NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

MINUTES

FINAL

January 24, 2011

5:00 p.m. Public Hearing Room, DEP, Trenton

Board Members:

Present: Chairman Dave Sweeney, Jorge Berkowitz, Philip Brilliant, Richard Dewling, Lawra Dodge, Joann Held, Christopher Motta, Karl Muessig, Michael Pisauro, Constantine Tsentas, Ira Whitman

Absent: DAG Kimberly Hahn

Others Present: Board Liaison Karen Hershey, DAG George Schlosser substituting for DAG Hahn, Assistant Director George Klein.

Proceedings:

• Meeting called to Order by the Chairman at 5:10 P.M.

• Statement by the Chair that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.

• Approval of January 10, 2011 minutes.
  o Motion by Constantine Tsentas to accept minutes, seconded by Richard Dewling; passed unanimously.

• Chairman’s Report (no formal action taken)
  o Identification badges for Board members will be available at the next meeting.

• Committee Reports
  o Rulemaking (no formal action taken): Joann Held— Discussion of rulemaking efforts to date. Committee met via phone last week and in-person on January 24. Committee has begun drafting provisions relating to definitions, code of conduct, discipline and audits. Further discussion related to the following:
• Process for handling complaints: Board member Berkowitz presented a flowchart describing proposed process for handling complaints. Flowchart is modeled after Massachusetts system but with modifications. Committee will fine-tune complaint process and bring back to the Board for discussion and approval and move forward from there.

• Hearings: Board discussion regarding hearing process and Board’s ability to hold disciplinary hearings. DAG will review.

• Confidentiality: Discussion of confidentiality during complaint process and disciplinary investigation.

  o Website/Outreach (no formal action taken): Chris Motta—Draft version of the Board’s web site should be available for review and discussion by Board at the February 7 meeting. Hope to get web site running as soon as possible. Further discussion related to the following:

    • Action items for the Board: Members to supply bios, need message from the Chairman, DEP staff doing a good job developing web site.
    • Logo: Karl Muessig distributed logo options for consideration by Board. Board discussion of logo and how it will be used.

  o Audit (no formal action taken): Philip Brilliant reported that the Audit Committee met twice since the last meeting. Board member Brilliant distributed a handout describing the proposed process for conducting audits. Further discussion as follows relating to proposed audit process:

    • The Committee will randomly pick the mandated 10 percent in January of each year and divide the LSRPs into 12 groups with the Committee reviewing one group a month.
    • LSRPs will be sent a questionnaire, the contents of which are under discussion by the Committee.
    • Two reviewers, one an LSRP, the other a non-LSRP will review the questionnaire and make determination whether further investigation is necessary.
    • Once audited is completed, LSRP would not be eligible for another audit for two years.
    • Board discussion of using DEP data to verify information in the questionnaire.

• Ongoing Business

  o Vice-Chairperson: Chairman stated that pursuant to the bylaws, the Board shall elect a vice-chairperson. As stated in the bylaws, vice-chairperson cannot be a DEP employee. Board discussed that bylaws must be amended to reflect duration and start of Vice-Chairperson’s term.
Ira Whitman stated his interest in serving as Vice-Chair and discussed importance of Vice-Chair being a LSRP.

Jorge Berkowitz nominated Joann Held, indicating the importance of having a non-LSRP serve as Vice-Chair; seconded by Mike Pisauro.

Richard Dewling nominated Ira Whitman; seconded by Lawra Dodge.

There were no further nominations. The Chairman stated that DAG advised that the voting must be done by roll call.

The roll call vote was as follows: In support of Ira Whitman--Chairman Sweeney, Richard Dewling, Lawra Dodge, Christopher Motta, Constantine Tsentas, (five votes). In support of Joann Held--Jorge Berkowitz, Philip Brilliant, Joann Held, Karl Muessig, Michael Pisauro, Ira Whitman (six votes).

The Chairman stated that pursuant to Site Remediation Reform Act, there must be a total of seven votes for the Board to take action in any matter. Ira Whitman offered to release his votes in favor of Joann Held. A new vote was taken. Ten members voted in favor of Joann Held. One member, Christopher Motta, voted for Ira Whitman.

Constantine Tsentas made a motion that the Vice-Chair position shall be a one-year term beginning on January 1 of each year; Richard Dewling seconded; passed unanimously.

Pending Legal Issues: The Chairman tabled this agenda item pending the return of DAG Hahn.

Assistant Director Klein informed the Board that the Request for Proposal for the Exam would be issued on February 2, 2011.

Continuing Education: Lawra Dodge made a motion to establish a Continuing Education Committee; Joann Held seconded; passed unanimously (Michael Pisauro did not vote due to early departure). Members: Lawra Dodge (Chair), Constantine Tsentas, Joann Held, Ira Whitman, Richard Dewling, Karl Muessig.

Rules: Board discussion regarding stakeholder process and rulemaking.

New Business

None
• Public Comment

  o David Rubin, DEP commented as follows:
    ▪ Inquired about who will get audited and noting that some may never be audited.
    ▪ Auditing questionnaire should inquire about LSRP meeting mandatory deadlines and filing the correct forms.
    ▪ Board should not be doing job of licensed site remediation professional through advisory rulings.
    ▪ DEP should post on Web when it rescinds an RAO.
    ▪ How do professional engineers handle complaints and disciplinary proceedings?

  o John Oberer, GZA GeoEnvironmental Inc. asked how far back the audit will go. Philip Brilliant said Committee is considering that audit will inquire going to back to issuance of license.

• Motion to adjourn at 7:05 p.m. by Richard Dewling; seconded by Lawra Dodge and passed unanimously.