeys to the local community centers for Thanksgiving.

There being no further questions or discussion, Enstructure thanked DSPC for their continued support.

## IX. Resolutions

The Chair announced that there be a review of proposed resolutions.

- a. **Resolution #25-11 – Designation of DSPC Finance Committee**: This Resolution was unanimously approved by the Board of Directors by circulation prior to the meeting, designating the DSPC Finance Committee members and was read into the record.
- b. **Resolution #25-12 – Adoption of Audited Financial Statements for FY2025**: Joel Heller, DSPC Treasurer, briefed the Board on the FY2025 audit, providing that there were no findings and no recommendations made. The DSPC Finance Committee reviewed this Resolution and recommended that it be approved. It was noted that there was one typo in the draft circulated (a reference to December 4<sup>th</sup> instead of December 5<sup>th</sup>) and that this would be corrected in the official records of DSPC.

**There being no further discussion from the Board and the Chair invited a motion. Accordingly, a motion to approve (with the above noted correction) was made by Vice Chair and seconded by the Board Director David Burt. With no opposition, Resolution #25-12 was unanimously approved.**

- c. **Resolution #25-13 – Approval of FY2026 Operating Budget**: Mr. Heller briefed the Board on a request for approval of the FY2026 Operating and Capital Budget. The DSPC Finance Committee reviewed this Resolution and recommended that it be approved.

**There being no further discussion from the Board and the Chair invited a motion. Accordingly, a motion to approve was made by the Vice Chair and seconded by the Board Director David Burt. With no opposition, Resolution #25-13 was unanimously approved.**

## X. General Public Comment

Being no further questions or comments from the Board, the Chair opened the meeting for public comments. The following public comments were made:

- Simeon Hahn: Mr. Hahn commented that there was a general disappointment regarding community engagement at the town hall meeting. There was not a good opportunity for engagement at this meeting and suggested a different format for more transparency. He commented on the performance audit report was a finding of using outdated models for economic and employment projections. He added that he has asked several questions on the DSPC website and has not received any responses. A suggestion was made that those questions should be posted and answers provided online. He added that there are other open appeals to the Environmental Appeal Board from citizens including himself, which will be heard.

No further public comments were made.

With there being no further questions or comments, the Chair thanked all for attending. **The Board Director Shante Hastings made a motion to adjourn, and Board Director Jerry Medd seconded the motion. With no opposition, the meeting was adjourned at 4:40 p.m.**

*Minutes Respectfully Submitted by Bobbi DiVirgilio*