

Minutes BLIC January 14, 2020

Minutes Taker-Dan Cao

Start Time: 11:10 AM

End Time: 12:08 PM

BOARD OF LANDSCAPE IRRIGATION CONTRACTORS

Meeting Location: DCA Building
101 S. Broad Street
Trenton, NJ 08625
1st Floor Large Conference 129 Room

Attendees:

<u>Board Members</u>	<u>Affiliation</u>
Gaetano Virone	Environmental Designers Irrigation
Kenneth Scherer	Hillsborough Irrigation
George M. McCarthy	Spring Irrigation
Robert Dobson	Middletown Sprinkler
Kevin Luckie	Assistant Director DCA

Legal Counsel

Craig Keiser	DAG
--------------	-----

DCA Staff

John Delesandro	Supervisor of Codes & Standards DCA
-----------------	-------------------------------------

Official Start Time: 11:10 AM

John Delesandro read aloud the Open Public Meetings Act statement for the Board of Landscape Irrigation Contractors and announced that adequate notice of this meeting had been provided to the Secretary of State, and designated newspapers on January 9, 2020.

Minutes of Previous Meetings

Minutes were reviewed for November 19, 2019 meeting.

Kevin Luckie motioned to accept November 19, 2019 meeting minutes, George McCarthy seconded. Motion carried, unanimously.

Treasurer's Report

Treasurer's report was read by John Delesandro. He stated that under expenditures, it is an encumbrance amount and not actual expenses; it is reserved out of the fund. There have not been much done regarding penalty enforcement, so that is the same number for revenue. The bulk of revenue represents the certification renewal fees that has been received thus far for the 2020 expiration period.

George McCarthy motioned to accept Treasurer's Report, Kevin Luckie seconded. Motion carried, unanimously.

Communications

John Delesandro stated that there are no communications.

Minutes BLIC January 14, 2020

Minutes Taker-Dan Cao

Start Time: 11:10 AM

End Time: 12:08 PM

Unfinished Business

John Delesandro stated that the regulation changes have been approved by the Department. It has been sent over to the Governor's Office. There is no official date for the New Jersey register.

George McCarthy asked about the Irrigation Association contract and negotiations.

John Delesandro answered that the last correspondence with the Irrigation Association was via email. He asked what the Irrigation Association wanted to do regarding the contract. The CEO of the Irrigation Association, Deborah, responded back that she was going to have someone contact John and get everything mailed out to renew for an annual contract. John will reach out to them and try to get it straightened out by the next meeting on March 24, 2020.

George McCarthy inquired about looking for an enforcement consultant. He sent John RFPs that were used in the past and stated that it would be practical to have someone to do extra research for ongoing cases.

Gaetano Virone asked if we need multiple bids for it.

Kevin Luckie answered by explain the RFP process and its limitations. He also stated that we can post it on the Department's website and gauge the interest.

Kevin Luckie and John Delesandro will review and update the RFP.

New Business

John Delesandro stated that there are 39 certifications that expired from 2019. He spoke with 3 gentlemen who expired in 2019 and they will be sending the CEC information out. There are 9 who will be going beyond the 2-year grace period at the end of the month. There are 459 active certifications as of right now and 415 active business permits. After Winter Tech, there should be more CECs coming in.

Gaetano Virone asked about the gentlemen that expired in 2019 and if there has been any research to see if they are still working.

John Delesandro responded that there has been research; a final notice will be sent out at the end of the month.

John Delesandro stated that there are about 5 to 10 cases that needs to be initiated. Also, about 10 cases are going to be moved from a notice to a penalty. He will provide a more detailed report in the March 24, 2020 meeting.

Public Comment

There was no public comment.

Minutes BLIC January 14, 2020

Minutes Taker-Dan Cao

Start Time: 11:10 AM

End Time: 12:08 PM

Kevin Luckie motioned to go into Closed session, Kenneth Scherer seconded. Motion carried, unanimously.

Kenneth Scherer motioned to return to Open session at 12:08, Kevin Luckie seconded. Motion carried, unanimously.

Kevin Luckie motioned to adjourn meeting, George McCarthy seconded. Unanimous approval to adjourn. The meeting adjourned at 12:08 pm.

Minutes BLIC September 21, 2020

Minutes Taker – Dan Cao

Start Time: 11:10 AM

End Time: 12:13 PM

BOARD OF LANDSCAPE IRRIGATION CONTRACTORS

Meeting Location: Via GoToMeeting

Attendees:

Board Members

<u>Board Members</u>	<u>Affiliation</u>
Gaetano Virone	Environmental Designers Irrigation
Kenneth Scherer	Hillsborough Irrigation
George M. McCarthy	Spring Irrigation
Robert Dobson	Middletown Sprinkler
Kevin Luckie	Assistant Director DCA

Legal Counsel

Eric Reid	DAG
-----------	-----

DCA Staff

John Delesandro	Supervisor of Codes & Standards DCA
Dan Cao	Administrative Assistant

Official Start Time: 11:10 AM

John Delesandro read aloud the Open Public Meetings Act statement for the Board of Landscape Irrigation Contractors and announced that adequate notice of this meeting had been provided to the Secretary of State, and designated newspapers on September 14, 2020.

Minutes of Previous Meetings

Kenneth Scherer asked to move the reading of the January 14, 2020 minutes to the end of the meeting.

Gaetano Virone and John Delesandro agreed to this.

Treasurer's Report

John Delesandro shared the Treasurer's Report and stated that a report was not prepared for Fiscal Year 2021 yet because we are still in Fiscal Year 2020, but it has been closed out.

Kevin Luckie said we are in Fiscal Year 2021, but there was confusion about whether Fiscal Year 2020 would be extended or opening 2021 for three months. Due to the financial system, Fiscal Year 2020 was closed out. We are currently in Fiscal Year 2021 and everything has been delayed because of the nine-month budget that was put in place by the Governor. It would need to be put in place by October 1st. He also stated that the ending balance from June was the revenue that was carried over to Fiscal Year 2021. Additionally, we have not had many expenses because we are reduced everywhere, and the ending balance is the current financial situation of the Board as of last week.

Kenneth Scherer motioned to accept the Treasurer's Report, Kevin Luckie seconded. Motion carried, unanimously.

Minutes BLIC September 21, 2020

Minutes Taker – Dan Cao

Start Time: 11:10 AM

End Time: 12:13 PM

Communications

John Delesandro stated that there are no communications.

Unfinished Business

Kevin Luckie spoke in regard to the database upgrade. He stated that there was no communication with the IT department however, the money for the database has not been spent. The allocated amount of \$50,000 for the database upgrade from last year is still on the books. Also, he said that he will re-start the conversation this week with the IT Director.

Gaetano Virone asked to be updated on the outcome of that meeting.

Kevin Luckie stated that he will.

John Delesandro stated that we received three (3) comments from one (1) commenter regarding the regulation change. He stated that the first comment and question is a misunderstanding of the regulation change. The commentor's example about working less than 1,100 hours is exactly what the intent of the regulation change is. If you are working less than 1,100 hours, then you can still achieve experience credit toward meeting the three-year requirement. The point of putting the 1,100 hours in the regulation change is to prohibit obtaining extra credit. John provided an example: if you work 3,300 hours in a year, you would not be able to get all three years' worth of experience in one year. The last two comments go beyond the statutory authority and jurisdiction of the Board. The second comment stated that there is still a loophole. However, he stated that the idea of requiring a business permit from Master Plumbers performing irrigation work is to keep track of which ones are performing work. The third comment goes beyond any statutory authority that the Board has.

Gaetano Virone believes that the second comment regarding the loophole is not really a loophole because if a contractor gets a plumber to get a permit on their behalf, then it is illegal.

John Delesandro stated that there is no further regulation that can be added to make it clearer.

Gaetano Virone asked what is the next step with the regulation change proposal?

John Delesandro answered that the comment period for the regulation is over. He suggested a response should be drafted to the commentor and move for adoption. Afterward, it can be sent to the Commissioner's Office to get it adopted.

Kenneth Scherer motioned to respond to the commentor and move the regulation change proposal to the adoption stage, Robert Dobson seconded. Motion carried, unanimously.

John Delesandro explained that once the regulation change is approved, then that would provide a direction on how to proceed with the Irrigation Association contract. We have a contract with the Irrigation Association for the web posting of the CECs and also for the exams. The October 23rd exam will

Minutes BLIC September 21, 2020

Minutes Taker – Dan Cao

Start Time: 11:10 AM

End Time: 12:13 PM

proceed, but that leaves it open because we are no longer proctoring the exam. He thinks that we are going to remove that portion of the contract. In addition, depending on how the database upgrade works out, there would be no need for the contract at all because the Irrigation Association will not be doing the web posting for CECs.

Gaetano Virone asked if we have a choice in regard to the upcoming year?

John Delesandro answered that the exam portion of the contract would be dropped, and any interested applicants would need to register with the Irrigation Association for their exam. He added that once the regulations are updated, then it would be only a matter of transferring the data over from the Irrigation Association.

Gaetano Virone asked if the wording in the contract about when we go online with the new database is fine for the new contract?

John Delesandro responded that this would be a better conservation for the next Board meeting.

Gaetano Virone states that we can table this discussion until the next meeting. He asked for the opinion of the other Board members.

Kenneth Scherer asked if we are tabling the conversation on amending the Irrigation Association contract?

Gaetano Virone answered yes.

Kenneth Scherer stated he is fine with that and asked if that is John Delesandro's suggestion?

Gaetano Virone stated that is his thinking at the moment until we receive more information regarding the projections and when we are getting the software after Kevin Luckie talks to the IT department regarding this.

Kenneth Scherer asked regarding John Delesandro's thoughts on the discussion?

John Delesandro answered it would be best to discuss at the next meeting after we see how far along the adoption goes and when we receive better context in regard to the database upgrade.

New Business

John Delesandro stated that the April 17th, 2020 exam was canceled for practical reasons. We are working with Rutgers University on securing the same testing site with enough room to handle the social distancing guidelines and 25% capacity. He pointed out that most of the individuals on the applicant list are carry overs from the April 17th, 2020 exam.

Robert Dobson asked if the registration date is closed for the October 23rd, 2020 exam?

Minutes BLIC September 21, 2020

Minutes Taker – Dan Cao

Start Time: 11:10 AM

End Time: 12:13 PM

Dan Cao answered that the registration date is closed; it closed on September 1st, 2020. She said that we received one last minute application. The application fee was missing, but it has been received since then. Also, there are two applicants who are missing additional information. One applicant is missing their W2s and the other just needs to send in more information. The one who is missing more information is a New York contractor.

Gaetano Virone asked how much time we are giving the applicants to get their information together?

Dan Cao answered that notice was sent to the applicants asking for more information about a month ago and no response was provided by either applicant.

Gaetano Virone suggested to approve the list of applicants, excluding the two who are missing information.

Robert Dobson pointed out that there is a problem if the two applicants send in the information and the Board has not voted on it. He suggested to conditionally approve the two applicants pending receipt of the requested documentation.

Gaetano Virone suggested we give the two applicants an extra ten days and then we can approve as is.

Kenneth Scherer motioned to give the two applicants ten more days and approved the rest of the applicants for the exam, Kevin Luckie seconded. Motion carried, unanimously.

John Delesandro shared that currently there are 439 active certifications. There are 26 certifications that expired in 2019, which will be sent notices that they are close to their grace period. There were five (5) contractors from the 2018 cycle that can no longer renew. There are currently 377 active business permits and that includes the 18 that expired earlier in 2020 but does not include 35 that expired in 2019. The 35 is down from the 58 that was on record at the last Board meeting.

Dan Cao added that another notice will be sent out to the expired 2019 and 2020. She stated that there are some 2020 expired contractors who are sending in their CECs and trying to get renewed. Also, she sent out business permit renewal applications with expiration dates through to the end of the year.

John Delesandro stated to send out the certification renewal applications for contractors expiring in 2021 by October 1st.

Dan Cao stated that she will send those out.

Gaetano Virone asked if we should address the 2019 expired business permits or discuss it at the next meeting?

John Delesandro stated that a letter will go out to the permittees who expired in 2019 to get up to date and become compliant.

Minutes BLIC September 21, 2020

Minutes Taker – Dan Cao

Start Time: 11:10 AM

End Time: 12:13 PM

Gaetano Virone stated that the 2019 expired business permittees had time to get renewed. He asked the other Board members' opinions regarding giving them more time to get renewed by the next Board meeting or sending out a notice of violation.

Kenneth Scherer asked if we should prepare notices of violation by the next meeting?

Gaetano Virone would prefer to send out notices of violation now because of extensive delinquency but can wait until next meeting.

John Delesandro stated that he draft a letter to give notice to permittees to get business permit resolved or the next step will be a notice of violation, will give deadline of November 1st.

Robert Dobson asked for letter formats that will be sent to expired business permittees and contractors who expired in 2018 to be sent to the Board members.

John Delesandro stated that he will send it over for review.

Gaetano Virone asked if a reminder was sent to the 2019 expired contractors that they are close to grace period and 2020 expired contractors to renew?

Dan Cao answered that a letter will be sent out to the 2019 and 2020 expired contractors. She also pointed out that the majority of the 2019 expired business permits are due to the designated certificate holder's certification being expired.

Gaetano Virone asked if 2018 expired contractors were notified that they expired and will need to re-test?

Dan Cao answered they were not notified yet that they are out of the program.

Gaetano Virone wants to send notification to the 2018 expired contractors that they are expired, asked for everyone's opinion regarding this matter.

John Delesandro stated that the 2018 expired contractors were contacted prior to the end of their grace period and were notified that they would be out of the program if the requirements are not met by January 31st, 2020. The number of 2018 expired contractors were higher but was brought down to five (5).

Kenneth Scherer motioned to notify the five (5) 2018 expired contractors that they are out of the program and will have to re-test to re-enter the program, Kevin Luckie seconded. Motion carried, unanimously.

John Delesandro stated that we have not received many complaints. The only problem is that we have a lack of responses.

Public Comment

Minutes BLIC September 21, 2020

Minutes Taker – Dan Cao

Start Time: 11:10 AM

End Time: 12:13 PM

None

Kevin Luckie motioned to go into Closed session at 11:51 AM, Kenneth Scherer seconded. Motion carried, unanimously.

Kenneth Scherer motioned to return to Open session at 12:05 PM, Kevin Luckie seconded. Motion carried, unanimously.

Minutes of Previous Meetings

Board members reviewed January 14th, 2020 meeting minutes.

Kevin Luckie motioned to approve the January 14th, 2020 meeting minutes, Kenneth Scherer seconded. Motion carried, unanimously.

Robert Dobson motioned to adjourn meeting, Kenneth Scherer seconded. Motion carried, unanimously. The meeting adjourned at 12:13 PM.

Minutes BLIC December 22, 2020

Minutes Taker – Dan Cao

Start Time: 11:05 AM

End Time: 11: 11 AM

BOARD OF LANDSCAPE IRRIGATION CONTRACTORS

Meeting Location: Via GoToMeeting

Attendees:

Board Members

George M. McCarthy

Robert Dobson

Kevin Luckie

Affiliation

Spring Irrigation

Middletown Sprinkler

Assistant Director DCA

Legal Counsel

Beau Wilson

DAG

DCA Staff

John Delesandro

Dan Cao

Supervisor of Codes & Standards DCA

Administrative Assistant

Absent

Gaetano Virone

Kenneth Scherer

Environmental Designers Irrigation

Hillsborough Irrigation

Official Start Time: 11:05 AM

John Delesandro read aloud the Open Public Meetings Act statement for the Board of Landscape Irrigation Contractors and announced that adequate notice of this meeting had been provided to the Secretary of State, and designated newspapers on December 18, 2020.

George M. McCarthy stated that this meeting was called for the re-adoption of the regulations that was recently published and adopted.

John Delesandro stated that the Office of Administrative Law still had the regulations under the Department of Environmental Protection instead of the Department of Community Affairs. The Office of Administrative Law had all of the regulation set to expire on February 20th and advised to schedule a meeting to re-adopt the regulation so it can be moved forward.

Kevin Luckie motioned to adopt the regulations without change and to specify that the regulation is with the Department of Community Affairs instead of the Department of Environmental Protection, Robert Dobson seconded. Motion carried, unanimously.

Robert Dobson motioned to adjourn the meeting, Kevin Luckie seconded. Motion carried, unanimously. The meeting adjourned at 11:11 AM.