

MARYLAND STATE BOARD OF WELL DRILLERS

OPEN MEETING MINUTES

Wednesday, November 18, 2020 @ 9:00 A.M.

Video/Teleconference via Google Hangouts Meet

Video Link: meet.google.com/kyx-ibns-aux

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As of March 5, 2020, the Board of Well Drillers has been operating under a State of Emergency and Catastrophic Health Emergency proclaimed by Governor Hogan due to the COVID-19 pandemic.

Board Members Present

Hahns Hairston – Chairman/Public At Large
Larry Brenneman – Vice Chairman/ Western MD
Brad Hartman- Southern MD
Dave Kelly – Central MD
Mike Hall – Eastern MD
Heather Quinn – DNR
Robert Peoples – MDE

MDE Staff Present

Duane Johnson – Executive Director
Gayatri Mostaghimi – Board Counsel
John Boris – MDE, Wastewater Permits
Greg Busch – MDE, Acting Deputy Program Manager
Victoria Arbaugh – MDE, WWSO Board Staff

Call to Order

With a quorum present, Chairman Hairston called the meeting to order at 9:01 a.m. Chairman Hairston acknowledged guests to the Board and presented the agenda for review and approval. A discussion of closed session protocol ensued. Board counsel recommended that Item #8.b, DJ Shannahan Training Assistance would be moved under Item #10 Closed Session. A motion to approve the amended meeting agenda was made by Mike Hall and seconded by Brad Hartman. The motion was approved with Chairman Hairston abstaining.

Review and Approval of Open Meeting Minutes

Chairman Hairston presented the minutes of the October 28, 2020 Open Meeting for review and approval and asked for any modifications. Several minor changes / corrections were recommended by the Board. A motion to approve the minutes with modifications was made by Robert Peoples and seconded by Mike Hall. The motion was approved unanimously with Chairman Hairston abstaining.

Board Chair Comments

Chairman Hairston welcomed all attendees to the meeting. The Board Chair asked guests Greg Busch and Victoria Arbaugh to introduce themselves and provide their backgrounds.

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Report from the Executive Director*

*Guest Chris Blanchette from the Maryland – Delaware Well Water Association joined the meeting at 9:21 am.

A. Revenue and Expenditures: The Executive Director noted that there were no expenditures to report since the information has not yet been provided by MDE's Fiscal division. He said the revenue for October was \$750.00 and that expenditures will be reported at the December meeting. He also noted that the December Examination currently had approximately 11 registrants.

B. Maryland Delaware Water Well Association Letter: Mr. Blanchette addressed his concerns regarding continuing education requirements for the June 2021 renewal of Maryland drilling licenses and the need for granting a credit waiver or a blanket one (1) year continuing education extension to all licensees. At this point, in the meeting a lively discussion of proposed "individual" versus "blanket" waivers ensued. Mike Hall responded to Mr. Blanchette stating that no "blanket" waiver would be issued but the Board was still considering individual waivers. Mr. Blanchette expressed his disagreement and concern with that option. Larry Brenneman concurred that a "blanket" waiver would be the least disruptive to the industry. Board Counsel explained that the well drillers law allows for individual waivers for "just cause." Heather Quinn concurred and clarified that the regulations did not indicate that the continuing education requirements could be waived universally by the board but may be waived on an individual basis. The Board decided to discuss this topic in Close Session later.

C. A.C. Schultes Letter: Mike Hall commented on the retirement of Mr. Collison and suggested that the Board send him a letter of recognition for his contributions to the industry. Brad Hartman agreed and the Board Chair instructed the Executive

Director to draft a letter of recognition for contributions to the industry for his signature.

New Business

A. CY 2021 Meeting Schedule

Duane Johnson provided 2021 Meeting Schedule to the Board.

B. CY 2021 Exam Schedule

Duane Johnson provided the 2021 Exam Schedule to the Board.

C. CEU Training Courses

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- 1.) Duane Johnson read a brief description of the request from Milby concerning a two-day, on-line, Pump and Drive School. Larry Brenneman commented that he attended the course and found it to be informative. He noted that the question which must be answered is whether both drillers and pump licensees should be granted credit for the course but that it should not include water conditioning and environmental drillers. The Executive Director will obtain more information to revisit this request at the next Board Meeting.
- 2.) Duane Johnson read a brief description of the request to grant 8 hours of continuing education credit for the VWWA 2021 Winter Conference. A motion to approve the request was made by Mike Hall and seconded by Dave Kelly. The motion was approved with the Board Chair abstaining.

Old Business

Duane Johnson discussed the exam qualifications for six applicants.

- 1.) Robert Johnston - AWC
- 2.) Richard Lane - MWD
- 3.) Robert Bangedorf - JWD
- 4.) Robert Morgan - MGD
- 5.) Chris Ratley - MGD
- 6.) James Burrowbridge - AWD

A discussion of the process ensued and Robert Peoples noted that the Board needed to determine whether a letter in good standing was required / obtained for all states or just the most recent state to license the applicant. Mike Hall emphasized the need for a correct classification on the application and evidence of actual work experience doing water supply drilling. He also noted that applicant #2 needed to provide more information and make corrections to his application. At this time Mike Hall made a motion to approve applications #1, #3, #5 and #6 and to revisit applicants #2 and #4 at the next Board Meeting. The motion was seconded by Brad Hartman and was approved with the Board Chair abstaining. The Executive Director asked for some clarification on how to address the concerns about applicant #2 and the Board Chair responded that would be a discretionary decision for him to determine.

The Executive Director finished by noting again that Item #8.b. was moved off the agenda and would be addressed in the Closed Session.

Industry Correspondence / State of the Industry

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Mike Hall advised that the grout school was held outside and was a great success. Classrooms were set up inside a tent and there were live expositions of different mixing processes.

Motion to Adjourn

At 10:25 am a motion to adjourn the meeting was made by Heather Quinn and seconded by Larry Brenneman. The motion was passed with the Board Chair abstaining.

BOARD MOVED INTO CLOSED SESSION

CLOSED SESSION

Disclosure & Motion to Convene Closed Session

Pursuant to General Provisions Article ("GP"), § 3-305(b), on motion by Mike Hall, seconded by Dave Kelly, the Board members approved with one abstention by Hahns Hairston to move into a closed session on November 18, 2020 at 10:39 p.m., for the purpose of complying with certain provisions of the Open Meeting Act. The Board Chair read the closed meeting disclaimer pursuant to legal provisions.

Specifically, the closed session was called for the Board to review and approve October 28, 2020 Closed Meeting Minutes, to discuss State Oversight of Board Activities, to discuss Individual Waivers for Continuing Education Units with Counsel and to discuss other proprietary matters within a closed session pursuant to the General Provision Article ("GP") as stated below:

GP § 3-305(b) (2) - To protect the privacy and reputation of the applicant;
GP § 3-305(b) (7) - To obtain legal advice on options in a confidential matter;
GP§ 3-305(b)(8)-To consult with staff and others about potential litigation in a confidential matter;