

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

MINUTES

FINAL

January 10, 2011

4:00 p.m. Public Hearing Room, DEP, Trenton

Board Members:

Present: Chairman Dave Sweeney, Jorge Berkowitz, Philip Brilliant, Richard Dewling, Lawra Dodge, Christopher Motta, Karl Muessig, Michael Pisauro, Constantine Tsentas, Ira Whitman

Absent: Joann Held

Others Present: Board Liaison Karen Hershey, DAG Kimberly Hahn, Director Tony Farro, Assistant Director George Klein.

Proceedings:

- Meeting called to Order by the Chairman at 4:05 P.M.
- Statement by the Chair that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of December 20, 2010 minutes.
 - Motion by Ira Whitman to accept minutes, seconded by Jorge Berkowitz; passed unanimously.
- Chairman's Report (no formal action taken)
 - Discussion regarding terms of Board members; the need to get terms extended. Board member Tsentas is the first term to expire this summer.
 - Discussion regarding the two vacant positions on the Board.
- Committee Reports
 - Bylaws: Lawra Dodge—Discussion of additional comments received from Board members on the bylaws.
 - Motion by Ira Whitman to adopt bylaws; seconded by Philip Brilliant; passed unanimously.

- Further discussion related to understanding that bylaws can be amended at any time; the need for an advisory policy committee which will be reflected in bylaws at a future date.
 - Rulemaking (no formal action taken): Philip Brilliant— Discussion of rulemaking efforts to date. Committee met via phone on December 21 and January 5. Duff Collins joined the Committee for part of the January 5 call to answer questions about his experience on the Board in Massachusetts. Further discussion related to the following:
 - Advisory determinations: Board discussed examples of instances where advisory determinations would be helpful and what the process would be for issuing such determinations.
 - Discipline: Board member Berkowitz is preparing flowchart regarding Board process for pursuing disciplinary actions.
 - Audit Committee is exploring process for audits which will be included in the rules.
 - Website/Outreach (no formal action taken): Chris Motta--Discussion of website including initial draft prepared by DEP staff; mission statement under discussion by the Committee. Further discussion related to the following:
 - Board Seal.
 - Domain name for Board will be outside of DEP.
 - Developing content for web site.
 - Site will link to DEP site for some content.
 - Ira Whitman will join Committee.
- Ongoing Business (no formal action taken)
 - Chairman stated identification badges will be issued to Board members. Logistics to follow.
 - Chairman reported on subgroup phone conference relating to exam. Request for Proposal scheduled to go out end of the week, early next week. Exam development should be completed within nine months of awarding contract.
 - DAG Hahn reported that legal memorandum on Board's ability to act absent rules should be completed by the end of the month. DAG Hahn also reported that Board has discretion regarding public input and public participation at meetings.
 - Annual fees for temporary license will be on a January cycle at \$900 a year. Determination of fee is by Department pursuant to statute.

- Chairman reported that ethic training will be rescheduled. Discussion related to when training should take place. Training to be scheduled for next day of Board meeting prior to regularly scheduled meeting.
- New Business (no formal action taken)
 - Board to vote on Vice-Chairman for next meeting.
- Public Comment
 - David Rubin, DEP commented as follows:
 - Board needs to establish contact should the public have comments.
 - Advisory Rulings: Board should not be doing job of licensed site remediation professional through advisory rulings.
 - Rules are paramount; can larger group meet to discuss; DAG advised there are no exceptions to violating quorum.
 - Request for Proposal is putting cart before horse; need to make sure exam is good; law does not limit temporary licenses to three years-can renew.
 - John Oberer, GZA GeoEnvironmental Inc. remarked that temporary licenses should be extended.
 - Dan Toder, HMMC inquired about the status of the Board's efforts to implement a continuing education program and asked if Temporary LSRPs who attended prior training sessions could receive retroactive credit. Board discussed the need for a continuing education process and the importance of DEP and attendees keeping records to document attendance.
- Motion to adjourn at 6:05 p.m. by Jorge Berkowitz; seconded by Mike Pisauro and passed unanimously.