

September 17, 2013
LANDSCAPE IRRIGATION CONTRACTORS
EXAMINING BOARD

The Landscape Irrigation Contractors Examining Board held their meeting at the DEP Complex, Trenton, NJ. George McCarthy called the meeting to order at 10:05 a.m. The following members were in attendance:

MEMBER	AFFILIATION
Linda Cantwell	NJDEP
Robert Dobson	Middletown Sprinkler
George McCarthy	Spring Irrigation Co Inc
William Frederick Rapp	Atlantic Irrigation Specialties
Ken Scherer	Hillsborough Irrigation
Gaetano Virone	Environmental Designers Irrigation

Gene Rosenblum, DAG, Patricia Conti, Annie Loh, and Tim Martin were also in attendance.

Linda Cantwell read the Open Public Meetings Act statement for the Landscape Irrigation Contractors Examining Board and announced that adequate notice of this meeting had been provided to the Secretary of State and designated newspapers, as well as posted in DEP.

Both the open and closed session minutes from the July 17, 2013 meeting were approved as presented. Guy Virone abstained.

The Board discussed a communication received with regard to their Water Sense provider status. The communication informed the Board that until New Jersey has an established continuing education program they are no longer eligible to be a Water Sense provider.

The Board was informed that staff was recently contacted by the Irrigation Association of New Jersey (IANJ). The IANJ was requesting specific information along with answers to questions in order to prepare for an upcoming exam preparatory course. Staff has not received these types of inquiries in the past and the IANJ provided very little notice in order to obtain what was needed.

The Board reviewed and accepted the Treasurer's report.

George McCarthy informed the Board that he had recently seen a notification at a supply house. The notification was informing individuals of the pesticide licensing requirement. Mr. McCarthy was inquiring as to whether or not the Board could do something similar with regard to the irrigation certification requirement. A discussion was held. Bob Dobson agreed to prepare a draft notification and the other members offered to reach out to their suppliers in order to see if it could be posted.

Tim Martin (IANJ) arrived. Mr. Martin informed the Board that he has heard that the proposed rules should be moving forward. Based on recommendations from the Governor's office, the business permit will not require a fee. In addition, the rules will establish a continuing education process.

The Governor's office recommended several changes to the proposed rules and regulations. A discussion was held. The members agreed to these minor changes. In reviewing the document further, concerns were expressed with regard to the January 31, 2014 date indicated in the proposal. This date was specific to the CEC requirement. Should the adoption process be complete before that date, contractors expiring on that date would be required to meet the CEC requirement for renewal. DAG Schuit was contacted via a telephone conference in an attempt to clarify the re-adoption with amendments process.

The Board motioned to remove the January 31, 2014 date from the proposal provided the Governor's office agreed. Further discussion was held. The Board rescinded this motion and motioned to approve the proposed rule with the changes recommended by the Governor's office. The Board should have the ability to work with this date should an issue arise.

The Board voted to enter into a closed session in order to discuss enforcement matters at 11:25 a.m. Whereas the Open Public Meeting Act provides that a public body such as the Landscape Irrigation Contractors Examining Board may meet in closed session to discuss "any investigations of possible violations of law" and any pending or anticipated litigation; Whereas the Board desires to retire to closed session to discuss possible violations of law and litigation matters; Now therefore, be it resolved that the Board shall at this time meet in closed session to discuss the above mentioned matters. The substance of the closed session will be disclosed publicly only when it will not impede the State's ability to investigate the possible violation of law in question or participate in the litigation or breach an attorney-client privilege.

The Board returned to open session at 1:05 p.m.

Fred Rapp provided members with a copy of a draft enforcement activities flow chart he recently prepared. Mr. Rapp is currently working on the format so that it will print out properly.

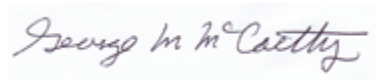
A discussion was held with regard to hiring a temporary staff member to assist the Board with various activities. George McCarthy indicated that they would like the temporary staff member to send out acknowledgment letters to complainants, maintain a continuing education credit database, send out notifications to contractors deemed deficient in continuing education credits, and possibly scanning enforcement cases for the Board's review. Mr. McCarthy inquired as to whether or not the Board could purchase a laptop to be utilized by the temporary staff member and at Board meetings. The Board held discussions about hiring the staff member one day a week or possibly one day every other week.

Nine initial exam applications and three re-applications were submitted to the Board for review. Members agreed to approve these applications for the October 2013 examination. Guy Virone voted no to Application 616032 based on the information reflected in the applicant's W2 forms. Mr. Virone requested that the topic of experience to be added to the next meeting agenda under Old Business.

The Board voted to issue an Administrative Order and Notice of Civil Administrative Penalty Assessment (AONCAPA) in the amount of \$1000.00 to cases 097, 513, 509, 604, 502. The ANOCAPA's were issued for failing to respond to the notices of violation previously issued and/or take the corrective action necessary to resolve the violation: cases

The meeting was adjourned at 2:20 pm.

Respectfully Submitted,



George McCarthy, Chairman
Landscape Irrigation Contractors Board