



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

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**MINUTES
Board Meeting
Thursday, November 13, 2014**

A meeting of the Alabama Drycleaning Environmental Trust Fund Advisory Board was called to order at 10:00 a.m. on Thursday, November 13, 2014, 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. Larry Bryant, Mr. Thomas Bass and Mr. Steve McKinnon. 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 (Executive Assistant), 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 14, 2014 meetings. A copy of the minutes was provided to the Board members before the meeting. Mr. Massey made a motion to approve the August minutes as presented. The motion was seconded by Mr. Bass and unanimously approved by the Board.

Ms. Bonnie Temple presented information on the number of DERTF participants and their participation status as of November 12, 2014. She also reported on the number of delinquent accounts and noted the delinquent quarters for each account. Ms. Temple reviewed the number of closed accounts, comprised of accounts that had resigned from the Fund or were closed due to lack of activity in the delinquent accounts. She presented the prioritization of active accounts that included weighted ranking of these accounts based on groundwater, surface water, soil and air targets with population density. She also discussed the project status that included assessments and actions taken at the sites.

Mrs. Ashley Cousins reported on the two sites by Aladdin Cleaners participating in the Fund: one active and one abandoned. She reported that Aladdin Cleaners was not paying for abandoned site since 2008, when the dry cleaners moved to another location. The Board asked Mr. Tambling, the Board Counsel, to write a letter to Aladdin Cleaners notifying them to pay back fees on the abandoned site.

Mr. Thomas Sims with the Alabama Department of Revenue reported a cash Fund balance of \$138,229.81 as of November 10, 2014.

Mrs. Ashley Cousins presented the approved Cost Proposal summary as a historical record of payments into the Fund and payouts to sites for work performed through August 14, 2014. She also presented a chronological disbursement of Fund payouts. She reported that as of August 14, 2014, the Board had authorized \$1,973,651.37 in Cost Proposals, and paid a total of \$2,712,723.30 in Payment Requests. She explained the discrepancies was due to this information not being tracked previously.

Mrs. Cousins also presented a quarterly contribution bar graph which showed collections into the Fund from 2nd quarter 2008 through 4th quarter 2014. The Board continued to have concerns about the pattern of decline in revenue into the Fund.

Mrs. Cousins presented recommendations for Cost Proposals and Payment Requests for the Board's approval. She recommended a total of \$19,488.97 for three (3) cost proposal that were for active sites and a total of \$46,963.20 for ten (10) proposals that were for abandoned sites. She recommended some work be deferred that did not need to be done at this time at the abandoned sites. Mr. Bryant 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 reported on the Payment Requests for active sites and abandoned sites. She recommended \$25,591.38 for the active sites and \$66,345.20 for the abandoned sites. Mr. Massey made a motion to approve the Payment Requests as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Mrs. Cousins reported on four (4) extensions and an adjusted amount was made to this report. Mr. Massey made the motion to approve an extension for the four sites based on the adjusted amounts. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Ms. Cousins reviewed the Fund projected operating report through the 4rd quarter of 2014, and she reported that the Investment Account totaled \$2,282,117.00 as of October 31, 2014. Mr. Warren reported that \$250,000.00 had been moved from the Investment Account to the Operating Account. The Board asked the Executive Director to present at the next meeting investment options for the Investment Account.

Mr. Massey made a motion authorizing the Executive Director to move up to \$250,000, when needed, from the Investment Account to the Operating Account. The motion was seconded by Mr. Bryant and unanimously approved by the Board.

Mr. Windham reported that the Legislative Committee met prior to the Board meeting to discuss options in generating more revenue for the Trust Fund and recommend proposed changes to the statute. Mr. Windham indicated that he, Mr. Massey, Mr. McKinnon and Mr. Taylor were on the Committee.

He reported that more information was needed and that SEFA would inquire about the status of the drycleaning trust fund in other states. The Board discussed reviewing past records to determine the core group coalition and get guidance regarding funds spent in the past.

Mr. Tambling presented an update about new owners purchasing the shopping center and Lord's Cleaners in Mobile, previously owned by a Real Estate company. He reported that the Cleaners had paid into the Fund up to 2008 and had stopped payments up until the Cleaners closed in 2012. The new owners have registered the site as an abandoned site and have applied to enroll in the Fund. The Board discuss this matter further and agreed to proceed with the enrollment and registration of the site.

Mr. Windham presented dates in 2015 for the Board to approve as future meeting dates. Mr. Massey made the motion to approve February 19, 2015, May 14, 2015, August 13, 2015 and November 12, 2015 as Board meeting dates. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

The next meeting of the Board is scheduled February 19, 2015.

There being no further business before the Board, Mr. Massey made the motion to adjourn at 11:16 a.m. The motion was seconded by Mr. Bass and unanimously approved by the Board.

Respectfully Submitted,

Jason Windham
Chair

Keith E. Warren
Administrator

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