



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

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**MINUTES
Board Meeting
August 17, 2023**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, August 17, 2023, 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. Steve McKinnon (Board Vice Chair), Mr. Jim Massey, III (member), Ms. Bonnie Temple (member), and Mr. Cary Spiegel (member). Also participating were Mr. Keith Warren (Executive Director), Mr. Robert Tambling (Board Legal Counsel), Mrs. Ashley Cousins (Consulting Engineer), Ms. Ashley Powell and Mr. Steve Cape with ADEM, Ms. Nichelle Norris with the Department of Revenue, and Ms. Renee' Reames (recording secretary) and public guest.

Public notice of this regular business 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.drycleaningtrustfund.alabama.gov.

CALL TO ORDER AND ROLL CALL

Chairman Windham called the meeting to order at 10:08 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 guest.

APPROVAL OF MINUTES

The Board reviewed the minutes from the May 31, 2023, 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 May meeting minutes as presented. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

ADEM'S REPORT

Ms. Powell reviewed the ADEM reports which included the DERTF list of active participants in the Fund, a list of delinquent accounts, and a list of prioritizations of active accounts. She commented on the number of abandoned sites vs. active sites in the Fund. The Board also reviewed were the same comparison of active vs. abandoned sites on the list of delinquent accounts. She reported that the prioritized list of accounts had not changed since reported at the last Board meeting held in May.

REVENUE DEPARTMENT'S REPORT

Ms. Norris with the Revenue Department reported on the participating accounts and the status of payments to the Fund. She reported that the delinquent account list should be adjusted to show former Mountain Brook Cleaners making a late, partial payment into the Fund. She continued to review the delinquent and other accounts.

CONSULTING ENGINEER'S REPORT

Mrs. Cousins presented a historical record of payment requests and approved cost proposals per site. She reported that the Payment Requests approved by the Board for all sites totaled \$3,978,861.08, and she indicated which accounts were currently subject to a deductible in submitting Cost Proposals, which were delinquent, and which accounts had resigned from the Fund.

Mrs. Cousins reviewed the quarterly contributions to the Fund, for a comparative period of the second quarter of FY 2016 through four quarter of FY 2023, with two months remaining in the fourth quarter. Also provided was a graph indicating contributions received annually for this same period.

Mrs. Cousins reported on the Fund's operating account cash balance, with a projected balance of \$121,983 for the past portion of FY 2023 fourth quarter. She indicated that, assuming 100% funding of all outstanding Cost Proposal obligations, the Fund had a projected balance of \$68,635. She reported an Investment Account balance of \$1,339,874 as of July 31, 2023. She reminded the Board about the payments due in the first quarter of FY 2024 to Revenue and ADEM.

MOTION: Mr. McKinnon made the motion to transfer \$75,000 from the investment fund to the operating account. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Ms. Cousins presented Cost Proposals on five (5) sites. She recommended an adjusted Cost Proposal amount of \$26,060.75 for the five sites.

MOTION: Mr. McKinnon made the motion to approve the adjusted Cost Proposals for the 5 sites as recommended by Mrs. Cousins. The motion was seconded by Mr. Spiegel and was unanimously approved by the Board.

Mrs. Cousins presented Payment Requests on two sites. She recommended an adjusted Payment Request amount of \$20,890.42 for 8410 Whitesburg LLC.

MOTION: Mr. Spiegel made the motion to approve the adjusted Payment Request as recommended by Ms. Cousins. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

She also recommended that the Payment Request from former Mountain Brook Cleaners be deferred based on ADEM's technical review had not been completed.

MOTION: Mr. Massey made the motion to defer consideration of the former Mountain Brook's Payment Request. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Chairman Windham called a recess of the Board at 10:43 a.m. for 5 minutes.

Chairman Windham reconvened the business meeting of the Board at 10:48 a.m.

ENGLISH VILLAGE RE (Former Mountain Brook Cleaners)

Mrs. Cousins presented a letter from Mr. Noles, Esq., regarding former Mountain Brook Cleaners site. Ms. Katherine Newman was present at the meeting representing Mr. Noles and the former Mountain Brook Cleaners. In reviewing Mr. Noles' letter, the Board indicated that they had not been briefed on ARBCA update and sub-slab soil gas sampling results and that ADEM was

currently reviewing the report. Also noted in the discussions by the Board was Mr. Noles' request to the Board, and ADEM, to consider accelerated action with respect to this site. The Board discussed having additional meetings when situations of emergency circumstances at sites were identified by ADEM and necessary to protect the health and welfare of the public. It was the consensus of the members to continue with Board's meeting guidelines to review and pre-approve work cost requests in the same manner as in the past. It was also noted that the Board did not reimburse for environmental covenants and ADEM did not regulate air. It was the consensus of the Board that no action would be taken based on the site was currently under review by ADEM. Mr. Tambling stated that should the former Mountain Brook-English Village Real Estate go forward with non-approved work, they were doing so at their own risk.

PACE INFLATIONARY SURCHARGE LETTER

Ms. Cousins presented a letter from Pace notifying customers about an inflationary surcharge rate increase. In reference to this letter, she reminded the Board that the reasonable rates schedule approved in October 2022 had not been amended by the Board.

RATIFY EMERGENCY CONTRACT LETTER FOR ADMINISTRATIVE SERVICES

Mr. Tambling reported that the contract for Administrative Services with Smith Warren was expiring and he presented an emergency contract letter for the Board's approval.

MOTION: Mr. McKinnon made the motion to ratify the emergency administrative services contract letter as presented. The motion was seconded by Mr. Massey and unanimously approved by the Board.

UPDATE ON ADMINISTRATIVE SERVICES PROPOSAL AND CONTRACT

Mr. Tambling reported that specifications for administrative services were being developed, through the State's Purchasing Department, to request proposals for services, and the Board's specifications for services were required.

MOTION: Mr. McKinnon made the motion to authorize the Board Legal Counsel to work with the Board Chairman on the specifications for administrative services and release specifications for request of proposals to contract for services. The motion was seconded by Mr. Massey and unanimously approved by the Board.

BOARD TERMS

Mr. Warren reported that six (6) Board member appointments had been made by Governor Ivey and were pending Senate confirmation, which would be during the next Legislative Session scheduled to begin in February 2024. He reminded the Board that the position for a drycleaner employing less than 10 employees remained vacant.

2024 PROPOSED LEGISLATION

Mr. Warren reported that the Board's proposed Legislative Bill would be prepared, with updated active dates, for the upcoming Legislative Session. Potential sponsors of the Bill were discussed by the Board.

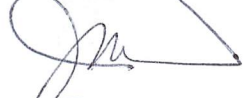
ANNOUNCEMENTS AND NEXT MEETING:

Chairman Windham announced that the next meeting of the Board was scheduled November 16, 2023, at 10:00 a.m.

ADJOURNMENT

There being no further business of the Board, Mr. McKinnon 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 11:20 a.m.

Respectfully Submitted,



Jason Windham
Board Chair



Keith E. Warren
Executive Director

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Approved by the Board on November 16, 2023 AW