



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

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**MINUTES  
Board Meeting  
November 10, 2022**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, November 10, 2022, at the Board's office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business of the Board. The following members were in attendance: Mr. Jason Windham (Board Chair), Mr. Jim Massey, III (member), Ms. Bonnie Temple (member) and Mr. Cary Spiegel (member attending virtually). Board member absent was Mr. Steve McKinnon (Board Vice Chair) and Mr. Steve Taylor (member). Also participating were Keith Warren (Executive Director), Mr. Robert Tambling (Board Legal Counsel), Mrs. Ashley Cousins (Consulting Engineer), Ms. Ashley Powell and Mr. Richard Hamner, and Mr. Steve Cates with ADEM, Ms. Nichelle Norris with Department of Revenue and Ms. Renee' Reames (recording secretary).

Public notice of this regular business meeting was published on the Secretary of State's web site, [www.sos.alabama.gov](http://www.sos.alabama.gov), in accordance with the Alabama Open Meetings Act, and advertised on the Board's web site at [www.drycleaningtrustfund.alabama.gov](http://www.drycleaningtrustfund.alabama.gov).

**CALL TO ORDER AND ROLL CALL**

Chairman Windham called the meeting to order at 10:10 a.m. and Mr. Warren called Board roll, reporting that a quorum of the members was present to conduct business of the Board. Chairman Windham welcomed members and guests.

**APPROVAL OF MINUTES**

The Board reviewed the minutes from the September 8, 2022, regular meeting. A copy of the minutes was provided to the members prior to the meeting for their review. Mr. Massey made a motion to approve the September meeting minutes as presented. The motion was seconded by Ms. Temple and unanimously approved by the Board.

**ADEM'S REPORT**

Ms. Ashley Powell, with ADEM, reviewed the DERTF list of active participants in the Fund, along with a list of delinquent accounts and list of prioritizations of active accounts. Mr. Hamner reported that he was transferring to another department at ADEM and introduced Mr. Steve Cates with ADEM, who will be attending the Board meetings.

**REVENUE DEPARTMENT'S REPORT**

Ms. Norris, with the Revenue Department, reported on the participating accounts and the status of payments into the Fund. She reviewed the delinquent accounts, along with closed accounts and new accounts. She reported a cash balance of \$9,776.11 as of October 21, 2022, and a recent balance of \$17,877.17.

## CONSULTING ENGINEER'S REPORT

Mrs. Cousins presented a historical record of payment requests and approved cost proposals per site. She reminded the Board that in cases where accounts had been closed and reopened, the account-owner was subject to a new deductible. She reported that the Payment Requests approved by the Board for all sites totaled \$3,931,472.66.

Mrs. Cousins reviewed the quarterly contributions into the Fund, for a comparative period of the second quarter of FY 2016 through first quarter of FY 2023. She reported that the Revenue Department's active account report included 15 active sites and 11 abandoned sites for a total of 26 accounts. She further reported a decline in revenue of approximately \$10,000 per quarter.

Mrs. Cousins reported on the Fund's operating account cash balance, with a projected balance of \$14,373 for first quarter of FY 2023. She indicated that, assuming 100% funding of all outstanding Cost Proposal obligations, the Fund had a projected deficit of \$138,525 overall. An Investment Account balance of \$1,458,740 as of September 30, 2022, was also reported by Mrs. Cousins. She reminded the Board that a transfer of \$150,000 from the Investment account into the operating account had previously been approved. The transfer will be completed during the next quarter. The Board discussed the effect on operations should the Fund drop below \$1,000,000 and whether the Board should continue to meet to monitor the ongoing situation.

Mrs. Cousins reported on Former Mountain Brook Cleaners activities regarding air sampling, without ADEM's knowledge, and proposed installation of a vapor system. The Board discussed the steps taken to determine if a vapor problem existed. Mr. Massey made the motion to approve the recommended cost proposal for air sampling at the adjusted amount of \$4,808.00, conditional upon submitting a plan acceptable to ADEM. The motion was seconded by Mr. Spiegel and unanimously approved by the Board.

Mrs. Cousins presented three additional Cost Proposals and recommended approval of the adjusted cost proposal total of \$25,766.23. Mr. Massey made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Ms. Temple and was unanimously approved by the Board.

Mrs. Cousins presented Payment Requests from 2 sites and recommended an adjusted Payment Request amount totaling \$15,703.21. Mr. Massey made a motion to approve the Payment Requests as recommended by Mrs. Cousins. The motion was seconded by Ms. Temple and unanimously approved by the Board.

## PROPOSED ANNUAL QUARTERLY INCOME

Mrs. Cousins presented a chart indicating the annual and quarterly income for the last eight (8) years. Upon further review of FY 2022 income into the Fund, Mr. Massey made the motion to authorize expenditures not greater than 75% of the average quarterly income from the prior year (FY 2022). The motion was seconded by Ms. Temple. The Board agreed that due to the trend in declining funds, that this amount would be adjusted on a case-by-case basis during FY 2023. The motion was unanimously approved by the Board and the members present signed a Policy Resolution.

## 2023 PROPOSED LEGISLATION

The Board discussed presenting proposed changes to the Board's statute during the 2023 Legislative Session and agreed that a called meeting may be needed to discuss the proposed legislation.

## BOARD TERMS

Mr. Warren reminded the members about the Board vacancy for a drycleaner employing less than 10 employees. The Board discussed the difficulty in filling this position and considered legislative changes to the Board's statute regarding Board composition and representation.

## PROPOSED 2023 BOARD MEETING SCHEDULE

Mr. Warren presented proposed dates in 2023 for the Board to conduct regular business meetings. Mr. Massey made the motion to approve the regular board meeting dates of February 16, May 18, August 17 and November 16, 2023, along with a special meeting of January 17, 2023 to discuss proposed legislation. The motion was seconded by Ms. Temple and unanimously approved by the Board.

## ANNUAL ELECTION OF OFFICERS

Mr. Massey made the motion that the current slate of officers remain the same with Mr. Windham as Board Chair and Mr. McKinnon as Board Vice Chair. The motion was seconded by Ms. Temple and unanimously approved by the Board.

## ANNOUNCEMENTS

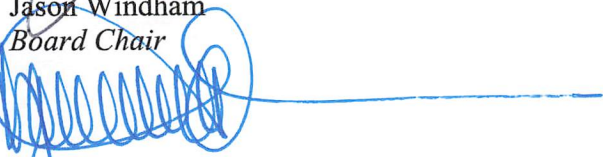
Chairman Windham announced that the next meeting of the Board was on January 17, 2023, as a special/called meeting, and the next regular meeting of the Board was scheduled February 17, 2023.

## ADJOURNMENT

There being no further business of the Board, Mr. Massey made a motion to adjourn the meeting. The motion was seconded by Ms. Temple and unanimously approved by the Board. Chairman Windham adjourned the meeting at 11:50 a.m.

Respectfully Submitted,

  
Jason Windham  
*Board Chair*

  
Keith E. Warren  
*Executive Director*

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