

November 20, 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 10:10 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, Michael Schuit, DAG, and Patricia Conti 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 September 17, 2013 meeting were approved as presented.

The Board reviewed and accepted the Treasurer's report as presented.

Staff reminded members to review the 2014 schedule previously provided. In addition, the RFP process for an enforcement contractor will need to begin in the spring. Based on recent emails that have been received, it appears that there could be some movement with filling the remaining vacancy on the Board. A request was received from a provider interested in offering CECs. The provider is awaiting a response.

George McCarthy informed members that he recently attended a WaterSense webinar outlining upcoming changes that would take effect sometime in July. The changes would significantly increase the number of individuals recognized by the program, by automatically recognizing all NJ irrigation contractors. In the past, a NJ contractor interested in recognition would need to apply and attest to certain requirements. It was noted that only a small number of NJ contractors had applied. In addition once the changes are in place, the Water Sense recognition would not distinguish an irrigation contractor from other professional licenses recognized by WaterSense. A discussion was held and the Board motioned and approved to send a letter to EPA opposing the changes to the program. It was suggested that other statutory bodies be cc'd in the letter.

A discussion was held concerning the next meeting scheduled for December 11 in Atlantic City. Due to the number of contractors attending the meeting last year, concerns were expressed concerning the fact that the rules have been published and are in the comment period. It was agreed that the public would be informed that the rules have been published and are available for review on <http://www.nj.gov/dep/rules>. In addition, all comments must be submitted in writing. The Notice Proposal provides a direct link to both the amendment proposal and the online comment submission. Instructions on submitting comments through the mail are also included in the Notice Proposal.

Bob Dobson provided members with a copy of a notice prepared by/for the Louisiana Department of Agriculture and Forestry informing Louisiana homeowners to hire only licensed landscape contractors. A discussion was held as to whether or not the Board would do something similar. Mr. Dobson offered to prepare a draft notification for the members to review. It was agreed that the notification would be published in spring/fall irrigation type publications. The Board inquired as to whether or not DEP would also publish the notification. Trish Conti agreed to follow up on the inquiry once a finalized draft has been received. Mr. Dobson noted that July is Smart Irrigation month in New Jersey.

As a result of an applicant including W2 forms as part of his supporting documentation for experience, a discussion was held as to how much time/money constitutes one year of experience. The discussion included dollars verses hours, minimum hours, what constitutes a season, time cards verses actual records, pay stubs verses W2 forms. The Board will develop a certification type statement where the applicant or the employer states that the applicant worked "X" number of hours a week from "X" to "X".

The Board members discussed the need to secure a method for tracking continuing education credits taken by irrigation contractors. Members had previously contacted the Irrigation Association, but the cost of having them track credits was excessive. The Board agreed to contact them again. Members inquired as to whether or not the method utilized to track credits for pesticide applicators might be an option. They were informed that the system used by pesticides is unique and specific to them. Members were reminded that previous discussions included the possibility of irrigation contractors tracking their own credits and then being randomly audited.

The Board reviewed and approved the results from the October 2013 examination; six passed, 20 failed.

The Board voted to enter into a closed session in order to discuss enforcement matters at 12:05 p.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 2:05 p.m.

The Board voted as follows:

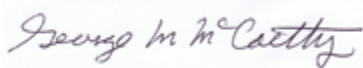
close case 613 based on an investigation

issue case 532 an Administrative Order and Notice of Civil Administrative Penalty Assessment in the amount of \$1000.00 for advertising without a certificate

refer case 598 to the Plumbing Board; it appears to be violating N.J.S.A.45:14C-2.

The meeting was adjourned at 2:10 pm.

Respectfully Submitted,



George McCarthy, Chairman
Landscape Irrigation Contractors Board