



MARINE CONTRACTORS LICENSING BOARD
c/o Maryland Department of the Environment

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MARINE CONTRACTORS LICENSING BOARD

Meeting Minutes – March 14, 2022

Location: Virtual Meeting via Google Meet

BOARD MEMBERS PRESENT

Milton Rehbein, Chairman, Northern MD Rep
 Tammy Roberson, MDE Representative
 Douglas Sues, At Large Representative
 Lester Kelly Wright, DNR Representative
 Josh Schlepner, Eastern Shore Rep

OTHERS PRESENT

Mike Eisner, Board Administrator
 Brandon Weems, Director/President of the
 Marine Contractors Association

CALL TO ORDER

The meeting was called to order by Mr. Rehbein at 10:05 am using the virtual platform Google Meet. Five Board members were present, as well as the Board's administrator and Brandon Weems, Director of the Maryland Marine Contractors Association.

AGENDA REVIEW

The Board reviewed and approved the agenda for the meeting which included: update of licensing activities, update on finances, update training module development by Maryland Environmental Services (MES), continuing discussion of policy for unlicensed work and contractor licensure, and review of new 'Entity' license applications.

REVIEW OF PRIOR MEETING MINUTES

Board Members reviewed and approved by vote the draft meeting minutes from February 14, 2022.

Board Activities and Financial/Budget Report

The Board's Administrator gave an overview of licensing activities. There are currently 236 active Marine Contractor Licenses. The renewing of licenses that expired December 31, 2021 is being 'wrapped' up: sixty-six marine contractor licenses were renewed. Six incomplete applications were received and therefore not renewed, and two licensees stated their intent to submit applications - but to date have submitted nothing. The Administrator determined that eleven will not renew and learned that one licensee passed away. Six licensees couldn't be contacted via email or telephone. The Board's Administrator was proactive in contacting licensees via email and telephone, who didn't submit a renewal application, or submitted an incomplete application.

A discussion was held about the appropriateness of sending out certified letters to give licensees who couldn't be contacted, and the two licensees who didn't follow through on their stated intent to renew – 'one last chance.'. The decision was for the Board's Administrator to send certified letters. However, there was agreement that ultimately it is the licensee's responsibility to honor their responsibility to renew their license, according to the requirements of Title 17. It was further stated, that while 'we' are trying to shepherd licensees along in the renewal process, if they don't renew, they are liable for an enforcement action for marine contracting work performed without a license.

There are nineteen 'periodic' licenses that will expire in calendar year 2022. Renewal packages for twelve of these licensees have been mailed. To date four licenses have been renewed.

New applications continue to be received at the rate 1-2 per month. Testing for new license applicants continues to be virtual. The test is emailed to the applicant on the day and at the time requested. They then have 24 hours to email their exam back to the Board's Administrator. The Board agreed to continue with virtual testing. It was agreed that this makes it easier for applicants to take the exam, and particularly for out-of-state applicants who do unique work such as dredging and horizontal directional drilling.

The Board's Administrator gave an update of the Board's present income/expense status. The Maryland Department of Environment's (MDE) employee retired who was responsible for updating the Board on finances. Consequently, we have not received fiscal updates since the November 2021 report. However, the Board's Administrator stated 'with certainty,' that the Marine Contractors Board financial status is in good shape. Revenue continued to be received for end of year 2021 license renewal fees. Finance information shared by the Administrator was that our last statement was from November 2021, and at that time the MCLB's balance was about \$174,000.

An update was given on progress in development of training Module 1, and its finances. Progress on Module 1 continues with MES, and with the oversight and coordination of the Board's Administrator and MDE's Board representative. A meeting will be held later this day to review and edit the latest draft Module 1 power point.

The Board was informed at its February 14, 2022 meeting that additional funding will become available in FY2023 for the development of an additional training module, termed Module 2. Approximately \$5000 dollars has been allocated for FY2023. Module 1 is planned to be an overview of regulations and the permitting process, while Module 2 is envisioned as a natural progression into a detailed look at the permit and licensing process. A motion was made and seconded at this February 14, 2022 Board meeting to fund the development of Module 2. The vote then taken was unanimous in favor of funding Module 2. This funding becomes available July 1, 2022.

The Board decided to table the continued discussion on policy for unlicensed work and licensure, until the Board's legal counsel and other Board members are in attendance.

NEW BUSINESS

Review of Current Pending License Applications

An application for a new 'Entity' license was discussed. Kokosing Industrial, Inc. submitted an application with Scott Szympruch applying to be the licensed Representative. There was a quorum present and the vote was unanimous that the applicant meets the minimum requirements to be a licensed marine contractor and is eligible to take the test.

The Board discussed James Taylor's application to be the licensed 'Representative' for two marine contracting companies: Specialty Underwater Services (201E) and Cyr's Marine (420E). Mr. Taylor was previously a licensed marine contractor for Marine Technologies, Inc. (MTI - 039E). His license for MTI was renewed, effective 1/1/2022. However, Mr. Taylor left MTI early in 2022. Since Mr. Taylor had met the requirements to renew his license while still employed by MTI, the Board stated this is an 'administrative' transfer, and Mr. Taylor would not be no required to retest.

It was shared that the Board has never made anyone retest in a situation such as this. Mr. Taylor has complied with the Administrator's request to submit new license applications to be the Representative for both Specialty Underwater Services and Cyr's Marine. He will be given the existing company license numbers for Specialty Underwater and Cyr's Marine. Related, Mr. E. Manus McGeady became MTI's new and sole licensed representative as of 3/28/2022.

Other New Business

The MDE Board representative announced that the Departments Tidal Wetlands Division will be hosting all all-day virtual training on April 26, 2022. This will be open to all Marine Contractors, agents, and interested people. Topics to be covered include Water Quality Certification, the new Maryland State Programmatic General Permit (GP6), updates on Board of Public Works regulations, and an introduction to a new shoreline mapper. This mapper has a rollout date of late April. This mapper will be able to be used for Living Shoreline Waivers. Announcements of this workshop will be sent to Marine Contractors.

Brandon Weems spoke on behalf of the Marine Contractors Association and expressed an interest in working 'closely' with the MCLB, to assist the Board in any capacity it can. He stated an interest in working to bring the most credibility as possible to Marine Contractor licensure. Mr. Weems stated that he would like to see the Board be given more enforcement power through legislation. The intent is that contractors doing work the right way, should be rewarded by making sure that licensure 'means something,' and yield better quality projects done in Maryland. The Board's Chairman suggested requiring better documentation of the two year minimum work experience.

Mr. Weems was asked if he had any feedback from their members about anything the Board does. Mr. Weems stated that he had not received any feedback or complaints on the renewal process or the continuing education requirements. The Board takes a very open and lenient approach to accepting training for continuing education renewal requirements. Training topics historically accepted include first aid, safety, insurance and other business-related subjects, equipment training, and courses offered by the Coast Guard. MDE's representative stated that given the Board lacked an Administrator for a year, it was 'good' news to hear there were no complaints.

ADJOURNMENT

The Board voted and approved adjournment at 10:48 AM. The next monthly Board meeting is scheduled for April 11, 2022 at 10 AM. This meeting will be via Virtual via Google Meet.