

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

May 31, 2011 Meeting

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

Board Members:

Present: Chairman David Sweeney, Jorge Berkowitz, Philip Brilliant, Richard Dewling, Lawra Dodge, Joann Held, Karl Muessig, Michael Pisauero, Constantine Tsentas, Ira Whitman.

Absent: Christopher Motta

Others Present: Board Liaison Karen Hershey, DAG Kimberly Hahn, Director Tony Farro, Executive Assistant David Haymes

Proceedings:

- Meeting called to Order at 4:07 by Chairman Sweeney.
- Statement by Chairman Sweeney that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of May 16, 2011 minutes.
 - Motion by Jorge Berkowitz to accept minutes, seconded by Constantine Tsentas; Phil Brilliant abstained due to absence at May 16 meeting; motion passed unanimously by remaining members.
- Chairman's Report
 - Chairman Sweeney noted that DEP responded to the letters sent to the Commissioner about the composition of the Board and the proposed audit process from Jeff Tittel of the Sierra Club and Robert Spiegel of the Edison Wetlands Association (handout).
 - Vice-Chairman Joann Held led a discussion about the Board's meeting schedule and the rule schedule; the Board is aiming to propose rules on January 3, 2012 and adopt rules by October 16, 2012.
 - Chairman Sweeney noted that the DEP legislative office indicated that the Governor's office will be contacting the academic candidate; there is nothing new with candidate Ben Alter.

- Director Tony Farro said that the RFP deadline for submitting bids for the exam is June 14, 2011.
- Committee Reports
 - Audit Committee (no formal action taken): Phil Brilliant reported on the progress of the Audit Committee:
 - Open Forum took place on May 17; the Committee received many comments including a letter from the LSRPA.
 - Members of the environmental community also submitted comments.
 - The Committee also met with Len Romino and Myrna Campion to understand DEP's inspection and review process.
 - Audit Committee will provide further updates at the June 13 Board meeting.
 - Continuing Education (no formal action taken): Lawra Dodge reported on the progress of the Continuing Education Committee.
 - The Committee will coordinate with Ira Whitman and the Licensure Committee on various issues.
 - The Committee talked with individual in Massachusetts to learn about their CE program.
 - The Committee has received some inquiries from LSRPs and potential course providers.
 - Discussion about CE requirements for temporary licensees.
 - On June 27 there will be a stakeholder meeting consisting of course providers, DEP staff and others; Committee will then determine need for Open Forum meeting.
 - Finance Committee (no formal action taken): Richard Dewling reported on the progress of the Finance Committee.
 - Committee does not yet have print out of charges from Treasury or the Attorney General's office.
 - The Committee will meet with the DEP in the Fall to determine what staffing the Board needs and develop a budget.
 - Discussion about including fee formula in rules-included Director Farro.
 - Licensure (no formal action taken): Ira Whitman reported on the progress of the Licensure Committee.
 - Committee prepared a schedule for addressing licensure issues and proposing licensing portion of rules (handout).

- Committee will work in conjunction with CE Committee.
 - Website/Outreach (no formal action taken): Karl Muessig reported on the progress of the Outreach Committee for Chris Motta:
 - The Committee is reviewing the web site to ensure consistency and accuracy.
 - The Board's web site has been revised to include an announcement about speaker availability. Karen Hershey is the contact.
 - Committee continues to work on open forum process.
 - Professional Conduct (no formal action taken): Jorge Berkowitz reported on the progress of this Committee.
 - Committee is working on developing a narrative of the disciplinary process which it will strive to have ready for discussion at the July Board meeting.
 - There is presently a complaint before the Professional Conduct Committee; Committee determined that there is enough information in the Complaint to move forward with the investigation and appoint a Complaint Review Team.
 - The Complaint Review Team for this Complaint shall consist of Phil Brilliant as the LSRP representative, Dick Dewling as the non-LSRP representative and DAG Kimberly Hahn as the head of the Complaint Review Team; Jorge Berkowitz, Mike Pisauro and Karen Hershey comprise the hand-off team that will convey the information to the CRT.
 - No names will be given to the Board until the CRT comes back with a recommendation; the DAG will contact both the complainant and the licensee.
 - Rulemaking (no formal action taken): Joann Held reported on the Rulemaking Committee.
 - The Committee is waiting on other Committees.
- Ongoing Business
 - Discussion led by Chairman Sweeney about LSRP reliance on NFAs and the role of the Steering Committee.
 - Jorge Berkowitz will work with representatives of the Steering Committee to develop a clear and cogent statement on this issue.
- New Business

- Phil Brilliant led a discussion about upcoming EBC training and whether there is a concern about a quorum; DAG advised that since no Board business is being conducted at this session, there is no concern about a quorum.
 - Chairman Sweeney advised that he asked Karen Hershey to research whether a Board Chairman can make motions; Karen Hershey advised that according to Roberts Rules a Chairman of a Board can make a motion.
 - Chairman Sweeney led a discussion about having a visible complaint section on the Board's web site and recommended that the Board entertain a discussion on this issue at a future meeting.
- Public Comment
 - Nick DeRose, Langan:
 - Inquired about whether there will be additional opportunity for stakeholder input on the Audit process; Phil Brilliant responded that the Committee has not yet made that determination.
 - Inquired about whether the complaint process will be in the Board rules and what is the obligation of an LSRP who is not of record; Jorge Berkowitz indicated that the Professional Conduct Committee is considering that issue.
 - Inquired about the role of the Board and the Steering Committee on the issue of LSRP reliance on an NFA; Chairman Sweeney commented that the Board can make decisions independent of any Steering Committee recommendations.
- Motion by Chairman Sweeney to adjourn at 6:10 p.m.; seconded by Lawra Dodge and passed unanimously.