



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

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**MINUTES
Board Meeting
February 24, 2022**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, February 24, 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. Steve McKinnon (Board Vice Chair), Mr. Jim Massey, III (member) and Mr. Thomas Bass (member). Board members absent were and Mr. Cary Spiegel (member), Mr. Quincey Banks (member) and Mr. Steve Taylor (member). Also participating was Mr. Keith Warren (Executive Director), Ms. Bonnie Temple (non-voting member-Senate Confirmation pending), Mr. Robert Tambling (Board Legal Counsel), Mrs. Ashley Cousins (Consulting Engineer), Ms. Ashley Powell (attending virtually) and Mr. Richard Hamner with ADEM, Ms. Nichelle Norris with the Revenue Department, and Ms. Renee' Reames (recording secretary) and public guests.

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 10:15 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 November 30, 2021 regular meeting. A copy of the minutes was provided to the members prior to the meeting for their review. Mr. McKinnon made a motion to approve the November meeting minutes as presented. The motion was seconded by Mr. Massey 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. She reported that former town & Country Cleaners was dropped from the Fund and machines were no longer functional.

REVENUE DEPARTMENT'S REPORT

Ms. Nichelle Norris, with the Department of Revenue, reported on the participating accounts and the status of payments into the Fund, which would be updated having received additional funds since the report date of January 25, 2022. She reported a cash balance of \$86,605.93 as of January 25, 2022 and reviewed a list of delinquent accounts.

CONSULTING ENGINEER'S REPORT

Mrs. Cousins presented a historical record of funding approved by the Board that reflected a total amount in payment requests and approved cost proposals per site. The Payment Requests approved by the Board for all sites totaled \$3,860,929.63.

Mrs. Cousins also reviewed budget information of sites receiving funds and projected cost of \$729,979.75 for future work at the sites and an adjusted 2022 total of \$487,479.75.

Mrs. Cousins reviewed the quarterly contributions into the Fund, for a comparative period of the second quarter of FY 2016 through the second quarter of FY 2022. She reported that the Fund was projected to increase with abandoned sites scheduled to pay into the Fund in April.

Mrs. Cousins also reported on the Fund's operating account cash balance, with a projected balance deficit of \$50,813 for second quarter of FY 2022, which included the outstanding payments to ADEM and Revenue. She also reported that assuming 100% funding of all outstanding Cost Proposal obligations, the Fund had a projected deficit of \$95,895 overall. Mrs. Cousins reported an Investment Account balance of \$1,507,209 as of January 31, 2022. The Board discussed potential of funds needing to be transferred to the Operating Account. Mr. McKinnon made the motion to authorize the transfer of up to \$100,000, with the understanding to transfer only the amount that was needed. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins presented the Cost Proposals report for the Board's review and approval. She presented a Cost Proposal recommendation for four (4) sites with an adjustment total cost of \$28,811.90. She commented on the prioritization of accounts and rolling totals that may result in reaching the maximum quarterly expenditure ceiling. Mr. Massey made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and was unanimously approved by the Board.

Mrs. Cousins recommended denying the Cost Proposal for 8410 Whitesburg since ADEM had not required the work. Mr. McKinnon made the motion to deny the Cost Proposal as presented. The motion was seconded by Mr. Bass and unanimously approved by the Board.

Mrs. Cousins also presented the Payment Requests Report. She recommended an adjustment Payment Request amount for eight (8) sites totaling \$40,592.94. Mr. McKinnon made a motion to approve the Payment Request for Westminster SC, one of the 8 sites, as recommended by Mrs. Cousins. The motion was seconded by Mr. Bass and was approved by the majority of the Board, with Mr. Massey abstaining from voting.

Mr. Massey made a motion to approve the Payment Request for the other 7 sites at the adjusted amount recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and was unanimously approved by the Board.

Mrs. Cousins recommended that the Payment Request from 8410 Whitesburg be deferred due to incomplete work, noting that the cost may increase if more work is required to drill deeper to get the water sample. Mr. McKinnon made the motion to defer payment of the Payment Request. The motion was seconded by Mr. Bass and unanimously approved by the Board.

Approval of ADEC: Mrs. Cousins presented a list of Alabama Drycleaning Environmental Consultants for the Board's approval. Mr. Massey made the motion to approve the updated list of ADEC as presented. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

PROPOSED CHANGES IN SUBMISSION DEADLINES

Mrs. Cousins recommended a change in submission deadline dates, allowing more time between the submission deadline and the Board meeting. Mr. McKinnon made the motion to approve the new submission deadlines. The motion was seconded by Mr. Massey and unanimously approved by the Board. Mrs. Cousin reported that the new deadline dates would be posted on the Board's website.

2022 PROPOSED LEGISLATION

Mr. Warren commented on the Board's proposed legislation, SB 250, that was presented during the 2022 Legislative Session by Sponsor, Senator Holly. Mr. Warren encouraged the member to attend committee meetings when the proposed legislation was being considered and contact their legislators about support. He reported that he and Ms. Cousins would prepare a document highlighting the proposed changes and distribute to the members.

BOARD TERMS AND RECOMMENDATIONS

Mr. Warren recommended that appointment requests be finalized and submitted to the Governor to allow an opportunity for the Senate to confirm the appointments before the 2022 Legislative Session ended.


ANNOUNCEMENTS

Chairman Windham reminded the members that the next regular meeting of the Board was scheduled May 5, 2022, at 10:00 a.m.

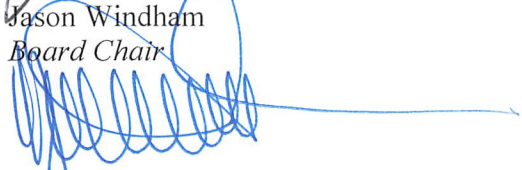
ADJOURNMENT

There being no further business of the Board, Mr. Massey made a motion to adjourn the meeting. The motion was seconded by Mr. Bass and unanimously approved by the Board. Chairman Windham adjourned the meeting at 11:04 a.m.

Respectfully Submitted,



Jason Windham
Board Chair



Keith E. Warren
Executive Director

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