



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

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**MINUTES
Board Meeting
Thursday, March 3, 2016**

The rescheduled meeting of the Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, March 3, 2016, at 10:00 a.m. at the Board Office located at 2777 Zelda Road, Montgomery, Alabama, to conduct business of the Board. The meeting was called to order at 11:15 a.m., when a quorum was present. Board members in attendance were as follows: Mr. Jason Windham (Chair), Mr. Jim Massey, III (Vice Chair), Mr. Thomas Bass (arrived at 11:15 a.m.) and Mr. Larry Bryant. Board members absent were Mr. Quincey Banks, Mr. Steve McKinnon, 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). Based on the advice of the Board's Legal Counsel, the Board could discuss the Board's agenda items, but no formal action could be taken until a quorum was present.

Public notice of this rescheduled 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 November 12, 2016 meetings. A copy of the minutes was provided to the Board members in advance of the meeting for their review. Following a brief discussion of the Hoover Square project previously presented with the Cost Proposals at the last meeting, Mr. Windham deferred further discussion of the minutes pending a quorum.

Ms. Bonnie Temple with ADEM presented information on the number of DERTF participants, along with delinquent accounts, indicating that several accounts had paid. She reported that there had been no change, since the last meeting, in the prioritization of active accounts (category ranking), that included weighted ranking of these accounts. She reported that she lacked information on Uptown Cleaners regarding the groundwater project. The Board also discussed an active Dry Cleaners becoming a part of the Fund rather than a third-party shopping center.

Mr. Thomas Sims with the Alabama Department of Revenue reported a cash Fund balance of \$132,707.19 as of February 1, 2016. The Board reviewed copies of delinquent letters previous sent by the Revenue Department and Mr. Sims reported that a generic delinquent letter was sent to those missing the April Tax Return date. Mr. Sims reviewed the amount of funds collected in taxes and explained the penalty process for late filing. The Board discussed

modifying the language in the *delinquent funds due* letter, to indicate the option of making payment arrangements by contacting the Revenue Department. Mr. Windham deferred further discussion of this matter until later in the meeting.

The Board discussed meeting later in March, pending a quorum available at this meeting. The Board discussed recommendations for Mr. Taylor's term to be filled by someone from the distributor field (category).

Ms. Cousins reported on the 2016 projected budget, specific to accounts participating in the Fund and payouts to these accounts. She reported that the payouts had slowed due to the new Policy Resolution of 80% of the average quarterly income.

Mrs. Cousins also presented a historical summary of quarterly contribution collected into the Fund from the 2nd quarter of 2008 to the present reporting period. Also provided was a summary by account of approved cost reports and payments.

Mr. Bass arrived at 11:15 a.m.

Mrs. Cousins' report to the Board the projected operating account cash balance as of January 31, 2016. The balance sheet consisted of expenses and outstanding obligations and she reported a \$209,642 deficit, assuming 100% funding of all outstanding cost proposals. She also reported an Investment Account balance of \$2,038,838. The Board concurred that the Executive Director had the authority to transfer from the Investment Account to the Operations Account, if necessary.

Mrs. Cousins presented recommendations for Cost Proposals for the Board's approval. She recommended, in accordance with the new Policy Resolution, a total of \$49,443.47, which consisted of 4 new and 3 abandoned sites. Mr. Bryant made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins presented Payment Requests. Mr. Massey made the motion to approve the Payment Request by Theodore Cleaners, with the understanding that their Consultant was active at the time the work was performed, but was late with their application this year. The motion was seconded by Mr. Bryant and unanimously approved by the Board. Ms. Cousins recommended that a total of \$36,455.38 be approved, which included Theodore Cleaners. The motion was made by Mr. Massey to approve the Payment Requests as presented by Mrs. Cousins. The motion was seconded by Mr. Bass and unanimously approved by the Board.

Mrs. Cousins reported on two Payment Requests that were incomplete and would be resubmitted.

Ms. Cousins also reported on two Cost Proposals that were deferred and would be resubmitted at ADEM's direction.

Mr. Bryant made a motion to approve the extension for three projects as recommended by Mrs. Cousins. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Ms. Cousins reported that one Cost Proposal was deleted due to a lapse of 12 months.

Ms. Cousins presented a list of Consultants for the Board's approval. Mr. Bryant made a motion to approve the February 2016 list of Drycleaning Environmental Consultants recommended by Mrs. Cousins. The motion was seconded by Mr. Bass and unanimously approved by the Board. Mrs. Cousins reported that the list of consultants would be posted on the Board's website.

Mr. Warren presented the annual renewal of the Administrative Services Contract. Mr. Bass made a motion to approve the Administrative Services Contract with Warren and Company, Inc. for another year, with no changes. The motion was seconded by Mr. Bryant and unanimously approved by the Board.

The Board discussed modifications to the delinquent funds letters. Mr. Massey made the motion to include the option of making payment arrangements by contacting Revenue Department. The motion was seconded by Mr. Bass and unanimously approved by the Board.

The Board reviewed the minutes from the November 12, 2016 meetings. Mr. Bryant made a motion to approve the November minutes as presented. The motion was seconded by Mr. Massey and unanimously approved by the Board.

The next meeting of the Board is scheduled May 12, 2016.

There was no further business before the Board and Mr. Windham adjourned the meeting at 11:30 a.m.

Respectfully Submitted,

Jason Windham

Chair

Keith E. Warren

Administrator

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