DIAMOND STATE PORT CORPORATION
PORT OF WILMINGTON

DSPC MINUTES OF BOARD SPECIAL MEETING
Public Session

September 22, 2026, at 2:30 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	Present*
David Burt	Director	Present*
Joshua Bushweller	Director	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*

Also Present:
Bobbi DiVirgilio, DSPC Secretary
Joel Heller, DSPC Treasurer
Brian Devine, DSPC Interim Executive Director
Katherine Betterly, Morris Nichols*
Tom McGonigle, Barnes & Thornburg*
Bente Bouthier, Delaware Public Media*
Lisa Rice*

**Attended Virtually*

I. Chair Welcome

The meeting was called to order at 2:33 p.m. with Charuni Patibanda-Sanchez, Chair of the Board, presiding. The Chair welcomed everyone to the public session of this Special Meeting and each of the members of the Board of Directors introduced themselves. The Chair cited the following: *"The Board of the Diamond State Port Corporation calls this special meeting pursuant to 29 Del.C. 10004 (e)(4) and Ch. 87, Subchapter II. The notice required by 29 Del. C. Section 10004(e)(2) could not be given due to recent updates in litigation impacting the development of the Delaware Container Terminal. Public notice of this meeting was posted as soon as reasonably possible following the Board's decision to meet to discuss the recent updates."*

II. Executive Session

A motion was made and seconded at 2:33 p.m. to enter 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 3:14 p.m. the meeting returned to public session. The Chair welcomed everyone back to the public session.

IV. Resolutions

The Chair noted for the record that Resolution 26-02 authorized the DSPC to perform its obligations and defend the permits that were issued by the US Army Corps of Engineers. This Resolution today is reaffirming the authority that already exists with DSPC to participate in litigation strategies.

a. **Resolution 26-09 – Authorization to Engage in Litigation**: Ms. Betterly briefed the Board related to Resolution 26-02, noting that, as the Chair already described, this resolution ratifies legal actions necessary to defend the reissuance of permits issued to DSPC by the US Army Corps of Engineers. Ms. Betterly noted that a suit was filed by affiliates of Holt Logistics on July 10, 2026, seeking among other things, to vacate these permits. This resolution will authorize DSPC to intervene in the litigation and to authorize the Chair and/or Vice Chair of the Board and any officer of DSPC to execute, deliver and perform all documents and agreements related thereto.

There being no questions or further discussion from the Board, the Chair invited a motion. **Accordingly, a motion to approve was made by Board Director Burt and seconded by Board the Vice Chair. With no opposition, Resolution #26-09 was unanimously approved.**

V. General Public Comment

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

- Lisa Rice, Delaware Resident: Ms. Rice provided comment that if DSPC wants significant federal and state government resources, they should consider moving into the security sector. Ms. Rice noted that there are many federal opportunities that ports can apply to join the security of the United States, which would keep all Americans safe instead of competing with ports in Philadelphia, New Jersey and Baltimore. Ms. Rice also noted that small nuclear reactors for maritime ports are feasible, which other states are utilizing in their ports and could offer a stable source of power and reduce dependency on regional power grids. She concluded with urging DSPC to consider joining national security measures as well as nuclear power within the maritime ports of Delaware.

With there being no further questions or comments, the Chair thanked all for attending. **The Vice Chair made a motion to adjourn, and Board Director Miller seconded the motion. With no opposition, the meeting was adjourned at 3:23 p.m.**

Minutes Respectfully Submitted by Bobbi DiVirgilio