

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

August 8, 2011 Meeting

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

Board Members:

Present: Chairman David Sweeney, Philip Brilliant, Richard Dewling, Christopher Motta, Karl Muessig, Michael Pisauro, Constantine Tsentas, Ira Whitman.

Absent: Jorge Berkowitz, Lawra Dodge, Joann Held

Others Present: Board Liaison Karen Hershey, DAG Niel Lewis substituting for DAG Kimberly Hahn, Director Tony Farro, David Haymes

Proceedings:

- Meeting called to Order at 4:05 by Chairman Sweeney.
- Statement by Chairman Sweeney that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of July 11, 2011 minutes.
 - Motion by Constantine Tsentas to accept minutes, seconded by Richard Dewling; passed unanimously.
- Chairman's Report
 - Discussion led by Chairman Sweeney about Attorney General defending Board members; Chairman Sweeney asked DAG to provide additional information on budget issues and clarify meaning of the word "indemnify."
 - Chairman Sweeney reported that a rule Launch Meeting took place on July 26th with Joann Held, DEP senior staff, Office of Legal Affairs and others (specified on record at this meeting) regarding Board rules.
- Committee Reports
 - Audit Committee (no formal action taken): Phil Brilliant reported on the progress of the Audit Committee:

- In addition to comments received from the public, the Committee received comments from several Board members on the draft Audit process and questionnaire.
 - Phil Brilliant summarized changes to Audit Process and Questionnaire.
 - Board discussion about whether to take action on draft process and questionnaire given that three members are absent.
 - Board agreed to wait until next meeting.
- Continuing Education (no formal action taken): David Sweeney reported on the progress of the Continuing Education Committee for Lawra Dodge.
 - Committee is continuing to work on revised recommendations to post on web and in preparation of Open Forum to take place with Licensure Committee on August 22nd.
 - Board discussion about lead time for Continuing Education Open Forum; Board agreed lead time sufficient given that Continuing Education is not contentious, info will be posted on web ASAP, and there has been ongoing stakeholder input. Also, comment period will remain open for a week following Open Forum.
- Finance Committee (no formal action taken): Dick Dewling reported on the progress of the Finance Committee.
 - From January through June 30 of this year, charges to the Board are in the amount of \$92, 613 (handout).
 - Committee working with DEP staff on fee formula
 - Tony Farro updated Board on status of exam contract; vendor to make presentation to Board at first meeting in September.
 - Dick Dewling requested that Board committees provide him with recommendations and resources needed to prepare staffing needs and other cost info to prepare budget end of September.
- Licensure (no formal action taken): Ira Whitman reported on the progress of the Licensure Committee.
 - Committee's working draft of licensing issues (handout) has been posted on Board web site; Open forum to take place August 22nd
 - Ira Whitman led discussion about salient issues relating to working draft outline.
- Website/Outreach (no formal action taken): Chris Motta reported on the progress of the Outreach Committee.
 - The Committee's Public Involvement Statement has been posted on the Board's Web site.

- Each standing committee has its own page on the Board’s web site where committee activities and work product can be posted.
 - Clarified that Professional Conduct Committee will take the lead on drafting complaint form to go on the Web.
 - The Board now has letterhead for correspondence.
 - Committee continues to explore online internet-based tracking system for LSRPs to log on and verify status of continuing education activities.
 - Professional Conduct (no formal action taken): David Sweeney reported on the progress of this Committee for Jorge Berkowitz.
 - Committee met on August 2nd to discuss comments received from Open Forum on July 25; Committee also reviewed written process and compared with flowchart.
 - No update at this time regarding two outstanding complaints.
 - Committee is working on developing a complaint form, Committee meeting included extensive discussion about confidentiality.
 - Board members should provide comments to Committee on the draft Mission Statement (handout); Committee is planning to post on Committee page on Board web site.
 - Rulemaking (no formal action taken): David Sweeney reported on the Rulemaking Committee for Joann Held.
 - Joann attended rule launch meeting; continues to await input from Board so that Committee can move forward with the rules.
- Ongoing Business
 - Issue of exam contract already discussed.
 - Phil Brilliant asked for DAG clarification on whether DEP generated documents that are not available on Data Miner are public record or confidential; DAG will research and report back to the Board.
- New Business
 - None
- Public Comment
 - Nick DeRose, LSRPA
 - Appreciates Board posting documents on Web.
 - Regarding Audit process, will there be another opportunity for further comment? Can public view revised document before

Board takes action; revised process and questionnaire will be posted on web.

- Regarding confidentiality, there is concern about opportunity to submit anonymous complaints; issue still under discussion by the Committee and the Board.

- John Oberer, GZA Environmental
 - Asked for clarification on period of time covered by audit; maximum one audit per licensing period (three years) and covers everything from time LSRP became licensed; however issues still under consideration by Board; should be addressed in rule.

- Chris Ball, attorney, Mango Ketcher and Fox
 - Asked about a provision of the SRRA Code of Conduct which states that the LSRP cannot be an employee of a responsible party who is performing remediation services for the employer.
 - Board discussion on issue; Chairman Sweeney indicated that on advice of legal counsel Board is unable to provide interpretation at this meeting.
 - DAG added this is a legal issue regarding the interpretation of a statute; advised Board to not take action this evening.
 - Board discussed advisory opinions.

- Andy Robins, Sill Cummis
 - Indicated that question posed by Chris Ball above reiterates the need for the Board to issue Advisory opinions.

- Motion by Phil Brilliant to adjourn at 6:31 p.m.; seconded by Ira Whitman and passed unanimously.