

Meeting of Maine Board of Licensure of Water System Operators

August 21, 2015

Augusta Waste Water Treatment Facility, Augusta, ME

Present:

- Gregory Kidd, Chair, Educator Representative, Northeast Water and Wastewater Training Associates
- Mike Macdonald, Vice Chair, VSWS Representative, Contract Operator, New England Utility Management Enterprises
- Mary Ellen Bowers, NTNC Representative, Water Quality Compliance
- Jeffrey Day, Class III Operator Representative, Lincoln Water District
- Brian McBride, Class IV Operator Representative, Kennebunk, Kennebunkport, and Wells Water District
- Kerry Smart, Class II Representative, Alfred Water District
- Teresa Trott, Maine DHHS Representative, Maine Drinking Water Program
- Peter Bernard, Acting Clerk

Resigned:

- Chris Crovo, Professional Engineer Representative, Portland Water District –
 - Resignation received

Guests:

- Paul Gauvreau – Maine Attorney General’s Office
- Deanna White – Maine Attorney General’s Office
- Jim Katsiaficas – Attorney representing Michael MacDonald
- Kirsten Hebert – New England Utility Management Enterprises, LLC

Meeting called to order at 9:05 AM by Greg Kidd

1. Review of Minutes – 5/15/15 Meeting

- Kerry noted that he was present for the 5/15 meeting.
- Exams: Greg noted that wording should be, “AMP will allow for a free exam if examinee is disturbed.”
- Other: Greg asked about the request to review Experience guidelines and compare to ABC benchmarks. Terry reported this is still tabled.

Brian moved to accept the minutes with revisions

Mike seconded

Minutes accepted by vote

2. Presentation/Discussion on Board's complaint process

Paul Gauvreau, from the Attorney General's office, presented guidance and answered questions from board members regarding the Complaint process. A written analysis of the Board's procedure for filing a complaint against a Water System Operator was provided, and then Q&A with the Board.

Points:

- Reiterated separation of responsibility with regards to complaints: DWP responds to complaints about water systems, Water Operators' Board responds to complaints about individual Operators. It is conceivable that the DWP might address System violation with the system's owner, while the Board might investigate the same person for alleged violations committed as Operator.
- Contracts between Operators and Systems should clearly determine responsibilities. The Board cannot hold an Operator "vicariously responsible" for all failings.
- All written material, including the Licensee's and complainant's responses, must be made available before any action is taken.
- Paul expressed concern with the provision that a letter of reprimand cannot be appealed. His opinion is that the Licensee needs to be able to challenge any disciplinary action.
- Disciplinary procedures should be spelled-out in rule or statute in order to wield legal weight. The Board should back its processes with the force of law.
- Criminal actions are the domain of AG's office. Although the Board may look into taking concurrent action for violation of Board (civil) rules, it would be better to allow the criminal justice system to take action first. Even if there's no conviction, the Board may then act if its rules have been violated.

3. Operator/System Updates, Complaints (Item 6 on agenda, was moved up to become Item 3)

Terry reports all materials for investigation have not been acquired.

- Complaint against Michael MacDonald – Evidence has not yet been fully disseminated.
- Complaint against Edward Stewart – Evidence has not yet been fully disseminated. Terry reports Mr. Stewart is hesitant to write a response to the complaint.
- Complaint against Thomas Demaso – All evidence has been gathered and forwarded to all parties.

Due to concerns over reviewing complaint cases without all materials/evidence, it was requested that a special meeting be scheduled to give Terry time to finish gathering, organizing material. Special meeting will be to review evidence.

Greg moved for October 2 meeting to be convened for review of evidence in complaints

Mike seconded

Motion carried by vote

Action:

- Terry will complete preparation of evidence for 10/2/15 meeting.
- Terry will continue to investigate complaint against Steven Stackhouse. The Stackhouse complaint will not be up for discussion in 10/2/15 meeting.
- Terry and Clerk will make preparations, including posting public notice, for 10/2/15 meeting to be held at Augusta Wastewater Facility.

4. Financial Report

Income/expense report – end of SFY 2015

Proposed budget for SFY 2016

ABC Conference budget – travel allowances expanded

Greg moved to change from \$1500 to \$2000

Kerry seconded

Motion carried by vote

Terry reported SFY 2015 expenses lower due to vacancy in Clerk position – same holds true for FY 2016.
Discussion followed regarding paying for Clerk:

- Is 20 hours/week too much?
- How is clerk's time used?
- \$6500 decline in revenue due to decline in number of license applicants
- Anticipate fee increase by 2017

Brian moved to accept budget w/revisions

Mary seconded

Motion carried by vote

5. Calendar of Meetings 2016

Terry proposed establishing a set schedule of monthly meetings – 3rd Friday, roughly.

In discussion, monthly meetings deemed unnecessary and onerous with travel expenses, etc., but agreement that quarterly meetings too few.

- Mike proposed bi-monthly – January, March, May, July, September, and November.

Greg moved to change to tentatively-set bi-monthly meetings

Brian seconded

Motion carried by vote

6. Exams

Paper-based exams will be held in Presque Isle, Wednesday, October 21st

Jeff Day offered to assist with proctoring.

7. TCH

MWUA wants product demonstrations that will last 15-minutes each, followed by a longer plant tour.

Concerns were raised regarding the recording of TCHs.

Discussion around how to award TCHs for this type of demonstration.

- Would multiple demonstrations add up to 1 hour?
- MWUA must determine learning objectives of demonstration and tour for approval.
- TCHs will be recorded as a total for the day or conference.

Action:

- Terry will ask MWUA to send summary of awarded TCHs.

8. Stakeholder and Associate Updates

Terry will attend NEWWA meeting.

- Discussion will focus on Emergency Operators and licensing.

9. Policy and Rule Review

Greg inquired about Operator status – Active/Inactive

- Terry has drafted wording and will send drafts to Board members.

Adjourn – 12:00 noon

Mike moved to adjourn meeting

Mary seconded

Motion carried by vote