

COMMUNITY INVOLVEMENT ADVISORY COUNCIL

MEETING MINUTES

APRIL 19, 2011

SMYRNA AREA REST STOP

Members Present: William Pelham, Robert Frederick, Pam Meitner, Jay Julius, Marvin Thomas and Harold Truxon were present.

Members Absent: Douglas Corey, Dr. Bethany Hall-Long, Bruce Allison, La Vaida Owens-White and Brian Lewis.

I. Meeting Called to Order

Chairman Pelham called the meeting to order at 9:39 a.m.

II. Meeting Protocol Review

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

III. Review/Approval of Meeting Notes

The meeting minutes of March 8, 2011 were reviewed and some additions and deletions were made.

MOTION *was made by Mr. Pelham to approve the minutes with the changes and a second was made by Mr. Julius. All in favor and the motion carried.*

IV. 2011 CEPF Grant Awards

2011 Summary

Mr. Brunswick said that the Secretary's schedule made it necessary for us to meet by conference call to review the CIAC recommendations and he was passing out a summary of the Secretary's final decisions.

Mr. Julis asked why the Lums Pond project was funded.

Mr. Brunswick explained that at our February meeting, Matt Chesser, the Division of Parks and Recreation Project sponsor, said that DNREC's funding for construction of the bicycle and walking trails was not available. However, since that meeting the Secretary has identified DNREC funding for the construction, so that CEPF funding for planning and design is appropriate now.

Delaware Aerospace Education Foundation

Mr. Brunswick said the Secretary declined to fund this project because the Energy Office had been inundated with requests from non-profit groups and local government agencies for similar kinds of projects. He was concerned with establishing a precedent that would increase demands on limited DNREC funding.

Ms. Meitner asked why this was submitted to the Secretary when the Council asked the organization to provide a 2010 audit at our June meeting.

Mr. Brunswick answered that he may have erred in presenting it to the Secretary before the June meeting. But, he explained, the summary of CIAC recommendations that he reviewed with the Secretary made note that the CIAC recommendation was tentative, pending the receipt of an audit at our next meeting.

Mr. Pelham asked if the applicant had been notified of the Council's request for a new audit.

Mr. Brunswick said he had contacted the applicant, Dr. Wright, and forwarded a copy of the 2009 audit and also informed him about the Secretary's decision at that time. They struggle like all non-profits to raise funds and he didn't want them to take on the high cost of rushing to produce an audit of 2010 finances at the height of tax season.

Mr. Pelham said the motion made by Ms. Julius made a motion at the March meeting to table the project until a new audit was received. He said we have an obligation to DNREC and to the applicant.

Ms. Meitner said she had a concern that we notified the applicant for additional data but the recommendation was already overturned by the Secretary.

Mr. Julis said he would have liked to have seen the audit, but he does not have a problem with the Secretary taking an early look. It was ok to pre- assess this.

Mr. Frederick asked if we should still review the audit at our June meeting, and then make a recommendation to the Secretary. The Secretary has already made his decision and will not be affected by the council's decision.

Mr. Pelham asked doesn't that put the CIAC and the applicant in a strange position?

Ms Meitner said we do not work for the Secretary. The process was established by legislation. As a practical matter, the Secretary should not influence our decision. In terms of precedent, let

the record reflect that I feel this was not appropriate. The Secretary's comments should not affect our recommendations

Mr. Julius said that we do not have the money to fund this project. We have an administrative reserve and this taps the funds out. We would lose the administrative reserve if we have to fund it. It is futile to review the audit without monies. We can make the recommendation for next year, but \$100,000 has to sit there.

Ms Meitner said I don't recall an Administrative Reserve. Who set up an Administrative Reserve?

Mr. Brunswick responded that the decision was made in the Office of the Secretary last year. The Governor required each Department to submit budgets with proposals for up to 15% in reductions. DNREC reached it in part by taking 50% of the Community Ombudsman salary and benefits from the fund, as well as administrative costs for the CIAC. I do believe that David Small was on the agenda to explain the reserve, but he got held up and was not able to make the meeting.

Ms Meitner said that the Legislature did not mention this Administrative Reserve. I do not feel bound by it.

Mr. Thomas said it appears we are not an independent functioning entity. We are still obligated to the whims of the Secretary of the Department.

Mr. Frederick said that he recalls when the Council was founded and we were inundated from public groups such as Green Peace. They were on our backs to make sure we were independent. We all take it seriously.

Mr. Pelham said maybe we should have a discussion with the Secretary

Mr. Thomas said that we should put our concerns in writing so that when we do meet we will be on point.

Mr. Truxon said he spoke to Representative Short and he did not know about the Aerospace Foundation. Maybe we should speak to our Representatives.

Mr. Brunswick said the General Assembly receives quarterly reports. They received one just after the applications were submitted to the Council.

Mr. Julius said that we are just a small piece of the thousands of pages of materials that they review and it is entirely possible that they don't recall our project reports.

Mr. Thomas asked if James thinks the Secretary is knowledgeable of what our legislative charge is.

Mr. Brunswick responded that he believes so.

Mr. Frederick said that he thinks we are talking about good core issues. I remember speaking with Rep. Schwartzkoph who had not heard of the CIAC. Maybe we should make sure the message is in the legislature and maybe those who passed the bill are not in the legislature.

Ms. Meitner said that we might get more done in a private meeting.

Mr. Pelham said we should ask David Small about the legalities.

Ms. Meitner asked if it will fit into his schedule.

Mr. Frederick said there are two issues: are we going to back up and review the audit and make the formal recommendation to the Secretary and then go forward, and should we have a meeting with the Secretary.

MOTION was made by Ms. Meitner to consider the Aerospace Museum application at the June meeting and to have James send the audit to all the CIAC members with a second by Mr. Frederick. All in favor and the motion carried.

MOTION was made by Ms. Meitner to talk about what the CIAC is obligated to do by legislation and by the Governor and to ask what are the obligations of the Secretary.

Mr. Frederick said he would like to see us meet with the Secretary in a timely fashion and talk about our roles and the legislation to keep an ongoing relationship.

Mr. Julis said this should be at a regular meeting and be open to the public.

Mr. Pelham said he recalls reading the piece of legislation that created the CIAC and the words that the council will concentrate on people of the community and any funding we recommend will be approved.

Ms. Meitner said it is fine to approve or disapprove, but not for him to make a decision before we make a recommendation. I don't think he should make an appropriation of administrative reserve from the funds. He should ask the council for their opinion.

Mr. Brunswick said that consultation with the CIAC is not required by the legislation and it is not a legislative mandate but a practice that was adopted by Secretary Hughes. Luckily, I do have copies of the enabling legislation for the CIAC and CEPF. He read through SB33 and HB 192. He said the legislation empowers the CIAC to consult with the Secretary on the locations of the penalties and grant awards.

Ms. Meitner said after looking at house Bill 192, Section 2D is the only place that mentions the CIAC consulting with the Secretary and it is on areas where violation occurred. The reality is

that he has an obligation to consult with us on whether the funds are expended on communities where the violations occurred. If he is going to spend funds, he should consult with us.

Mr. Thomas said we need a better understanding of our responsibilities as they relate to the CEPF and DNREC. The Aerospace is an example of this as well as the reserve.

Mr. Frederick said we need a refresher course to help establish common goals.

Ms. Meitner said that last year was an extraordinary year and the Secretary took extraordinary steps. Since all our funding is done on a yearly basis, maybe it's reasonable to review it every year. The Secretary has to make the decisions to spend the funds, but are we going to fund more and more DNREC personnel? When the money gets tight will it be used for salaries? It is a slippery slope.

Mr. Pelham said that we have a clear cut set of points the council wants to discuss. I will invite the Secretary to a meeting.

Ms. Meitner said we should follow the process.

Mr. Frederick said we should ask the Secretary to hold his final decision until the CIAC completes their process and look at the audit.

Ms. Meitner said she has a right to be present when the board reconsiders this project and the decision was made at a public meeting.

Mr. Julius said we do not have the money to fund the project because \$100,000 has to sit there.

Mr. Pelham said we had enough funds to pay for all the projects that were approved.

Ms. Meitner said as a \$350,000 project we could not approve all of it. In reality we still have \$180,000 and there were portions we could approve like the \$100,000 for the mechanical room.

Mr. Julius said the \$180,000 is a carry over for 2012. We can take out the \$100,000.

Delaware City Environmental Coalition

Mr. Brunswick said the Council recommended approving \$4,000 but the Secretary decided to approve \$35,000 to support the ambient air monitoring.

Lums Pond

Mr. Brunswick said the Secretary approved the \$50,000 application and found the funding dollars for implementation of the plans from another source.

Mr. Julius said the Council would have approved it if there were implementation monies.

V. Community Ombudsman Report

Claymont Community Coalition

The Claymont Community Coalition will be meeting tonight. They requested an extension in their contract to use their balance of \$11,033 to continue monitoring throughout the year until all the pollution controls are in place. They reduced the monitoring costs by 50 percent by using less expensive filters. The revised amount will go in the contract extension and they will draft the contract with the sponsor and go over the terms of the contract before it is submitted to the finance officer and then to the Secretary.

Slaughter Neck Community Meeting

Mr. Brunswick said this is a Sussex County community where the residents were concerned that The City of Rehoboth's affluent spraying fields near the Community Action Center was contaminating the Senior Center and the Head Start Program's drinking water. The testing done in the past shows some contamination but not from the effluent. DNREC held a workshop to help residents with financing better septic systems but the residents were reluctant to take on an extra bill. Ms. Campagnini did a census of the area after the last meeting and found that within the boundary of Slaughter Neck there were more like 300 to 400 homes which might make it practical to get small wastewater and drinking water systems financed under Clean Water Act.

The community could be eligible for a grant for a preliminary engineering report, environmental assessment, and for plans for a small wastewater and drinking water. DNREC anticipates about 50 residents will come to the meeting to discuss the prospect of a small wastewater and drinking system and pursuing a USDA grant for low income residents.

Mr. Pelham asked if the Slaughter Neck Community could sometime in the future come to CIAC for funds.

Mr. Brunswick answered they were interested this year, but did not get an application together in time. He also said that once the study is done, it will include the cost of the system, the number of houses, and the monthly fees. The residents will vote.

VI. Open Forum

Mr. Jack Christman of Energize Delaware spoke to the Council about their energy efficient rebates given to public schools, cities and municipalities. Energize Delaware focuses on commercial institutes, manufacturers and hospitals that can receive a low interest loan for up to a million dollars and qualify for tax rebates.

VII. Adjournment

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

Respectfully submitted,

s/Gail L. Henderson

Gail Henderson
Administrative Specialist II, 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.