

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

October 7, 2019 Meeting Minutes

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

Board Members:

Present

Jorge Berkowitz
Phil Brilliant
Joann Held
Jeffrey Hoffman
Christopher Motta (via teleconference)
Mark Pedersen
Kathi Stetser (via teleconference)
Peter Strom
Ira Whitman

Absent

Lawra Dodge

Others Present

Board Executive Director Janine MacGregor
Board Staff Dana Haymes
DAG Nielsen Lewis

Proceedings

- Meeting called to Order at 4:07 PM by Chairperson Mark Pedersen
- Mark Pedersen read the Statement of Adequate Public Notice of the meeting required by the Open Public Meetings Act.
- Roll Call:
 - Jorge Berkowitz - present
 - Phil Brilliant - present
 - Lawra Dodge - absent
 - Joann Held - present

Jeffrey Hoffman - present
 Christopher Motta - present (via teleconference)
 Mark Pedersen - present
 Kathi Stetser - present (via teleconference)
 Peter Strom - present
 Ira Whitman - present

A quorum of the Board was in attendance.

- **Approval of the Board Meeting Minutes**

- Motion by Mark Pedersen to approve the September 23, 2019 Board Meeting Minutes.

Phil Brilliant seconded the motion.

Roll Call Vote:

Jorge Berkowitz - Yes
 Phil Brilliant - Yes
 Lawra Dodge - absent
 Joann Held - Yes
 Jeffrey Hoffman - Yes
 Christopher Motta - Yes
 Kathi Stetser - Yes
 Peter Strom - Yes
 Ira Whitman - Yes
 Mark Pedersen - Yes

The motion was carried.

- **Chairperson’s Report**

Mark Pedersen reported that the Department will be holding stakeholder meetings for amendments to regulations to conform with SRRA 2.0.

- **Executive Director’s Report**

No report.

Committee Reports

- **Continuing Education Committee – Lawra Dodge**

- Motion by Joann Held to approve the following CEC applications.

Motion seconded by Jeff Hoffman.
 Replace with 9 in agenda

	TITLE	PROVIDER	DATE	CECs	PROPOSED COURSE #
1	Redevelopment of Contaminated Properties and Conflicts with Stormwater Requirements	NEWMOA	September 25, 2019, September 26, 2019, November 6, 2019	5 Technical	2019-081
2	June 2019 Regulatory Roundtable – Commingled Plumes	LSRPA	June 18, 2019	1 Technical and 1 Regulatory	2019-082
3	November 2019 Regulatory Roundtable – Ecological Evaluation	LSRPA	November 19, 2018	2 Regulatory	2019-083
4	Navigating Land Use Laws	LSRPA	TBD	2 Regulatory	2019-084
5	Conceptual Site Models	LSRPA	TBD	2 Technical	2019-085
6	Data Collection and Analysis for LSRPs	LSRPA	TBD	2 Technical	2019-086
7	Site Remediation Data and Information	LSRPA	TBD	2 Technical	2019-087
8	2019 Annual Site Remediation Seminar	Riker, Danzig, Scherer, Hyland & Perretti	September 26, 2019	3 Regulatory	2019-088
9	RAPs and RAOs	CPES	November 1, 2019	3.5 Regulatory	2019-089

Roll Call Vote:

- Jorge Berkowitz - Yes to all except recused for proposed Course 2019-089
- Phil Brilliant - Yes to all except recused for proposed Course 2019-089
- Lawra Dodge - absent
- Joann Held - Yes to all
- Jeffrey Hoffman - Yes to all
- Christopher Motta - Yes to all
- Kathi Stetser - Yes to all
- Peter Strom - Yes to all
- Ira Whitman - Yes to all

Mark Pedersen - Yes to all

The motion was carried with respect to all applications.

- **Professional Conduct Committee – Phil Brilliant**

Will return to this Committee Report at the end of the meeting.

- **Audit Committee – Jorge Berkowitz**

- Five LSRPs were selected for audit today.
- The audits of the following LSRPs are complete:
 - Selected December 3, 2018: John Kerber, 573640
Rakesh Ganta, 591596

Jorge Berkowitz reported that for audits for which Audit Review Teams have not been selected, the Audit Committee as a whole will conduct the audits. A non-LSRP Board Member will either be appointed to the Audit Committee, or the non-LSRP Board Members will rotate into joining the Audit Committee for the purpose of reviewing audits each month. This will be the process beginning with February 2019 and into the future. This is consistent with the Board regulations and By-Laws. The Committee will implement this change on an administrative basis. He hopes that this will enhance the work of the Audit Committee and will ensure more consistency. The intention is to catch up with the audit backlog by May 2020. Jorge Berkowitz referred to the flow diagram distributed to the Board, which illustrates the process that will be followed.

Ira Whitman commented that he suggested a checklist to facilitate communication and reporting from the staff to the Audit Committee.

Discussion amongst Board Members to clarify the proposed revisions to the process of conducting audits.

- **Finance Committee – Christopher Motta**

Christopher Motta reported that in advance of the next Board Meeting he hopes to distribute to the Board the Financial Summary for Fiscal Year 2019. This will show the carry forward to Fiscal Year 2020 and the Annual Site Remediation Professional Licensing Board Fee Calculation Report. Objective is to publish the Fee Calculation Report in the New Jersey Register by early December.

- **Licensure – Kathi Stetser**

Kathi Stetser reported that the date of the next LSRP exam will be April 22, 2020 and applications are available on the Board Website.

- **Outreach Committee – Peter Strom**

No Report.

- **Rules Committee – Joann Held**

Joann Held reported that a stakeholder meeting was held after the September 23 Board Meeting. Four members of the LSRPA provided comments at the meeting. The Board has also received written comments. On October 10 the Rule Committee will to meet discuss proposed revisions to the Rules.

- **Professional Conduct Committee – Phil Brilliant**

Motion by Phil Brilliant to amend the By-Laws to allow Board Members to participate in the closed session of the Board meeting via videoconference and to amend bylaws accordingly.

Motion seconded by Peter Strom.

Discussion by Board Members.

Peter Strom suggested that if Board Members participate via videoconference guidelines to ensure security should be established and followed.

Ira Whitman feels that technology glitches could cause problems, and not having one or more Board Members present in person would hinder Board interactions and communications and disrupt the decision-making process. Also, Ira does not feel that this is a solution to the problem that the Board is down by three Board Members. The additional Board Members should be appointed, and those with a stake in this Board should make it known that those appointments are needed.

Phil Brilliant acknowledged that if this is approved the Board needs to confirm the availability of technology and satisfaction of the security concerns.

Kathi Stetser noted that the Board needs to look into creative options to ensure a quorum.

Mark Pedersen commented that the motion should be tabled until more information is provided. Even with 13 Board Members this would still provide a benefit.

Motion by Phil Brilliant to table his pending motion.

Jorge Berkowitz seconded the motion.

All present voted yes.

The motion was carried.

Motion by Phil Brilliant to enter closed session to discuss Complaint 006-2019.

Motion seconded by Jorge Berkowitz.

All present voted yes.

The motion was carried.

Chris Motta and Kathi Stetser departed the meeting.

Open Session resumed at 5:30 PM.

Motion by Phil Brilliant, in the matter of Complaint 006-2019, to amend the findings and settlement terms stated in the Board Determination and Offer of Settlement (BDOS) dated July 9, 2019 as follows;

- To withdraw findings of violations of N.J.A.C. 7:26I-6.8(c) in five of the eight instances;
- To adjust the assessed penalty from \$2000.00 to \$750.00;
- To authorize transmission of these amended findings and offer of settlement of \$600.00 (or 80% of the assessed penalty) under signature of the Board Chairperson as an addendum to the July 9, 2019 BDOS; and
- If no settlement is reached, to proceed with formal disciplinary action.

Mark Pedersen seconded the motion.

Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Yes
Lawra Dodge	- absent
Joann Held	- Yes

Jeffrey Hoffman - Yes
Christopher Motta - absent
Kathi Stetser - absent
Peter Strom - Yes
Ira Whitman - Yes
Mark Pedersen - Yes

The motion was carried.

The LSRP that is the subject of this complaint is Laura Brinkerhoff.

- **Ongoing Business**

None.

- **New Business**

None.

- **Next Board Meeting**

Motion by Mark Pedersen to cancel the October 21, 2019 meeting.

Motion seconded by Phil Brilliant.

All present voted yes.

The motion was carried.

The next Board Meeting will be November 4, 2019

- **Public Comments**

Mark Pietrucha, LSRP. Mark shared that he was contacted by an attorney regarding someone to conduct pre-purchase due diligence. Seller and Buyer did not want an LSRP to conduct this. There is uncertainty regarding need of LSRP to report a discharge if conducting due diligence.

- Motion by Jeff Hoffman to adjourn the meeting

Phil Brilliant seconded the motion.

All present voted yes.

The motion was carried.

Meeting adjourned at 5:45 PM.