

RI Department of Environmental Management

OWTS Designer Licensing Review Panel

Draft Minutes of Open Session of October 23, 2009

This meeting of the OWTS Designer Licensing Review Panel was conducted at 235 Promenade Street, in Conference Room 280C.

Members of the Panel Present:

Scott Moorehead, Chairman

Al DiOrio

Dan Cotta

David Burnham

Members Absent:

Jim Tavares

Others present:

Russ Chateauneuf, Chief, DEM Groundwater & Wetlands Protection

Brian Moore, DEM OWTS Program

Lisa McGreavy, DEM Groundwater & Wetlands Protection

The meeting was called to order at 9:45 A.M.

Minutes of the April 24, 2009 Meeting Open Session:

A. DiOrio made a motion to accept the minutes of the Open Session portion of the April 24, 2009 meeting with the following revisions:

Page 1, change “fist” to “first”; Page 3, add note that S. Moorehead is also a Class IV Soil Evaluator. D. Cotta seconded the motion. A. DiOrio, D. Cotta, and S. Moorehead voted in favor of the motion. D. Burnham abstained. The motion passes.

Panel Appointments:

In continuation from the previous meeting, R. Chateaufneuf reopened the discussion on panel membership terms and appointments noting that the current terms of all the panel members will be ending in December 2009 and the department needs to determine how to proceed. [It was the general consensus from the April 2009 meeting that the department should maintain the two-year term limit and add a new provision that members can not serve for more than two or three consecutive terms; that the terms should be staggered such that no more than one member be replaced per year; and that members should continue to serve past their term expiration date until their respective positions can be filled.]. Other options were considered including amending current regulations to state that members will be appointed to a three to five year term (currently states 2 year term) and staggering the terms so that new members are brought in to the panel gradually to maintain the panel’s knowledge base of experienced members. The idea that members be reappointed for two years and resign in the middle of the term was also discussed as an option to achieve staggered terms. Staff will consider the options and return the matter to the Panel at the next meeting.

S. Moorehead projected that although there are a lot of designers, the

department will need to find those that are both capable and willing to serve.

R. Chateauneuf: Regarding upcoming business planned to be discussed with the Panel, at the Director's request, staff will be working with the Panel in evaluating designer performance which will be our focus once work has been completed on another rule-change process we will be undergoing shortly.

D. Burnham, S. Moorehead, and A. DiOrio announced that they would not seek reappointment after their terms expire in December 2009 in order to allow new members to join the panel, and agreed to stay on the panel until their replacements can be found. D. Cotta agreed to stay on the panel as long as needed and then until his position could be replaced. (J. Tavares was not present to voice his intention.)

DiOrio stated that he feels any designer interested in serving on the panel should have the opportunity to do so because there is so much to be gained from participating on the panel.

R. Chateauneuf expressed his appreciation for the member's willingness to serve over a course of several years and their involvement in the decision process noting that the feedback the panel has provided to the department has greatly improved the program over the years.

Continuing Education Credits:

As a follow up to the previous meeting regarding the department's granting of continuation credits to serving panel members, R. Chateauneuf stated that he conferred with legal counsel who did not have any objections noting that the department has the authority to decide what activities are credit-worthy. Therefore the department will accept 4 continuing education credits per year for participation on the panel. The credits will remain at 4 per year even if more meetings are held within the year. Credits would apply to Class I, II, III and IV. If a panel member has two license classes, the credits would apply to both licenses. Credits will be retroactive to the last renewal date. Members are directed to make a notation on their renewal forms when sending them in to the department.

S. Moorehead raised an issue whereby Class 4 licenses are now renewed for three years rather than two years leaving people to think they may have one year to earn their Class IV credits and may not know what fees are due.

R. Chateauneuf noted that staff will be distributing a new form to clarify the situation.

At approximately 10:15 A.M., in open call, S. Moorehead announced that the meeting would proceed in Executive Session pursuant to R.I.G.L. 42-46-5 (a) 4, for discussion of conduct of specific designers.

D. Burnham made a motion to enter into Executive session. A. DiOrio seconded the motion. D. Burnham, A. DiOrio, D. Cotta, and S. Moorehead voted in favor of conducting business in Executive

Session. The motion passes.

Continuation of Open Session:

The open meeting was reconvened at 10:35 A. M.

D. Burnham made a motion to reaffirm votes taken in Executive Session and seal the minutes of the Executive Session. A. DiOrio seconded the motion. D. Burnham, A. DiOrio, D. Cotta, and Scott Moorehead voted in favor of the motion. The motion passes.

Votes taken while in Executive Session:

A. DiOrio made a motion to accept the minutes of the executive session portion of the April 24, 2009 meeting with revisions noted. D. Cotta seconded the motion. A. DiOrio, D. Cotta, and S. Moorehead voted in favor of the motion. D. Burnham abstained. The motion passes.

D. Burnham made a motion to seal the minutes of the Executive Session, adjourn the Executive Session, and reconvene the Open Session. A. DiOrio seconded the motion. D. Burnham, A. DiOrio, D. Cotta, and S. Moorehead voted in favor of the motion. The motion passes

Next Meeting:

Tentative dates for the next panel meeting are either December 4 or December 11, 2009, in Conference Room 280C in the DEM Office of Water Resources.

D. Burnham made a motion to adjourn. A. DiOrio seconded the motion. D. Burnham, A. DiOrio, D. Cotta, and S. Moorehead voted in favor of the motion. The motion passes.

The meeting adjourned at 10:38 A.M.