

Well Driller's Meeting Minutes
Date: Wednesday, July 9, 2014
Location: 286 Water Street, 3rd Floor

Attendees: Commission Members:

Dwight Doughty, Jr. Hydrogeologist, Maine DOT
Joe Gallant, Master Driller
Frank Hegarty, Master Pump Installer
Ike Goodwin, Master Driller; and
Tom Weddle, Hydrogeologist, Maine Geological Survey

Legal Counsel:

Deanna White, Assistant Attorney General – Office of the Attorney General

Absent: David Braley, Senior Geologist, Maine CDC and Prevention; and Don Robbins, Certified Geologist

Minutes prepared by: Doris Labranche, Commission Clerk

PROCEEDINGS:

Dwight Doughty - Meeting called to order at 9:07 a.m.

TOPIC: APPROVAL OF JUNE 2014 MINUTES

DISCUSSION: The June minutes were reviewed with several revisions provided to Doris. Ike motioned to approve the June minutes with revisions, Frank 2nd the motion. The June minutes were approved 4-0 with Tom abstaining because he was not in attendance at the June meeting. Doris to revise and disseminate to Commission members.

TOPIC: CURRENT COMPLAINTS – Ms. Lisa Pulieris of Windham, ME / Cindy Killer of Atlantic Water Solutions, Alfred, ME.

DISCUSSION: Doris provided members with a copy of the letter David Braley mailed to the homeowner. The homeowner was informed that “Should you desire that the inspection proceed you must arrange for the pump to be removed” ... “Please respond in writing with your decision by July 3rd, 2014” and “Should you decide not to proceed with the inspection or fail to contact the Commission by July 3rd, 2014, the complaint will be closed”. No response from the homeowner was received.

Motion: Ike moved to close the complaint.

2nd by: Joe

Vote: Unanimous vote of 5-0 to close.

TOPIC: CURRENT COMPLAINTS – Melissa Hackett of Bowdoinham, ME / Carl Levesque of A-Z Water Systems, Gray, ME.

1. **DISCUSSION:** Doris provided the Commission with a copy of an e-mail from the homeowner. Ms. Hackett stated that on May 7, 2014, Temple Well Drilling Company along with Mr. Carl Levesque of A-Z Water Systems drilled the pump out of the well, the well was flushed, and a new pump was installed.

Motion: Frank moved to send out an inspector to re-inspect the well casing, to inspect the pump, and to take a water sample for bacteria.

2nd by: Joe

Vote: Unanimous vote, 5-0, to send David Philbrook out to re-inspect.

Action: David or Dwight will contact David Philbrook. Any additional action, if any, is pending the results of the inspection.

2. **DISCUSSION:** The discussion revolved around whether or not any possible licensing violations had occurred with regards to the installation of the water treatment system.

Finding: Mr. Carl Levesque was not adequately licensed to install and service the pump system from January 1, 2014 – May 29, 2014 because the master pump installer, who is associated with the company, had not renewed his license.

Motion: Ike motion to recognize that Mr. Carl Levesque was not fully licensed between January 1, 2014 – May 29, 2014 because the master was not licensed. Mr. Carl Levesque must make certain that in the future, all individuals are properly licensed.

2nd by: Frank

Vote: Unanimous vote, 5-0, on the above finding and motion.

Action:

- Don to contact the Plumbing Board and the Electrical Board because this issue is in their jurisdiction.
- Dwight to speak with David Braley on this issue.
- David to send letter to Mr. Carl Levesque of A-Z Water Systems, informing him that should this happen again, the Commission will pursue enforcement action.

TOPIC: Complaint received from Ms. Deborah Meehan of Denmark, ME – Woodsome Well Drilling Co.

To-date, no response has been received from Mr. Danny Woodsome of Woodsome Well Drilling Company. The homeowner was not in attendance. The discussion revolved around Chapter 9, Complaints, Investigations and Penalties. Deanna White, AAG, reminded the Commission that according to 900.1 Written petitions: ‘...A licensee must respond to a complaint filed with the Commission and provide requested information to the best of his or her ability within **14** days of the date of written notice unless a written request for additional time has been approved by the Commission.’

Motion: Frank motioned to table the complaint until the August meeting, at which time the Commission should receive information from the driller.

2nd by: Ike

Vote: 5-0 to table.

Action: David or Dwight to notify Woodsome WDC of today's discussion, and remind driller of response timeframe.

TOPIC: Complaint received from Mrs. Allisa Brunner of Berwick, ME – Woodsome Well Drilling Co.

DISCUSSION: The discussion revolved around sedimentation; low yield; Chapter 2 of the Rules, Section 207.1 – Contracts and complaints; Chapter 3 – Code of Ethics 300.3.1 and 300.3.2; and Chapter 4 of the Rules, Section 407.1 – Recommended minimum recovery rates for single-family homes. During the discussion, the homeowner e-mailed the Commission indicating that they wanted to place the complaint on-hold.

Motion: Joe moved to table the complaint until the next meeting.

2nd by: Frank

Vote: Unanimous to table, 5-0.

Action: David or Dwight to notify Woodsome WDC of today's discussion, request he provide information to the Commission that was requested in a certified letter dated July 3, 2014 to him, and expect his attendance at the next meeting.

TOPIC: Insurance riders, Maine law regarding home improvements, and the Maine Tort Claims Act.

1. Deanna White, AAG, distributed a copy of a Memorandum from the Office of the Attorney General, Subject: Home Repair/Construction Contracts and WDC. Deanna informed the Commission that "contracts cannot limit the Well Drilling Commission" and that the Commission "can pursue the licensee regardless of contracts". Individuals have their own right to pursue others.
2. Deanna continues to work with David Fitts regarding Insurance Riders and the Maine Tort Claims Act. She reminded the Commission that State employees are still covered under the Act and that damages are limited to \$10,000 per person & \$400,000 per incident for the State.

TOPIC: Memorandum of Understanding (MOU) between Department of Transportation and the Drinking Water Program, and Credit Cards between State agencies.

1. Dwight distributed a copy of the 'Cooperative Agreement' regarding Water Well and Distribution Inspection Services. He asked members to review the Agreement and provide feedback at the August meeting.
2. Dwight stated that credit cards are for Hard Goods and Materials. This is included in the Cooperative Agreement. Credit cards are not to be used for acquiring services.
3. Regarding 'access' to sites; it is the homeowners' responsibility to provide 'access' 'free and easy for personnel and equipment'.

TOPIC: Complaint Intake Form. Ike motioned to table until the next meeting. Joe 2nd the motion. Vote was unanimous, 5-0, to table.

TOPIC: SPECIALTY WELL APPLICATIONS (SWP)

Anne Mills – Innis Well Drilling Company

DISCUSSION: The Commission reviewed the SWA. The project description is an 'existing well is contaminated with road salt and in a poor location. The property is not large enough to meet the normal setbacks from the septic system'. This is a drinking water well, with setback distances from onsite leach field of 40' and onsite tank of 45', with 120' of casing or liner seal depth proposed requirement of 120' below grade.

Motion: Ike moved to approve the SWA with the added requirement that the 'old well' be grouted with neat cement grout within 1 week of the new well put on-line.

2nd by: Joe

Vote: 4 in favor to approve with Dwight abstaining.

Action: Doris to proceed with standard operating procedures including Well Variance Deed Covenant, and other standard supporting documentation regarding the SWA.

TOPIC: EXAM APPLICATIONS:

DISCUSSION: The following exam application(s) were reviewed; RIDEOUT, Scott – PI-J and WD-J. Ike moved to approve both exam applications. 2nd by Joe. Vote 5-0 in favor to sit for exam. Doris to send letter.

TOPIC: PUBLIC COMMENTS – none at this time.

MEETING ADJOURNED: 12:35 p.m.