

# NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

## MINUTES

### FINAL

December 9, 2010  
4:30 p.m. Public Hearing Room, DEP, Trenton

#### **Board Members:**

**Present:** Chairman Dave Sweeney, Philip Brilliant, Richard Dewling (by phone), Lawra Dodge, Joann Held, Christopher Motta, Karl Muessig, Michael Pisauro, Constantine Tsentas, Ira Whitman

**Absent:** Jorge Berkowitz

**Others Present:** Board Liaison Karen Hershey, DAG Kimberly Hahn

#### **Proceedings:**

- Meeting called to Order by the Chairman at 4:30 P.M.
- Statement by the Chair that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of November 15, 2010 minutes.
  - Motion by Richard Dewling to accept minutes, seconded by Philip Brilliant and passed unanimously.
- Approval of November 29, 2010 minutes.
  - Discussion: Amend to reflect that Karl Muessig opposed Jorge Berkowitz' motion to not accept minutes from November 15, 2010.
  - Motion by Richard Dewling to accept minutes with correction above, seconded by Constantine Tsentas and passed unanimously.
- Chairman's Report on Senate Hearing (no formal action taken)
  - Discussion: Slides of presentation to Senate will be posted on DEP's website; Email will be sent to Board members when slides become available. Board is critical to LSRP program; general perception that hearing went well.

- Committee Reports
  - Bylaws (no formal action taken): Lawra Dodge—Discussion of handout of five sections: vice-chair, conflict of interest, secretary, teleconferencing, minutes. Discussion related to the following:
    - Vice chair only if chair or designee is absent, incapable, recuse, etc. Would not replace or supersede chair’s designee.
    - Secretary should be someone from the DEP; not the liaison, Duties are to prepare minutes and maintain records.
    - Conflict of interest provisions must be taken seriously but need to be broad enough to allow the Board LSRPs to do job and still sit on Board; DAG Hahn: clarify in bylaws that if there is a discrepancy state ethics laws supersede language in bylaws.
    - Teleconferencing can be permitted but should not be abused, should not be permitted for disciplinary actions.
    - Minutes are the responsibility of secretary; use of digital recording.
    - Ira Whitman to meet with Karen Hershey next week to finalize bylaws for December 20 meeting.
  - Rulemaking (no formal action taken): Joann Held— Discussion of handout regarding six subchapters: general provisions, licensing, professional conduct, disciplinary proceedings, penalties, licensees on inactive status. Discussion related to the following:
    - Balance enough detail with need to get the rules adopted quickly; look to SRRA statute and statutes of other states.
    - Discussion of inactive status section.
    - Aiming for draft on January 15, 2011, adopt January 2012.
    - Board meetings include stakeholder input, next call December 14.
    - Chairman Sweeney is awaiting DAG opinion on enforcement strategy prior to adopted rules, also researching liability for Board members.
  - Website/Outreach (no formal action taken): Chris Motta—Discussion of handout regarding outline of Board website. Discussions related to the following:
    - Take comments from Board on this draft, and provide second final draft for review by Board.
    - Website committee will meet with DEP representative George Klein to get process started.
    - Website might include message from the Chairman that is updated with some frequency.
    - Must be careful not to provide information overload.
    - Website will link between Board and DEP website.

- Concerns with blog section.
  - Need for a Board seal.
  - DEP will investigate options regarding hosting of the site and domain name.
- Ongoing Business (no formal action taken)
  - Discussion relating to Board's input on first exam. Chairman Sweeney said meeting can be set up with Tony Farro, Frank Pinto, Richard Dewling, Constantine Tsentas and Ira Whitman but Treasury's bid process may prevent input; DEP will check with Treasury.
- New Business (no formal action taken)
  - Ethics handouts in packets; DEP case manager assignment letters; need for Audit committee which should be added to bylaws and should be discussed next meeting; next meeting DEP representative describe process for inspection and reviews along with observations about submissions.
- Public Comment
  - Andrew Robins, Giordano, Halleran and Ciesla
    - Consider including advisory rulings in regulations.
  - David Rubin, DEP
    - Vice chair should be member of Board.
    - No teleconferencing for disciplinary actions; it does not ensure confidentiality.
    - Minutes should not include public attendance unless can ensure everyone signs in.
    - Complaint form should be established soon.
  - Kevin Schick, DEP
    - Division of Community Affairs has a good website that may help Board.
    - Website contact info should go to Board Secretary.
    - Make the development of a Board seal a contest.
  - Mark Petrucca, LSRPA
    - Inquiry concerning status of two vacant seats on the Board.
- Motion to adjourn at 7:05 p.m. by Ira Whitman; seconded by Richard Dewling and passed unanimously.

