



**THE ALABAMA DRYCLEANING
ENVIRONMENTAL RESPONSE TRUST FUND BOARD**

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**MINUTES
Board Meeting
Thursday, November 12, 2015**

A meeting of the Alabama Drycleaning Environmental Trust Fund Advisory Board was called to order at 10:05 a.m. on Thursday, August 27, 2015, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama. Board members in attendance were as follows: Mr. Jason Windham (Chair), Mr. Jim Massey, III (Vice Chair), Mr. Steve McKinnon, Mr. Thomas Bass and Mr. Larry Bryant. Board members absent were Mr. Quincey Banks and Mr. Steve Taylor. Also in attendance were Mr. Keith Warren (Administrator), Mr. Robert Tambling (Board Counsel), Mrs. Ashley Cousins (Board Engineer), Mr. Randy Barrows (Administrator), and Ms. Renee' Reames (Executive Secretary to Mr. Warren). A quorum was present to conduct business.

Public notice of this regularly scheduled meeting was published on the Secretary of State's web site, www.sos.alabama.gov, in accordance with the Alabama Open Meetings Act and advertised on the Board's web site at www.drycleaningtrustboard.alabama.gov.

The Board reviewed the minutes from the August 27, 2015 meetings. A copy of the minutes was provided to the Board members before the meeting for their review. Mr. Massey made a motion to approve the August minutes with corrections on page 2 in the spelling of Mr. Windham's and Mrs. Cousins' names. The motion was seconded by Mr. Bryant and unanimously approved by the Board. The Board also reviewed amendments to the May 14, 2015 meeting minutes by referencing the bid approval for Administrative Services Contract. Mr. Massey made a motion to accept the amendment to the May 14, 2015 minutes as presented. The motion was seconded by Mr. Bryant and unanimously approved by the Board.

Mr. Warren reported on budgetary conditions of the Fund. He report a balance of \$2,307,191 in the Investment Account as of October 31, 2015 and the Trust Fund balance of \$276,965 as of October 27, 2015 (from the Revenue Department report). The Board discussed the amount of withdraws from the Investment Account deposited into the Fund and consideration to further prioritization of accounts and partial payments of requests, as the Fund's balance continues to decline. The Board considered the accumulative total of Approved Cost Proposals and Payment Requests broken-down by Fund participants/projects. Mr. McKinnon made a motion to adopt the procedures for Review and Approval of Claims, effective November 12, 2015, which applied to all active and delinquent accounts and consulting engineers, limiting expenditures to no greater than 80% of the average quarterly income from the prior year. The motion was seconded Mr. Bryant and unanimously approved by the Board.

Mrs. Cousins reported that she would prepare a letter to participants about the new procedures for Review and Approval of Claims.

Ms. Bonnie Temple with ADEM presented information on the number of DERTF participants, along with delinquent accounts, etc. She presented the prioritization of active accounts (category ranking) that included weighted ranking of these accounts.

The Board discussed delinquent accounts and letters that were sent by the Revenue Department to these owners. Mr. Thomas Sims reported that the delinquent amount for some accounts covered several years. The Board discussed that no definite date had been established to remove the accounts from the list of participants. Mr. Windham asked that copies of previous delinquent letters be reviewed and presented for discussion at the next Board meeting.

Mr. Cary Spiegel announced that he would be retiring and introduced his supervisor, Mr. Whitt Slagle. The Board welcomed Mr. Slagle to the meeting and thanked Mr. Spiegel for his assistance to the Board over the years.

Mr. Sims reported that the new owners of the abandoned Riverchase site had indicated that they feel they should not have to pay \$5000 for the abandoned site since the amount was paid by the previous owners (as liability protection benefits the owner/operator).

Mr. Sims reported on cash available totaling \$276,965.28, along with money paid into the account by participants and reported on tax revenue payments by participants.

Mrs. Cousins reported on the historical summary of Approved Cost Proposals and Payment Requests as of August 2015. She also presented a bar graph which showed quarterly contribution collected into the Fund from 2nd quarter 2008 to present.

Mrs. Cousins' report to the Board also included the projected operating account cash balance as of October 31, 2015. The balance sheet consisted of expenses and outstanding obligations and indicated a \$159,479 deficit, assuming 100% funding of all outstanding cost proposals.

Mrs. Cousins presented recommendations for Cost Proposals for the Board's approval, which included the first installation of a remediation system and a tri-annual O&M, which were to be reoccurring costs at the former Hoover Square. It was the consensus of the Board to not authorize Hoover Square at this time due to the low priority and commitment to recurring costs. She recommended a total of \$68,536.33 be approved, which consisted of two (2) cost proposal that were submitted by active sites and three of the 5 proposals submitted by abandoned sites, that excluded former Hoover Square. Mr. Massey made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Mrs. Cousins presented Payment Requests by active sites and abandoned sites. She recommended a total of \$30,290.66 be approved, which consisted of one (1) active site and four (4) abandoned sites. She also reported that three (3) requests were resubmitted for

signature, which were previously approved. Mr. Massey made a motion to approve the Payment Requests for the 5 sites as recommended by Mrs. Cousins. The motion was seconded by Mr. Bryant and unanimously approved by the Board.

Mrs. Cousins reported that 3 payment requests were incomplete and the Board agreed that these requests were to be deferred until they were resubmitted.


Mr. McKinnon made the motion to approve the extension for former Talladega Plaza Cleaners. The motion was seconded by Mr. Bryant and unanimously approved by the Board.

Mr. Windham presented for the Board's approval four dates in 2016 to conduct Board meetings. Mr. Massey made a motion to approve the following dates: February 18th, May 12th, August 11th, and November 10th. The motion was seconded by Mr. McKinnon and unanimously approved by the Board


The next meeting of the Board is scheduled February 18, 2016.

There was no further business before the Board and Mr. Windham adjourned the meeting at 11:29 a.m.

Respectfully Submitted,



Jason Windham
Chair



Keith E. Warren
Administrator

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