

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

September 9, 2019 Meeting Minutes

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

Board Members:

Present

Jorge Berkowitz
Phil Brilliant
Joann Held
Jeffrey Hoffman
Christopher Motta
Mark Pedersen
Kathi Stetser
Peter Strom
Ira Whitman

Absent

Lawra Dodge

Others Present

Board Executive Director Janine MacGregor
Board Staff Dana Haymes
DAG Nielsen Lewis

Proceedings

- Meeting called to Order at 4:08 PM by Chairperson Mark Pedersen
- Mark Pedersen read the Statement of Adequate Public Notice of the meeting required by the Open Public Meetings Act.
- Roll Call:
 - Jorge Berkowitz - present
 - Phil Brilliant - present
 - Lawra Dodge - absent
 - Joann Held - present
 - Jeffrey Hoffman - present

Christopher Motta - present
Mark Pedersen - present
Kathi Stetser - present
Peter Strom - present
Ira Whitman - present

A quorum of the Board was in attendance.

- **Approval of the Board Meeting Minutes**

- Motion by Mark Pedersen to approve the July 1, 2019 Board Meeting Minutes.

Jeffrey Hoffman seconded the motion.

Roll Call Vote:

Jorge Berkowitz - Yes
Phil Brilliant - Yes
Lawra Dodge - absent
Joann Held - Yes
Jeffrey Hoffman - Yes
Christopher Motta - Yes
Kathi Stetser - Yes
Peter Strom - Yes
Ira Whitman - Yes
Mark Pedersen - Yes

The motion was carried.

- Motion by Mark Pedersen to approve the July 1, 2019 Board Meeting Minutes of the Closed Session.

Phil Brilliant seconded the motion.

Roll Call Vote:

Jorge Berkowitz - Yes
Phil Brilliant - Yes
Lawra Dodge - absent
Joann Held - Yes
Jeffrey Hoffman - Yes
Christopher Motta - Yes
Kathi Stetser - abstained due to absence
Peter Strom - Yes
Ira Whitman - Yes
Mark Pedersen - Yes

The motion was carried.

- **Chairperson's Report**

Chairperson Pedersen reported that on August 23, 2019 the Governor signed SRRA 2.0. He thanks everyone on the Board who provided input and support, especially Phil Brilliant and Joann Held who represented the Board.

- **Executive Director's Report**

Janine MacGregor reported that a number of applications for approval of continuing education credit are outstanding. She would like to get as many approved as possible on September 23, 2019. That will probably be the only business at that meeting besides the stakeholder session.

Janine MacGregor also reported that she will be scheduling meetings of Audit Review Teams in order to deplete the backlog of audits. She would like to get the dates scheduled as soon as possible, so she requests that Board Members please expeditiously respond to the scheduling emails that will be sent by Victoria Venable.

Committee Reports

- **Continuing Education Committee – Lawra Dodge**

Joann Held reported on behalf of Lawra Dodge.

- Motion by Joann Held to approve the application of the American Institute of Professional Geologists for 3 Technical CECs for the continuing education program “Wissahickon Formation Field Trip.”

Mark Pedersen seconded the motion.

Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Yes
Lawra Dodge	- absent
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Christopher Motta	- Yes
Kathi Stetser	- Yes
Peter Strom	- Yes
Ira Whitman	- Yes

Mark Pedersen - Yes

The motion was carried.

- **Professional Conduct Committee – Phil Brilliant**

Phil Brilliant reported that the Professional Conduct Committee is considering proposing an amendment to the Board By-Laws to allow participation in the closed session via videoconferencing.

- Motion by Phil Brilliant to adopt a resolution to enter closed session to discuss Complaints 008-2017, 009-2017, and 002-2018.

Mark Pedersen seconded the motion.

All present voted yes.

The motion was carried.

Chris Motta reported he is recused from Complaint 002-2018 and would leave the room when that complaint is discussed.

Open session resumed at 5:38 PM.

- Motion by Phil Brilliant, in the matter of Complaint 008-2017, to find the subject of the complaint in violation of N.J.S.A. 58:10C-16.i. and to assess a penalty of \$8,000.00 and to authorize transmission of an offer of settlement at 80% of the assessed penalty under signature of the Board Chairperson, and if no settlement is reached, to proceed with formal disciplinary action.

Motion seconded by Jorge Berkowitz.

Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Yes
Lawra Dodge	- absent
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Christopher Motta	- Yes
Kathi Stetser	- Yes
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The motion was carried.

Phil Brilliant reported that the subject of the complaint is Paul Sakson, LSRP #573492.

- Motion by Phil Brilliant, in the matter of Complaint 002-2018, to find no violation.

Motion seconded by Jorge Berkowitz.

Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Yes
Lawra Dodge	- absent
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Christopher Motta	- recused
Kathi Stetser	- Yes
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The motion was carried.

- **Audit Committee – Jorge Berkowitz**

Jorge Berkowitz reported that six LSRPs have been selected for audit this month.

The audits of the following LSRPs are complete:

George Arsnow, #576298, selected for Audit on October 2, 2017
 Jeffrey Entin, #576442, selected for Audit on October 2, 2017
 Richard Britton, #573758, selected for Audit on October 2, 2017
 Thomas Smith, #577371, selected for Audit on October 2, 2017
 Paul Kenny, #575429, selected for Audit on July 9, 2018
 Jorge Berkowitz, #573687, selected for Audit on August 9, 2018
 Richard Jasaitis, #575610, selected for Audit on November 2, 2018
 Andrew Gutherz, #747338, selected for Audit on December 3, 2018
 Thomas O’Neill, #576439, selected for Audit on December 3, 2018

At the next Board Meeting the Audit Committee would like to discuss an improved process for reviewing audits.

- **Finance Committee – Christopher Motta**

No report.

- **Licensure – Kathi Stetser**

Kathi Stetser reported that the date of the next LSRP exam will be April 22, 2020 and that a listserv announcing the exam date and application period will be sent out.

- **Outreach Committee – Peter Strom**

No Report.

- **Rules Committee – Joann Held**

Joann Held reported that the Committee has begun the process of amending the rules. SRRA 2.0 will instigate some revisions to the rules.

Joann has been speaking with Committee Chairs to find out what they would like to revise in the rules. The next important step will be the stakeholder meeting, which will be on September 23, 2019 in the DEP public hearing room. Joann Held stated that the Board will hold a brief meeting at 4:00, and then adjourn and begin the stakeholder meeting. Joann requests that those who aren't on the Rules Committee call in, and then they can depart at the conclusion of the Board Meeting.

Written comments from stakeholders are encouraged at any time in the process but will be most useful to the Committee if received by September 30, 2019.

- **Ongoing Business**

Janine MacGregor reported that after approving the “Undercurrents” course at the July meeting, Peter Strom pointed out that in the June 17, 2019 meeting minutes the course was assigned proposed course number 2019-055, and the “Wetlands” course was assigned 2019-061. Board staff was asked to renumber or clarify.

Course numbers listed in the agenda are proposed, and the minutes for that meeting reflect what was voted on that evening. Because the “Undercurrents” course was removed from the list of courses being approved when the motion was amended, all the courses were renumbered after the meeting in the Board’s system. New numbers were referenced in the approval letters and are listed here as follows:

Successful Interaction with NJDEP: changed from 2019-056 to 2019-055

Risk Communication in Emerging Contaminants: changed from 2019-057 to 2019-056

Design and Construction Issues at Hazardous Waste Sites: changed from 2019-058 to 2019-057

Technical Writing for Site Remediation: changed from 2019-059 to 2019-058

LSRPA Regulatory Roundtable, December 2019: changed from 2019-060 to 2019-059

Wetlands Management for LSRPs: changed from 2019-061 to 2019-060.

- **New Business**

Proposed dates for 2020 Board Meetings:

January 6 and 21 (Tuesday)
February 3 and 18 (Tuesday)
March 2 and 16
April 6 and 20
May 4 and 18
June 1 and 15
July 6
August 3
September 14 and 28 (2nd and 4th Mondays)
October 5 and 19
November 2 and 16
December 7 and 21

After discussion, the date of July 6 will be changed to July 13, and the date of September 28 will be deleted.

- Motion by Mark Pedersen to accept the proposed Board Meeting dates as revised.

Motion seconded by Phil Brilliant

All present voted yes.

The motion was carried.

- **Public Comments**

Caryn Barnes of the LSRPA stated that she is happy that the Board is opening the process of rule revision to input from stakeholders and she expects the LSRPA to have robust participation. She asked whether the LSRPA would be able to provide a synopsis at the meeting if they present it in written format ahead of time. Joann Held responded that participation both verbally and in writing is acceptable. Caryn Barnes expressed her wish that they engage in a true stakeholder process with dialogue between the LSRPA and Board.

- Motion by Phil Brilliant to adjourn the meeting

Christopher Motta seconded the motion.

All present voted yes.

The motion was carried.

Meeting adjourned at 6:09 PM.