

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

MINUTES

FINAL

February 7, 2011

4:00 p.m. Public Hearing Room, DEP, Trenton

Board Members:

Present: Chairman Dave Sweeney, Jorge Berkowitz (departed at 6:30 to attend another meeting), Philip Brilliant (by phone until 4:55), Richard Dewling, Lawra Dodge, Joann Held, Christopher Motta, Karl Muessig, Michael Pisauero, Constantine Tsentas, Ira Whitman

Absent: Board Liaison Karen Hershey

Others Present: DAG Kimberly Hahn, Director Tony Farro, Director Ken Kloo, Assistant Director George Klein.

Proceedings:

- Meeting called to Order by the Chairman at 4:05 P.M.
- Statement by the Chair that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of January 24, 2011 minutes.
 - Motion by Jorge Berkowitz to accept minutes, seconded by Richard Dewling; passed unanimously.
- Chairman's Report
 - The Request for Proposal for the licensing exam was posted on Treasury's web site on February 1, 2011.
 - It is a violation of Treasury regulations for prospective vendors to contact Board members during bidding stage; Board members must not discuss exam with bidders.
- Committee Reports
 - Audit (no formal action taken): Philip Brilliant reported on progress of Audit Committee and revised handout describing the process for auditing.

- Ongoing discussion about when draft documents produced by Board committees become available to public.
 - Draft questionnaire will be distributed to Board by Liaison Hershey.
 - All comments on draft auditing process and draft questionnaire should be sent directly to Phil Brilliant.
 - Rulemaking (no formal action taken): Joann Held reported on progress of Rulemaking Committee.
 - Jorge Berkowitz presented a revised flowchart describing the proposed process for handling complaints. DEP staff would undertake initial screening of validity of complaint. 2/3 Board vote would be required to dismiss complaint. If no dismissal, then Complaint Review Team would review and prepare report to present to Board.
 - Hearings: DAG Hahn clarified that hearing would be before an Administrative Law Judge.
 - Confidentiality: Ongoing discussion of confidentiality during complaint process and disciplinary investigation; Massachusetts goes public at end of process; DAG stated courts like openness, transparency.
 - Website/Outreach: Chris Motta reported on progress of the web site.
 - Complaint section: Discussion of where and whether to have complaint section on web site.
 - Logo: Motion by Richard Dewling to accept SRPLB logo; seconded by Ira Whitman; passed unanimously.
 - Need to get web site up as soon as possible; AD Klein stated once approved, web site can go up in one or two days.
 - Discussion about how best to publicize web site-press release, listserv, etc.
 - Continuing Education (no formal action taken): Lawra Dodge reported that the Continuing Education Committee is starting to ramp up.
 - DAG Hahn advised that Committee could meet with the LSRPA to discuss how they may help with continuing education.
- Ongoing Business
 - Pending Legal Issues: Discussion of DAG Hahn's legal opinion regarding Board actions in the absence of rules.

- Motion by Jorge Berkowitz to request formal opinion on this issue from the Attorney General's Office; seconded by Lawra Dodge; passed unanimously.
- Board will abide by DAG Hahn's recommendations in the interim pending formal legal opinion.
- New Business
 - Committees: Board needs to establish more committees pursuant to bylaws. Members should think about what committees they want to serve on.
 - Member vacancies: Motion by Mike Pisauro for Board to adopt resolution at next meeting urging the approval of Ben Alter to serve as Board member from the environmental community; seconded by Jorge Berkowitz; passed unanimously.
 - Reimbursement of Board member expenses: Board must establish a process for reimbursement of Board member expenses; look at Clean Air Council policy; assign to Finance Committee when it is established.
- Public Comment
 - Kate Millsaps, Program Assistant, NJ Chapter of the Sierra Club, commented as follows:
 - Timeline for disclosing complaints to public is critical; should be sooner rather than later to protect the public.
 - Need for database that shows complaints against LSRP to ensure that quality of work remains high; public should know which sites are associated with LSRPs who are the subject of complaints.
 - *Written comments were submitted.*
 - Bill Wolfe, NJPEER commented as follows:
 - Regarding complaint process-Need notification to get better input; involving everyone brings more transparency.
 - Agree with Ms. Millsaps that it is important to identify LSRPs that are the subject of complaints.
 - Audit process should be more rigorous; need to verify information in paper questionnaire.
 - Watch out for overlapping functions between DEP and the Board, consider an MOA to describe respective functions.
 - LSRPs have interest in money which conflicts with protecting the environment; conflict of interest in Jorge Berkowitz serving on Board when Langan Engineering

- made contribution to Reform New Jersey. May file ethics complaint.
 - The meeting process is closed; not open enough. People are excluded.
- Mary Curcione, Edison Wetlands Association, speaking for Bob Spiegel, Executive Director, commented as follows:
 - Urged full transparency-disclosing identity of all LSRPs that are reported to Board for violations.
 - There must be a strong enforcement program.
 - Cannot compare New Jersey to Massachusetts since we have more contaminated sites with a higher population density.
 - *Written comments were submitted.*
- David Rubin, DEP, commented as follows:
 - Web site should have individual photos.
 - Complaints should not be taken by phone; there should be a form and complainant should not be anonymous.
- John Oberer, GZA GeoEnvironmental Inc. commented as follows:
 - Cautioned that there may not be enough agreement on the Board to approve complaint flowchart.
- Bill Wolfe, NJPEER, responded to David Rubin's comments on anonymous complaints:
 - Complaints should be anonymous; otherwise there may be retaliatory lawsuits.
- Motion to adjourn at 6:47 p.m. by Joann Held; seconded by Ira Whitman and passed unanimously.