



# Petroleum Underground Storage Tank Release Compensation Board

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## MINUTES OF THE 154th MEETING OF THE PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD September 5, 2014

### BOARD MEMBERS IN ATTENDANCE

Jim Rocco  
John Hull  
Cheryl Hilvert  
Don Kuchta  
Tom Stephenson

### EX-OFFICIO MEMBERS IN ATTENDANCE

Bill Hills, representing Director Andre Porter, Ohio Department of Commerce  
Chris Geyer, representing Director Craig Butler, Ohio Environmental Protection Agency  
Bob Field, representing Josh Mandel, State Treasurer of Ohio

### OTHERS IN ATTENDANCE

Starr Richmond	Executive Director, PUSTRCB
Madelin Esquivel	Assistant Director, PUSTRCB
Don Leasor	Chief Fiscal Officer, PUSTRCB
Donna Oklok	Administrative Assistant, PUSTRCB
Jonathan Maneval	Administrative Coordinator, PUSTRCB
Dave Gram	Environmental Claims Analyst, PUSTRCB
Cindy Knight	Accounts Receivable Analyst, PUSTRCB
Britanya Poe	Office Assistant, PUSTRCB
Carla Dowling-Fitzpatrick	Assistant Attorney General
Howard Silver	Hearing Officer
Dan Adams	Cardno ATC
Ryan Sabol	Speedway, LLC
Will Latt	Speedway, LLC
George Varouhas	BJAAM Environmental, Inc.
Michael Baker	BJAAM Environmental, Inc.
Christie Kuhlmann	Stantec Consulting Services Inc.

Minutes submitted by:

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Jonathan Maneval  
Administrative Coordinator

**Call to Order:**

Immediately following the 10:00 a.m. public hearing regarding the Board's proposed rule actions, Chairman Rocco convened the one hundred fifty-fourth meeting of the Petroleum Underground Storage Tank Release Compensation Board on Friday, September 5, 2014.

The following members were in attendance: Jim Rocco; John Hull; Cheryl Hilvert; Don Kuchta; Tom Stephenson; Bill Hills, representing Director Andre Porter, Ohio Department of Commerce; Chris Geyer, representing Director Craig Butler, Ohio Environmental Protection Agency; and Bob Field, representing Josh Mandel, State Treasurer of Ohio.

The following member was not in attendance: Stephen Hightower.

**Minutes:**

Chairman Rocco asked if there were any comments or questions regarding the minutes from the June 16, 2014 Board meeting, and there were none. Vice-Chairman Hull moved to approve the minutes. Mr. Hills seconded. A vote was taken and all members voted in the affirmative. The minutes were approved as presented.

**Election of Officers and Committee Member Appointments:**

Chairman Rocco requested motions from the floor for the nomination of officers for the upcoming year. Mayor Kuchta moved to dispense with the nominations and declare Chairman Rocco and Vice-Chairman Hull the nominees for their respective offices. Mr. Stephenson seconded. A vote was taken and all members voted in the affirmative.

Ms. Hilvert made a motion to re-elect both Chairman Rocco and Vice-Chairman Hull to their respective offices. Mayor Kuchta seconded. A vote was taken and all members voted in the affirmative. The motion passed.

***Finance Committee***

Chairman Rocco stated the Chairman and Vice Chairman serve on the Finance Committee. Chairman Rocco asked Mr. Stephenson to join the Finance Committee and he agreed. The Finance Committee members are Chairman Rocco, Vice-Chairman Hull and Mr. Stephenson.

***Rules Committee***

Chairman Rocco asked Mayor Kuchta, Mr. Geyer and Ms. Hilvert to serve on the Rules Committee and all agreed. The Rules Committee members are Mayor Kuchta, Mr. Geyer and Ms. Hilvert. Chairman Rocco and Vice-Chairman Hull will work on the committee in an ad hoc capacity.

***2015 Meeting Dates***

Chairman Rocco set the following 2015 meeting dates: January 14, February 11 (tentative), March 11, June 10, September 9, and November 18. All meetings begin at 10:00 a.m.

**BUSTR Report:**

Chairman Rocco called upon Bill Hills, Bureau Chief, to present the Bureau of Underground Storage Tank Regulations (BUSTR) report.

Mr. Hills reported that an attorney position and a clerk position have been funded and posted but are in a holding pattern with the Office of Human Resources.

Mr. Hills said the final review of the Revolving Loan Fund Program Application was completed, and the application was available on BUSTR's website. This fund will provide financing to political subdivisions, such as government entities and community improvement corporations, for the removal of abandoned underground storage tank systems. He said the review of applications would start in the late fall, and monies would be disbursed beginning in January 2015. Mr. Hills pointed out that in order to qualify for the funding, the political subdivision cannot meet the definition of a responsible person for the subject underground storage tanks (USTs).

Mr. Hills said the responsible party search program had been completed successfully. This program was used to identify UST owners and operators that are responsible for the investigation and cleanup of petroleum releases from USTs. He said the search results were being summarized and forwarded to BUSTR for review, and noted that more responsible party searches would be performed in the current fiscal year.

Mr. Hills said the UST grant program which covers the field inspector and release prevention section of BUSTR, received a 12% cut in funding. He said that BUSTR was adjusting for this funding cut by not filling a vacant field inspector position, and by not purchasing new vehicles.

Mr. Hills reported that two BUSTR supervisors attended the U.S. EPA Region 5 All-States meeting in Chicago. He noted that Region 5 provided no projections about program funding allocations for the upcoming fiscal years. He said the funding would ultimately be dependent upon appropriations approved by Congress.

Mr. Hills reported for the week ending August 23, 2014, there were 55 new inspections performed for a total of 3,553 inspections for the three-year inspection cycle ending June 30, 2016. He said that nine NFAs (no further actions) were generated during this same time period for a total of 534 for the grant cycle ending September 30, 2014. He said BUSTR anticipates meeting the targets set by the U.S. EPA for the grant cycle.

Mr. Hills stated that, as of August 23, 2014, there were 21,890 registered USTs, and roughly 3,700 owners of 7,445 registered facilities.

### **Financial Report:**

Chairman Rocco called upon Don Leasor, Chief Fiscal Officer, to present the financial reports.

### ***Audit Update***

Mr. Leasor said the auditors will begin the in-house portion of the audit the week of September 29. He said the audited financial statements are due to the Auditor of State by December 31, 2014, and the goal is to have the audited financial statements presented at the November Board meeting in order to meet the December deadline.

### ***May, June and July Financials***

Mr. Leasor said the May, June and July financials were emailed to each member. He asked if there were any questions or concerns regarding these reports, and there were none.

Mr. Leasor reported as of September 4, 2014, the unobligated account balance is a little over \$22.5 million. He said this amount includes \$14.5 million in STAR Ohio and the \$8 million invested in US treasuries and US agency callable bonds. He said the obligated account balance for the payment of claims is just under \$7.8 million.

Mr. Leasor said tank revenues would be discussed as part of his fee statement statistics report.

Mr. Leasor said the claims expense for July was approximately \$500,000, and to date, approximately \$1,232,000 had been paid for claims for fiscal year 2015.

Mr. Leasor said the operating expenses for July were approximately \$129,000. He pointed out that as of July 31, temporary services expenses were 16% of the amount budgeted. He said this was due to the use of a temporary service employee to fill a Claims Analyst I position. He said he anticipates this temporary employee will be appointed to permanently fill the position within the month.

Mr. Leasor said telephone expenses were 12% of the budgeted amount. He said this was due to the transition to the VoIP system and the costs incurred to maintain both the VoIP and traditional landline phone services for the month of April.

Mr. Leasor said all other expenses are where they should be at this time in the fiscal year.

#### ***Fee Statement Statistics***

Mr. Leasor said as of September 4, 2014, the per-tank fees collected were approximately \$11.3 million, which represents 95% of the billed amount. He said between July 1, 2014 and September 4, 2014, approximately \$115,000 was collected for prior year fees, net of refunds of \$23,200.

Mr. Leasor said for program year 2014, fees for about 15,900 tanks were billed at the standard deductible (\$55,000) per-tank fee and for about 5,500 tanks at the reduced deductible (\$11,000) per-tank fee. Mr. Leasor said as of September 4, 2014, the number of tanks for which fees have been paid at the standard deductible rate is a little over 14,800 and fees for over 5,400 tanks have been paid at the reduced deductible rate. He said fees for a total of 20,266 tanks were paid by 3,157 owners. He said this compares to fees being paid for 20,301 tanks by 3,193 owners for the same period of time in the previous fiscal year.

Mr. Leasor said for the 2013 program year, fees have been paid for a total of 20,837 tanks by 3,294 owners.

Mr. Leasor stated the \$11.4 million collected to date represents 96% of the \$11.9 million budgeted for program year 2014. He said the 2014 program year's fees have been paid for 10,600 tanks, which is 98% of the tanks anticipated to be assured.

#### **Compliance and Fee Assessment Report:**

Chairman Rocco called on Madelin Esquivel, Assistant Director, to present the compliance and fee assessment report.

Ms. Esquivel reported that \$212,530 in refunds were paid to 146 owners for the 2013 program year which ended June 30, 2014. She said a total of \$120,635 was used to offset prior years' outstanding fees. She said the combined amounts total \$333,165, which exceeds the refund goal of \$250,000 that was set for the 2013 program year.

Ms. Esquivel said as of July 31, 2014, refunds totaling \$11,450 have been paid for the 2014 program year, which began July 1, 2014. She said a total of \$1,300 was used to offset prior years' outstanding fees. She said the combined amounts represent 6% of the \$225,000 refund goal set for the 2014 program year. She said the amount of refunds pending totals \$1,334,408.

Ms. Esquivel stated for program year 2013, a total net amount of \$307,108 was collected by the Attorney General's Office and Special Counsel. She said after deducting the collection costs, a total of \$226,610 had been collected.

Ms. Esquivel said as of July 31, 2014, a net total of \$12,162 had been collected by the Attorney General's Office and Special Counsel for program year 2014.

Ms. Esquivel said since July 1, 2014, no accounts had been certified to the Attorney General's Office for collection. She said the next certification will occur in January 2015. She reported 272 accounts totaling \$1,154,822 were certified to the Attorney General's Office for collection during program year 2013.

Ms. Esquivel said six Orders Pursuant to Law are under appeal and are currently in review.

Ms. Esquivel said that three Ability to Pay Applications are pending review. The Ability to Pay program allows former UST owners experiencing financial difficulty to apply for and receive a determination of their ability to pay delinquent fees.

Ms. Esquivel reported the 2014 program year Annual Fee Assessment Statements were mailed to 3,439 owners on April 28, 2014. She said 38 fewer fee statements were mailed in comparison to the 2013 program year.

Ms. Esquivel stated that 3,226 Certificates of Coverage had been issued for program year 2013, and 2,755 Certificates had been issued thus far for program year 2014. She noted that almost all applications received for the 2014 program year had been reviewed and Certificates had been issued for those that were fully completed and received with full payment. She said the pending denial process will begin later in the month for the applications for which deficiencies were identified.

Ms. Esquivel stated that there are 55 uncashed refund checks that total \$44,045. She said there is \$59,855 in refunds pending for 54 owners from whom more information has been requested.

**Claims Report:**

Chairman Rocco called on Donna Oklok, Claims Administrative Assistant, to present the claims report.

Ms. Oklok said as of August 1, 2014, the current total maximum liability of in-house open claims is \$29.8 million. She said using the historical claim payout ratio of 70%, the actual anticipated claim liability of unpaid in-house claims is about \$20.9 million. She stated, as of August 1, 2014, a total of 2,231 Fund eligible sites had received no further action status with an average cleanup cost of \$129,356 per site. She pointed out that sites cleaned up exclusively under BUSTR's risk based corrective action rules (RBCA rules) had an average cleanup cost of \$71,411 per site.

Ms. Oklok said as of September 5, 2014, there were 1,659 open claims pending review; which was a decrease of 20 claims from August 1, 2014. She said as of September 5, 2014, a total of 20 claim settlement determinations were under appeal.

Ms. Oklok stated that in July 2014, the Board received 58 claims, and settled 70 claims. She said the claim settlement payment offers totaled \$563,272. She said in August, 67 claims were settled, and the claim settlement payment offer for these claims totaled \$484,975.

Ms. Oklok reported that 12 eligibility applications were received and 10 eligibility determinations were issued in July 2014. She said all 10 determinations were granting eligibility to claim against the Fund. She said as of August 1, 2014, there were 13 eligibility applications under review and three eligibility applications under appeal.

Ms. Oklok said as of August 1, 2014, 13 requests for cost pre-approval had been received in the 2014 program year, and 17 cost pre-approval notifications were issued. There are 31 cost pre-approval requests currently pending review.

### **New Business:**

#### ***Appeal Hearing***

Chairman Rocco called upon Howard Silver, the Board's hearing officer, to present the Report and Recommendation regarding the appeal of the claim settlement determination issued to New Vulco II Oil Company.

#### **Claim # 21011-0001/04/01/09-A, New Vulco II Oil Company 298 West Main Street, Lynchburg, Ohio.**

Hearing Officer Silver said the case being presented to the Board involved an appeal filed by the New Vulco II Oil Company contesting denied late filed costs.

Mr. Silver reported that on April 17, 2009, laboratory test results confirmed a release of petroleum had occurred at a site in Lynchburg, Ohio. He said following the discovery of the petroleum release, BUSTR sent correspondences to New Vulco requiring certain program tasks to be performed, and these correspondence set forth deadlines for each task to be completed. He said that New Vulco submitted a number of extension requests to BUSTR, and each of these requests was granted by BUSTR. He said eventually New Vulco met the revised deadlines for completing the program tasks. However, New Vulco did not timely file a claim reimbursement application for the reimbursement of costs associated with certain tasks.

Mr. Silver said the Board received a claim from New Vulco on November 6, 2012, claiming reimbursable costs of around \$100,000 for costs associated with a Tier 1 Source Investigation, for

Tier 1 Delineation activities, and for providing additional information requested by the State Fire Marshal. He said on July 31, 2013, the Director of the Financial Assurance Fund issued a claim settlement determination that disallowed \$45,104.97 of the claimed costs because these costs were not timely filed.

Mr. Silver said following the issuance of the determination, New Vulco filed an objection, and an appeal hearing was scheduled. However, the record hearing was waived by both New Vulco's counsel and the Board's counsel, Assistant Attorney General Carla Dowling-Fitzpatrick. He said the matter was submitted to him through stipulated facts, stipulated exhibits and written arguments.

Mr. Silver pointed out that additional claimed costs were disallowed, including \$7,800 in costs that were not pre-approved; \$4,000 for work that was not authorized by the State Fire Marshal; and \$8,100 of other audited nonreimbursable costs. He said New Vulco only objected to the costs that were disallowed as late filed.

Mr. Silver said New Vulco did not dispute that the claim filing deadlines were not met, but argued that there was no prejudice to the Board, because the costs had been anticipated and budgeted. They further argued that the claim filing deadlines are not necessary or essential for the implementation of the Fund. Mr. Silver said Ms. Dowling-Fitzpatrick argued on behalf of the Director that Ohio Revised Code § 3737.90(B)(2) grants the Board the statutory authority to adopt rules that are necessary to administer the Fund, including rules that impose claim filing deadlines. She argued that the Board has adopted rules that set forth dates from which a claim for reimbursement must be filed, and when the responsible person fails to make a timely application in accordance with these rules, the costs must be denied.

Mr. Silver said he reviewed the evidence and arguments presented and found that New Vulco did not meet the deadlines for the filing of claims for reimbursement for Tier I Source Investigation activities under the Board's rule 3737-12(D)(3); for Tier 1 Delineation activities under rule 3737-1-12(D)(4); and for providing additional information requested by the State Fire Marshal under rule 3737-1-12(G), and based on the findings of fact and conclusions of law presented in his report, he recommended that the members of the Board uphold the Director's determination to deny the \$45,104.97 as late filed costs.

Mr. Hills moved to accept the hearing officer's recommendation; Mr. Geyer seconded. A vote was taken and all members voted in the affirmative. The motion carried.

### ***Hardship Applications***

Chairman Rocco called upon Starr Richmond, Executive Director, to present the hardship applications.

Ms. Richmond stated that the Board's rule 3737-1-08 provides for an owner experiencing financial hardship to apply for hardship status with the Fund. She said granting hardship status allows for the acceleration of the review of the claims submitted by the owner. Ms. Richmond noted that granting hardship status does not increase the amount of reimbursement to the tank owner. She stated by accelerating the review of the claim, it reduces the financial burden the owner would experience if the claims were reviewed and settled in the normal course of business. She said, once granted, the hardship status remains in effect for a one-year period and at that time, the owner may reapply for hardship status.

Ms. Richmond stated that in determining hardship status, the application and a minimum of two years of income tax records are reviewed. She said, in addition, a U.S. Environmental Protection Agency (EPA) financial capacity test is used to evaluate the owner's cash flow and determine if the owner is able to carry debt, in which case, the owner could finance the costs of corrective actions over time.

**Claim # 13702-0001/11/05/98, Owner – Morton Peake & Lowe**

Ms. Richmond said the partnership of Morton, Peake, and Lowe is the responsible party for a 1998 release that occurred at 802 Eleventh Street in Portsmouth. She said the underground storage tanks were removed in August 2009 and the property was sold to CVS in June 2014.

Ms. Richmond said that Ms. Morton, Ms. Peake and Ms. Lowe each shared a one-third interest in the property, and Ms. Morton is the only surviving member of the partnership. She said Chris Morton, who has power of attorney for Ms. Morton, and Kelly Carter, trustee for the Norma and Arthur Peake Living Trust, are requesting the Board grant hardship status to Ms. Morton and the Peake's trust.

Ms. Richmond stated that this is the first request for hardship status, and to date, the Fund has reimbursed \$47,000 of corrective action costs for the release. She noted in February 2014, \$300,000 was pre-approved for first-year costs associated with an air sparge/soil vapor extraction remedial action plan. She noted that there are no open claims in house.

Ms. Richmond reported that Ms. Morton has retired, and her income is from social security and a rental property. She said at the time the application was submitted, there is \$1,800 in the Peake's trust.

Ms. Richmond said based on the results of the U.S. EPA financial capacity test for retirees and the information provided in the applications, she recommended the Board approve the applications and grant hardship status to the responsible persons of this release. Vice-Chairman Hull so moved and Mayor Kuchta seconded. A vote was taken and all members voted in the affirmative. The motion carried.

**Claim # 14094-0001/09/07/11, Owner – Gas Station Enterprise, LLC d/b/a The Gas Station**

Ms. Richmond said Gas Station Enterprise, LLC is the responsible party for a 2011 release that occurred at 207 South High Street in Columbus Grove. She said Gregory Miller, a member of the LLC, has requested the Board grant hardship status. She said this is the first request for hardship status.

Ms. Richmond said a \$30,000 claim is pending review and an additional \$27,000 in corrective action costs is anticipated to be incurred within the next 12 months.

Ms. Richmond said Gas Station Enterprise, LLC sold the facility in August 2012 and provided financing to the new owner, and the payments from the purchaser of the facility total \$13,000 annually. She said that Gas Station Enterprise, LLC is still the responsible party, and has continued the corrective actions at the site.

Ms. Richmond said that Mr. Miller has retired and his current sources of income are from social security, six rental properties and the payments from the sale of the facility.



Ms. Richmond said based on the hardship application and the U.S. EPA financial capacity test for retirees, Mr. Miller does not have adequate cash flow or the ability to carry additional debt in order to pay for corrective action costs.

Ms. Richmond recommended the Board approve the application and grant hardship status to Gas Station Enterprise, LLC. Vice-Chairman Hull so moved and Mr. Hills seconded. A vote was taken and all members voted in the affirmative. The motion carried.

**Claim # 18752-0001/06/11/08, Owner – Charles V. Hanrahan formerly d/b/a Chuck’s Citgo**  
Ms. Richmond said that Charles Hanrahan is the responsible person for a 2008 release that occurred at 3718 Lawrenceville Drive in Springfield. She said this is his fifth request for hardship status.

Ms. Richmond said to date, the Fund has reimbursed about \$357,000 to cleanup this release, and one claim with a face value of \$5,500 is pending review. She noted that based on the information provided in the hardship application, the estimated cost of corrective actions for the next year is \$128,000.

Ms. Richmond said the tanks were removed in June 2009 after the release was discovered. She noted that Mr. Hanrahan currently leases the facility to an automotive repair shop for \$600 per month. She said Mr. Hanrahan’s household income exceeds his living expenses and debt payments by \$10,000 per year, and his cash on-hand and IRA investments are \$11,000 and \$57,000 respectively.

Ms. Richmond said that the U.S. EPA model indicates Mr. Hanrahan can afford corrective action costs of approximately \$12,000, but pointed out that this is less than 10% of the anticipated costs for the next year. She recommended the Board approve the application and grant hardship status to Mr. Hanrahan. Vice-Chairman Hull so moved and Mayor Kuchta seconded. A vote was taken and all members voted in the affirmative. The motion carried.

**Claim # 22741-0001/02/05/14, Owner – Route 53 Service, LLC**  
Ms. Richmond said Route 53 Service, LLC is the responsible person for a 2014 release that occurred at 8910 South State Route 53 in McCutchenville. She said a member of the corporation, Ramandeep Khaira, is requesting the Board grant hardship status to the LLC. She said this is the first request for hardship status.

Ms. Richmond said the corrective action costs already incurred and expected to be incurred for the next year are \$100,000. She noted that Route 53 Service, LLC purchased the facility in October 2012 and the IRS tax forms submitted with the application reported gross income of about \$27,000 during its first full year of operation.

Ms. Richmond said that based on the information provided in the hardship application, the ABEL model estimates a less than 50% probability that Route 53 Service, LLC can afford \$100,000 in corrective action costs.

Ms. Richmond recommended the Board approve the application and grant hardship status to Route 53 Service, LLC. Vice-Chairman Hull so moved, and Mr. Hills seconded. A vote was taken and all members voted in the affirmative. The motion carried.

**Certificates of Coverage – Ratifications:**

Chairman Rocco called upon Ms. Richmond to present the lists of owners who have either been issued or denied a Certificate of Coverage for ratification by the Board.

Ms. Richmond said the lists behind Tabs 9 and 10 are listings of facilities that, since the June Board meeting, the owner had been issued or denied a program year 2013 or 2014 Certificate of Coverage.

Ms. Richmond said the process used to review the fee applications and issue or deny a Certificate of Coverage includes a review for completeness to determine full payment was received; financial responsibility for the deductible has been demonstrated; and, the owner has certified with his signature that he is in compliance with the State Fire Marshal's rules for the operation and maintenance of petroleum underground storage tanks. She said if these requirements are met and if the tanks existed in previous years, a certificate for the subject tanks has been issued to the owner in at least one of the prior two years, then a Certificate of Coverage is issued.

Ms. Richmond explained that if deficiencies or compliance issues are identified, notice is provided to the owner in accordance with the Board's rules. The owner is provided 30 days to respond to the notice with information to correct the deficiency or compliance issue. If correcting information is not received within this time, a determination denying the Certificate of Coverage is issued to the owner.

She said the Board's rules and the Revised Code make provisions for an appeal of the determination. Ms. Richmond said that throughout this process, the Board's staff works with the owner to correct the fee statement record and if necessary, refers the owner to BUSTR to correct the registration record.

Ms. Richmond requested the Board ratify her actions with respect to the issuance of the 2013 program year Certificates of Coverage for the 41 owners of 81 facilities included on the list behind Tab 9.

Mayor Kuchta moved to ratify the issuance of the 2013 Certificates of Coverage for the facilities listed. Vice-Chairman Hull seconded. A vote was taken and all of the members were in favor. The motion passed.

Ms. Richmond requested the Board ratify her actions with respect to the denial of the 2013 program year Certificates of Coverage for the 22 facilities included on the list behind the Tab 9 green divider page.

Vice-Chairman Hull moved to ratify the denial of the 2013 Certificates of Coverage that were listed. Mr. Geyer seconded. A vote was taken and all of the members were in favor. The motion passed.

Ms. Richmond requested the Board ratify her actions with respect to the issuance of the 2014 program year Certificates of Coverage for the 1,804 owners of 4,013 facilities included on the list behind Tab 10.

Vice-Chairman Hull moved to ratify the issuance of the 2014 Certificates of Coverage for the facilities listed. Mayor Kuchta seconded. A vote was taken and all of the members were in favor. The motion passed.

**Executive Session:**

Chairman Rocco requested a motion to enter into executive session with counsel pursuant to Ohio Revised Code § 121.22(G)(3) to discuss matters of pending or imminent court action. Vice-Chairman Hull so moved. Ms. Hilvert seconded. Chairman Rocco called for a roll call. The following members voted in the affirmative: Ms. Hilvert and Messrs. Field, Geyer, Hills, Hull, Kuchta, Stephenson and Rocco. There were no nays. The motion passed.

Prior to moving into executive session, Chairman Rocco requested to be recused from executive session. Chairman Rocco turned the meeting over to Vice-Chairman Hull.

***Reconvene Meeting***

The Board adjourned from executive session and reconvened the public meeting.

**Confirm Finance Committee Meeting and Next Meeting and Adjourn:**

Chairman Rocco stated that there will be a finance committee meeting to discuss the Fund's five-year financial projections and the annual per-tank fee and deductible amounts for the 2015 program year on Wednesday, November 12, 2014, at 9:00 a.m.

Chairman Rocco stated that the next Board meeting will be held on Wednesday, November 12, 2014, at 10:00 a.m.

Mayor Kuchta made a motion to adjourn the meeting and Vice-Chairman Hull seconded. All were in favor.