

MEETING NOTES

COMMUNITY INVOLVEMENT ADVISORY COUNCIL

April 21, 2015

Smyrna Area Rest Stop
Smyrna, Delaware

Members Present: Robert Frederick, Jay Julis, Pamela Meitner, LaVaida Owens-White, William Pelham, Marvin Thomas

Members Absent: Harold Truxon, Jason Adkins, Gary Emory, Joseph Farrell

DNREC: James Brunswick, Patrick Emory, Nicole Bixby, Christina Wirtz

I. Meeting Called to Order

Mr. Pelham called the meeting to order at 9:37 a.m.

II. Meeting Protocol Review

Each Member read a point of the Council's protocol.

III. Review/Approval of Meeting Notes

MOTION was made by Ms. Pamela Meitner to approve the February 24, 2015 meeting notes and a second was made by Mr. Frederick. All in favor and the motion carried.

IV. Will Kassab

Mr. Kassab reviewed the proposed Professional Services Contract with the Council. Mr. Kassab explained that any modifications that are made must be approved by DNREC with the final approval coming from the Attorney General's office. Mr. Pelham inquired about subcontracting requirements within the contract. Mr. Kassab stated there is nothing in the contract that restricts subcontracting. Mr. Kassab advised that the contract does not hold the subcontractor to the same terms of the contract because the state isn't in control of how the project is conducted. Ms. Meitner inquired about Mr. Leahy advising in last meeting that anything over \$5000 requires a contract. Mr. Kassab advised his understanding was that it requires a purchase order and not a contract. If it's less than \$5000 the agency can purchase without a purchase order. Mr. Kassab stated on Page 2 Item 2(c) explains purchase order requirements. **Mr. Kassab states he will follow up and get a solid answer for that question.** Ms. Meitner stated she still has a concern about insurance requirements. A major institution would already have this type of insurance. This funding was a way to help small community groups do projects and her concern is that they will not have this type of insurance; inhibiting them from taking on projects. Mr. Pelham asked if there was an estimate of how much insurance would cost. Mr. Kassab advised Deb Lawhead said it would depend on the project. Ms. Meitner stated that if it was a smaller project it would take 20-30% of the funding for the project. Mr. Pelham inquired as to who signs the final contract.

Mr. Brunswick advised the Secretary of DNREC signs the final contract. Mr. Pelham asked if Mr. Kassab needed the Council to do anything besides discuss the contract. Mr. Kassab stated that DOJ has approved it for use by DNREC. Ms. Meitner advised that Mr. Kassab has done a fine job, that the contract has come so far since the beginning and is a much better fit. Mr. Kassab advised that if the Council runs into certain contract issues or recurring issues, please don't hesitate to contact DOJ. Mr. Pelham thanked Mr. Kassab for his hard work and coming up with an agreement going forward. Mr. Brunswick stated that the issues the Council had with the contracts has prompted other divisions grant programs to be reviewed.

V. 2015 Community Environmental Project Fund

A. Penalty Deposit Sheet and HB 197 Compliance

Mr. Brunswick reviewed the penalty deposit sheet with the Council. The final page of the spreadsheet shows unrestricted funding of \$66894.82. The fund was established in 2004 and through 2011 the only requirement was that funds had to go back to the communities where violations occurred by counties and stayed consistent. Then in 2011, HB 197 was passed and required the Secretary to identify the penalties by a Secretary's order, violations and drainage basin where the violations occurred. Between 2004 and 2011 funding accumulated in the CEPF when you gained interest or with the completion of a project that didn't utilize all of the money allocated. These funds can't be tracked by a violation. This funding cycle couldn't attribute every single dollar and now has unrestricted money. Mr. Brunswick asked the Council to consider approving this unrestricted funding is utilized for projects statewide instead of restricting them to the County the violation occurred. Ms. Meitner stated there is an alternative by using half of the funds from unrestricted funds and half of the funds from the current cycle when approve projects. Mr. Frederick stated Sussex County struggles with funding projects because violations aren't as large in Sussex County. Mr. Brunswick advised he needed a decision, but he liked Ms. Meitner's alternative and it complies with HB 197. *Motion was made by Ms. Meitner to recommend that unrestricted funds accumulated in the account be matched dollar for dollar with restricted funds in grants going forward. Second by Mr. Julis. All in favor. Motion carries.*

B. 2015 Funding Cycle

The application and penalty deposit spread sheet is to be on the website. Mr. Brunswick advised we originally have a June deadline. Mr. Brunswick advised if we did the press release around June 1, the workshops could be done in June. The June 16 meeting would give applicants 30 days. *Motion was made by Mr. Frederick to eliminate the August 18 meeting and replace it with a July 28 meeting. Second by Mr. Julis. All in favor.* Ms. Meitner asked if an early calendar invite could be emailed out.

VI. Community Ombudsman Report

A. Chesapeake Diversity Action Team Management Strategies

Mr. Brunswick advised he is on the team for Chesapeake Bay Implementation Plan. In the agreement the five states that are a part of the team meet and establish goals for diversity for the plan. Mr. Brunswick advised that some of the goals were communications and outreach and his responsibility was to come up with management strategies. He then meets with Watershed Assessment and they approve the strategies. For this goal, they have gotten a grant from Watershed Assessment for \$4000 to hire a student intern who will work and identify all of the community based organizations throughout the Chesapeake Bay watershed. The team will work with lower income communities to work within the programs. A key program is the grant to Delaware Zoological Society which was able to reach 5000 students in low income areas and get them into state parks while participating in science programs. They work directly with parks and recreation and the Title One schools. Mr. Brunswick advised that DNREC's Public Affairs office just did a film on Children in the Natural World program with the Delaware Zoological Program. He is hoping that in the June meeting the Council may be able to view the film which is about 6 minutes. Mr. Brunswick stated as far as the intern, Mr. Farrell is going to participate in the supervision of the student. Mr. Brunswick advised he also received technical assistance from Waste and Hazardous Substances in providing office space, a computer and also lending a GIS specialist to create GIS Environmental Justice maps in these areas. Other goals of the team are employment and professional development. There is a shortage of minority installers and operators who service the Chesapeake Bay watershed. The next goal is environmental justice with one of the big problems being minorities that fish in the Chesapeake Bay watershed. The Department needs to get out fish consumption advisories in those areas. Mr. Brunswick advised that DNREC's Public Affairs has about \$1800 left over from a grant from Public Health on developing signage and pamphlets along with bilingual information for this. Ms. White asked who Mr. Brunswick was working with. Mr. Brunswick advised he works with Watershed Assessment that works on the implementation of Chesapeake Bay strategies. Bill Miller is responsible for the outreach programs. Ms. White inquired if they are hitting the federally qualified clinics. Mr. Brunswick advised that yes Bill Miller is doing that.

B. Ellendale Charrettes/Situation Assessment

Mr. Brunswick advised that the Office of Drinking Water (ODW) and USDA have shown tremendous support. In 2011, Ellendale had the most generous spending package. There has never been 100% principal forgiveness loan in the state. The town of Ellendale is required to go through a referendum before allocation and implementation. Ms. Meitner wanted to know what happened to the money. Mr. Brunswick advised the residents voted the money down in referendum. The town government was in favor of the drinking water system; however, the residents were against it. Some opposed b/c of the cost (was minimal \$38/mo). There was resistance to change and afraid of increase of costs. Creating the drinking water system made challenges for the town in dealing with annexation. The town only accepted the sewer district because of the pollution in the septic tanks was so great in 2002, that DNREC ordered no new septic permits in the town of Ellendale. Mr. Thomas asked if there is a path forward to correct the current situation.

Mr. Brunswick advised the ODW and USDA have offered a funding source to have the Charrettes in Ellendale. The folks outside of the town are interested in drinking water. Mr. Brunswick advised people proposed that there are 2 votes-one by the town and one by the outside incorporated areas. The issue will be getting the stakeholders together to discuss the challenges. Public comment received from John Flaherty inquiring if there would be hookup fees? Mr. Brunswick advised it would be more than \$5000. Mr. Flaherty asked if there would be fluoridation and Mr. Brunswick advised that was an ODW advisement.

C. Morningside Village

Mr. Brunswick advised the Home Owners Association (HOA) is not capable of financial management and collecting fees to pay for the onsite septic system. The system is currently in violation and can't pay for the operator. The HOA is in default of a loan with DNREC to previously construct the system with no payments received since March of 2013. The county and DNREC will be forced to evict residents from their homes if it creates a public health hazard. USDA has funding for reconstructing the system, but they are reluctant to give funds to a community that can't financially manage it. USDA proposed a new sanitary sewer district owned by the county. USDA could then give the money to the county to upgrade the system; however the county isn't interested due to the cost of the project. The Common Interest Community Ombudsman from the Attorney General's office (Chris Curtain) wants to work with the community to expose the financial records. Mr. Pelham inquired if Mr. Brunswick anticipated any applications coming in to CIAC and Mr. Brunswick advised no. **Mr. Pelham asked to have this as an agenda item at the next meeting.**

VII. Open Forum

Public comment from John Flaherty about Morningside Village. Mr. Flaherty advised that SB173 stated all new municipalities must have fluoridation. Mr. Emory advised that the county has done a lot for this particular community in making sure they had a truck and operators, but they are seeing no assistance from the community.

VIII. *The meeting adjourned at 11:46 a.m.*

Respectfully submitted,

Nicole Bixby
Administrative Specialist II, DNREC, State of Delaware

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.