

**COMMUNITY INVOLVEMENT ADVISORY COUNCIL
MEETING MINUTES**

MARCH 8, 2011

SMYRNA AREA REST STOP CONFERENCE ROOM

Members Present: William Pelham, Harold Truxon, Marvin Thomas, La Vaida Owens-White, Anthony Julius, and Pamela Meitner.

Members Absent: Douglas Corey, Robert Frederick, Bruce Allison, Dr. Bethany Hall-Long, and Brian Lewis.

I. Meeting Called to Order

Chairman Pelham called the meeting to order at 9:40 a.m. and noted that decisions were made at the previous meeting on some of the projects as time allowed. On today's agenda, the items listed under Section IV A have been voted on and approved. The items under Section IV B are projects that have not yet been discussed.

Approximate CEPF funds available for use:	\$ 664,906.00
Less section A funds committed:	\$ <u>115,361.39</u>
	\$ 549,544.61

Section B requests total in the amount of \$879,236.00. The committee discussed the funds available and agreed to vote on their merit beginning with the smaller project requests.

II. Meeting Protocol Review

The protocol was mentioned as in evidence on the backside of the member's nameplates.

III. Meeting Minutes

Meeting minutes were reviewed and some of the handouts of the meeting minutes were missing page 7 and page 9. **MOTION was made by Ms. Owens-White to approve the minutes with a second by Jay Julius. All in favor and the motion passed.**

IV. Community Involvement Project Fund

Smyrna Library Guild - \$10,875

Mr. Brunswick stated that Jim Poling, DNREC's Brownfield's Administrator, had explained to him that the Responsible Party cannot benefit from the clean-up of a contaminated property with Hazardous Substance Clean-Up Act (HSCA) funding. However, a potential owner, or developer

of a Brownfield site could be eligible for the funding. The Smyrna Library Guild does not yet own the property and is trying to position itself as the new owner and developer of the site. In this application, the Library Guild is proposing to use CEPF funding for an environmental assessment of the property. They would then use the assessment and evidence of contamination to bargain for a lower purchase price with the owner. So, in this case, CEPF funds would be used to create a stronger negotiating position, but HSCA Brownfield's funding might be a more appropriate funding source for the project and this property would most likely qualify for the program. No penalties were identified for this project and Jim Poling was contacted regarding sponsorship but did not commit.

Mr. Thomas commented that the project looks like a negotiation tactic with Brownfield funds also available and suggested they could go to the Brownfield's directly.

MOTION was made by Mr. Thomas to deny the request with a second by Mr. Julius. All in favor and the motion carried.

Clean Air Council - \$18,640.

Mr. Julius felt the project has merit and the Clean Air Council functions as a connective piece to link polluting fleet operators to federal monies for pollution control equipment. He recommended approval of the project.

Mr. Brunswick noted the DNREC's Greenhouse Gas Reduction program has given funding for the anti idling portion of the project. The Clean Air Council is asking for funding to support only the Diesel Difference by amending their request from \$32,000 down to \$18,640.

Mr. Julius stated that private sector companies cannot qualify directly and they have to receive funding that is channeled through a non-profit entity.

Mr. Brunswick said that DNREC will apply for federal diesel retrofit funding through the Diesel Emissions Reduction Act (DERA) and Mid-Atlantic Regional Air Management Association (MARAMA) funds. DNREC receives the funding and directs it to public sector organizations. He also stated that school districts receive monies for school bus fleet retrofits through this process.

Mr. Julius stated that he was under the impression that individual companies cannot go to EPA or DOT but can go to DNREC with a 501(C)3 grant.

Ms. Meitner stated the subcommittee felt the funding request looked like it was for staff support since other funds were received from another entity. She asked what they plan to use the \$18,640 for.

Mr. Brunswick noted a revised budget was provided at the council meeting from the original request of \$32,600 to the new amount of \$18,640.

Ms. Meitner noted the council's past resistance to funding staff salaries.

Ms. Owens-White said if they were successful and no one else is providing this service, the council should not cut them off.

Mr. Thomas stated he looks at outcomes and if truckers can go to them for retrofitting it would be a benefit to the environment and the community. He stated that in terms of continued staff support the council should vote on a project's merit year by year.

MOTION was made by Mr. Julius to fund this project at \$18,640 with a second by Ms. Owens-White. All members except for Ms. Meitner voted in favor and the motion passed with a majority vote.

Delaware Greenways - \$45,000

Mr. Brunswick informed the CIAC that the Delaware Coastal Program's office is leading the Department's Sea Level Rise programs. They thought the application had merit, but due to limited staffing would not be able to provide staff to sponsor this project.

Mr. Julius stated this was done by the Army Corp of Engineers three years ago and published in the News Journal. He proposed the council decline the funding request because there is no sponsor and the work has already been done. The Grant Review Subcommittee made all the same arguments and rated the project very low.

MOTION was made by Mr. Julius to deny funding the Delaware Greenways project with a second by Ms. Meitner. All in favor and the motion passed.

Friends of Lums Pond - \$50,000

Mr. Julius said the possibility of any continuation of the work is impossible.

Mr. Brunswick said that Matt Chesser of DNREC's Parks and Recreation stated the prospect of funding the actual construction of the trail after the engineering studies are completed might be questionable. The Parks and Recreation staff did argue that the designs were essential to all fundraising efforts.

Ms. Meitner and Mr. Thomas agreed that was their understanding also. They said that Lums Pond is a real asset to the state; however, putting \$50,000 toward a design that will never get the 1 million dollars needed for the crushed stone trail is fruitless.

Mr. Julius stated he feels it is a great project but because of the reasons stated the council should not fund it at this time.

MOTION was made by Mr. Julius to deny funding the Friends of Lums Pond with a second by Ms. Owens-White. All in favor and the motion passed.

Main Street DE City (MSDC) - \$62,080

Mr. Brunswick noted in the attached revised funding request, the revised budget shifts CEPF funding out of staff to consumable supplies for the implementation of environmental enhancement projects. At the Council's last meeting, an ongoing concern with providing funding for staff salaries was expressed. The Council members suggested to Mark Chura, the Project Director, they would consider funding for the project if the money was dedicated to environmental enhancements. He said the request is for \$62,080 and the total project budget is \$123,000.

Ms. Meitner stated they have \$585,000 from somewhere else and they are looking for staff support. The council members explained their bias against staff funding and Main Street agreed to change their budget to reflect our interests. Since MSDC changed their funding request, the council should support it by funding the environmental enhancements.

Ms. Owens-White stated the subcommittee considered the application as incomplete and asked them to answer some questions which they did.

Mr. Truxon stated he still had a concern of how we will confirm how the monies will be used.

Mr. Brunswick explained that they must document their expenses and he evaluates all the invoices and receipts with the Fiscal office and makes the recommendation to pay the expenses, based on the documentation provided by the applicant.

MOTION was made by Ms. Meitner to approve Main Street DE's funding request with a second by Mr. Marvin. All in favor and the motion passed.

Mr. Truxon asked about a project in Sussex County that was funded and never heard from again.

Mr. Brunswick indicated he believes it was the Shue Medill Middle School project. They did not get matching funds for the project they had hoped to receive in the school budget, so they were unable to proceed. The unspent funds went back into the CEPF. Mr. Brunswick would check to be sure this was the project Mr. Truxon was inquiring about. He stated that this also happened with the Ham Run Stream Restoration Project in Marshallton where there was no activity for one full year. Last year, when the Division of Accounting moved to a new system, it established a policy that any Purchase Order's (PO's) that had been inactive for one year would be cancelled. The Marshallton Civic Association PO was terminated and they must reapply to get funds.

University of Delaware \$77,010

Ms. Owens-White stated the subcommittee did not rank this project very high because of their concerns with the high expense lines of 22, 25, & 27.

Steven Dentel a representative for the project indicated there is a revised budget which moved half of Line Item #11 on page 4 of the application and reduced the request to \$66,210. They talked to Mr. Brunswick about the minivol samplers which reduces Line Item #22. The software expenses will be covered by UD and this will allow \$1,120 to be subtracted from Line #22 and brings the request down to \$58,890. Since there is a concern about travel expenses, that whole amount can be taken out. The original amount of \$77,010, less \$10,800, less \$6,200 air samplers, less \$1,120 computer software and less \$3,000 travel expenses, brings the total request to \$55,890.

Mr. Pelham questioned the fairness of this process. If other applicants were present, they could also negotiate a particular budget down. Mr. Dentel offered to leave the room. The Council recognized this is an open meeting where the public is allowed and projects are discussed and adjustments are made.

Ms. Owens-White stated the University of Delaware is in the education businesses and she is okay with adjustments but she is not in favor of this project.

Mr. Thomas had problems with the high costs.

Mr. Truxon was puzzled by the high administrative costs directed to UD.

Mr. Julius clarified that the administrative costs had been waived by University. Mr. Dentel confirmed that UD will waive the overhead costs and that the courses are not routine and would not be provided without the funds.

Ms. Meitner cited “paying for student experiments, student equipment, for travel to Wm. Penn High School to meet with high school interns, and travel to professional conferences” as the items Mr. Dentel deleted. She asked if the awards to 15 teachers for concepts are for high school teachers. Mr. Dentel answered, yes. Ms. Meitner asked if the monies for the 4 high school students working in a lab for the summer is academic or needs based. Mr. Dentel answered that Kathy Morrel handles student interns.

Mr. Pelham suggested this could be set aside for the moment or we can call for a Motion.

Mr. Julius stated the request is now down to \$55,890.

MOTION was made by Mr. Julius to approve the funding request of \$55,890 with a second by Mr. Truxon. Mr. Pelham, Ms. Owen-White, Ms. Meitner and Mr. Thomas opposed and the motion failed.

DE City Environmental Coalition (DCEC), \$80,960

Three representatives of the DE City Environmental Coalition were present: Sarah Bucic, Jim Black and Freyda Black.

Ms. Owens-White stated the subcommittee liked the baseline data collection approach but questioned if healthy homes could be funded separately.

Mr. Julius stated the work was redundant because DNREC can do it, but he would entertain the healthy homes initiative on pages 10 and 11. He said he had no problem with funding \$3,080.

Ms. Meitner added the Council considered that sampling done with DNREC expertise and sampling based on a different quality standard would lead to confusion.

Mr. Julius asked the DCEC representatives present if they would accept CEPF funding for the Healthy Homes portion if the Council rejects the sampling project and offers the funding for the Healthy Homes Training. That would take the request from \$80,000 down to \$4,000.

Ms. Meitner felt this put the council in an awkward position. She said the Council could vote on the project either up or down, or entertain a smaller position but it is not fair to ask the applicant to choose.

MOTION was made by Mr. Julius to deny the project with a second by Ms. Meitner. All in favor and the motion passed.

MOTION was made by Ms. Meitner to approve the Health Homes portion of the project in the amount of \$4,080 to be utilized with additional buckets with a second by Ms. Owens-White. All in favor and the motion passed.

DE Aerospace Education Foundation (DAEF) - \$346,722

Mr. Brunswick stated that Stephanie Wright, President and CEO of DAEF had found another funding source that would cover \$65,000 of the costs in this request.

Mr. Julius questioned if the council had received the current audit.

Mr. Brunswick said they had not.

Mr. Julius felt that without a current audit it was not wise to fund this project.

MOTION was made by Mr. Julius to not fund the project but give the applicant an opportunity to submit an audit with a second by Ms. Owens-White.

Discussion:

Ms. Meitner said she had supported funding this group in conjunction with another organization. She said she inspected and visited this facility as a result of the Fund for Women and was impressed with the work and how they handled circumstances. It was explained to her that they will not go into debt for construction because they have money in hand for every construction project. They also have several buildings in place. She said this geothermal heating and cooling is a test case in Delaware that she would like to fund. Ms. Meitner said she was not concerned with an audit as the organization is not really carrying debt. She said if an audit is needed, they can request the audit and then discuss it. Since this is a big chunk of money, perhaps it would be better to fund \$100,000 instead of the whole amount.

Mr. Pelham questioned the policy with audits which are due with the proposals and not two months later.

Mr. Brunswick indicated that after the State audit of the Green Energy Green Savings project the State Auditor pointed out our obligation under the Delaware Code to assure the financial stability of every organization that receives funding under the Standard State Contract for Services. The Auditor said that by law we have to perform due diligence on every organization and that all applicants are required to provide an audit. This has been in effect since 2009.

Ms. Meitner drew attention to the independent audit report of 2008.

Mr. Brunswick stated that audit report is out of date.

Mr. Pelham said the guidelines are clear and the council should ask for a current audit.

Ms. Owens-White said she is in favor of supporting the geothermal.

Mr. Julius said if they are a nonprofit they should do an audit.

MOTION was made by Ms. Meitner to notify the applicants the project is tabled pending an updated audit and to reconsider the project at the next meeting with a second by Mr. Truxon. All in favor and the motion passed.

MOTION was made by Mr. Thomas for the Council to provide the applicants with a deadline prior to the June Council meeting for the receipt of the audit with a second by Mr. Julius. All in favor and the motion passed.

DE Transit Corporation - \$187,949 / \$355,898

Mr. Julius stated that funding a non sustainable project does not make sense.

Ms. Meitner added that at the meeting it was stated that none of the bus service routes are sustainable.

Mr. Thomas voiced concern that the DE Transit Corporation did not see this project as a priority.

Ms. Owens-White questioned why they did not apply for federal dollars for the bus stops.

Mr. Brunswick referred to the minutes which stated they did receive fund for bus stops.

Ms. Meitner stated her concern that the request is for a two year project when CEPF's mandate is for annual proposals.

Mr. Julius said the applicants needed 2 years to gauge ridership.

Ms. Meitner asked the Council to consider the recent rise in gas prices and that Delaware's mass transit is insufficient. She supports mass transit and funding the project for one year.

MOTION by Ms. Meitner to fund the project for 1 year or for one-half of the requested amount with a second by Ms. Owens-White.

Discussion:

Mr. Julius said he does not think the ridership will be there. He asked where that would put the Council with funding.

Mr. Brunswick stated the total commitments would be approximately \$388,030.39.

Mr. Thomas stated the Delaware Transit Corporation stated they needed a year to gear up to determine ridership and that funding for one year would not allow them to generate the riders and determine success or not.

Ms. Meitner said that times are changing and they may need to be more flexible.

VOTE WAS CALLED with Ms. Meitner, Mr. Pelham, Ms. Owens-White, and Mr. Truxon in favor of funding for 1 year in the amount of \$187,949 and Mr. Julius and Mr. Thomas against funding. The motion passed with a majority vote.

Mr. Brunswick stated he would meet with the Secretary on March 10th at 3:00.

MOTION was made by Mr. Julius to adjourn the meeting with a second by Ms. Meitner. All in favor and the motion passed.

Respectfully submitted,

Vicki Ward
Administrative Specialist III, DNREC

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Community Involvement Advisory Council members and the public in supplementing their personal notes and recall of presentations.