

Prepared October 4, 2016 by  
Rosemarie S. Baccile, Acting Executive Director

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)  
Contractors

Meeting # 41 - Tuesday, October 4, 2016 - Public Meeting - Minutes

The Minutes of the Board meeting held on October 4, 2016 have not been formally approved and are subject to change or modification by the Public Body at its next scheduled meeting.

The notice of the October 4, 2016 meeting has been mailed to the Star Ledger, Camden Courier Post, and Trenton Times newspapers, and has also been posted on the Bulletin Board at the Office of the Secretary of State, Trenton, New Jersey.

The Board meeting of October 4, 2016 was called to order at 9:00 am with the following Members in attendance:

Michael K. Maloney, Chairman, Mechanical Inspector 2

Dominic D. Demico, Jr. - Mechanical Inspector 1 - absent

Paul J. Mitchell - Master HVACR Contractor 3 - Board Secretary

Mary Pranzatelli - Public Member 2

Thomas C. Pitcherello  
Executive Branch of State Government Representative

Kevin S. Clark - Master HVACR Contractor 1

William C. Barham – Master HVACR Contractor 2

Daniel G. Danko, Jr. - HVACR Journeyperson - Vice-Chairman

Board Complement: (9):

As of this meeting date, one (1) vacancy remains for a Public Member with the resignation of Mr. Griffith.

Attendees:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)

Rosemarie Baccile, Acting Executive Director, Jamie Hall, Agency Services Representative

Note:

No inquiries were scheduled and no court reporter was in attendance at this meeting.

Public Session Visitors:

Eric DeGesero, Fuel Merchants

Scott Bishop, Hudson Meridian

Dave Castner, SMWIA Local 22

Ed Janowiak, EHCCC

Charles Dougherty, United Supply

Rick Lapp, MAHPBA

Ron Kessner, Fireplaces Plus

Tim Toomey, Fireside

Brian Dorogon, Fire Design

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1. CALL TO ORDER

2. ROLL CALL

3. ON-LINE LICENSING APPLICATIONS UPDATE as of September 23, 2016

Licensed Master HVACR Contractors by Grandfathering: 19HC00848200

Application Review: 12,442- Total applicants by grandfathering

Total applicants in Deficiency Task: 619 - Includes those in Criminal History, Student Loan, Child Support and Citizenship Tasks- All applicants have been notified by a deficiency letter that documents are required.

(- 592) Active in Criminal History Review – All applicants have been notified.

Licensed Master HVACR Contractors BY EXAM: 163 pending Board review

Reciprocity Applicants: 146- Pending Board Review with Regulatory Analyst

4. APPROVAL OF THE SEPTEMBER 6, 2016 MINUTES

On October 4, 2016 a motion was made by Paul J. Mitchell and seconded by William C. Barham to approve the minutes of the September 6, 2016 meeting. A vote was taken and the motion unanimously passed.

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5. CONTINUING EDUCATION  
WELCOMING CONTINUING EDUCATION SPONSORS

All Licensed Master HVACR Contractors were exempt from the Continuing Education (5) five hour requirement for their first biennial renewal of July 1, 2016 to June 30, 2018, according to N.J.A.C 13:32A-4.1 License Renewal; Continuing Education Requirement.

All Licensed Master HVACR Contractors must complete the (5) five hour requirement CE requirement for the following biennial renewal:

July 1, 2018 to June 30, 2020

This requirement must be met before the next renewal date of July 1, 2018.

To assist Master HVACR Contractors with meeting the (5) hour Continuing Education requirement, the Board continues to approve CE Sponsors and courses and will post that information at the HVACR website.

NO APPEARANCES FOR THIS MEETING

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6. DISCUSSION WITH REGULATORY ANALYST CHARLES MANNING:

PETITION FOR RULEMAKING SUBMITTED IN ACCORDANCE WITH  
N.J.A.C. 13:45A-19.1  
ADOPT OR AMEND AN EXISTING RULE THAT WOULD DEFINE WHAT A

“HEARTH PRODUCTS PROFESSIONAL” AND THEN TO EXEMPT THE  
“HEARTH PRODUCTS PROFESSIONAL” FROM  
N.J.A.C. 13:32A. STATE BOARD OF EXAMINERS OF HEATING, VENTILATING, AIR  
CONDITIONING, AND REFRIGERATION CONTRACTORS RULES.

Continued ...

Continued... 6. DISCUSSION WITH REGULATORY ANALYST CHARLES MANNING:

FROM: RONALD K. KESSNER, PRESIDENT) FIREPLACES PLUS INC.  
60 EAST BAY AVE., MANAHAWKIN, NJ 08050

On October 4, 2016, Charles Manning, Regulatory Analyst, Division of Consumer Affairs, was in attendance at the meeting to discuss this matter. Subsequent to a discussion with Chuck Manning and Deputy Attorney General Joseph A. Donofrio, the Board noted that a Notice of Receipt was sent to the petitioner regarding this request;

A motion was made by Board Member Daniel G. Danko, Jr. and seconded by Kevin S. Clark, to respond as follows, to the petitioner: Pursuant to the advice of counsel, the Board does not have the ability or statutory authority to create the exemption for the hearth products professional. A vote was taken and the motion unanimously passed.

7. DISCUSSION  
REVISITING RECIPROCITY ISSUE RE DELAWARE APPLICANTS FROM  
THE JUNE 7, 2016 AGENDA/MINUTES-  
CHARLES MANNING- REGULATORY ANALYST

On October 4, 2016, Charles Manning was in attendance at the meeting for the discussion regarding reciprocity issues and the State of Delaware applicants who applied for a Master HVACR license in New Jersey via reciprocity.

On October 4, 2016, subsequent to a discussion with Charles Manning and DAG Joseph A. Donofrio, a motion was made by Paul J. Mitchell and seconded by Daniel J. Danko, that:

- Delaware applicants who have submitted an application for a Master HVACR license in New Jersey via reciprocity are hereby denied at this time, and a notification will be sent to each applicant;
- The State of Delaware has a dual standard for qualifying their applicants for an HVACR license in their State, that being either years of experience or formal apprenticeship training;
- Based on these findings, the Board concluded that the licensure standards for the State of Delaware are not equal to or comparable to those license requirements in New Jersey, as required in N.J.A.C. 13:32A-2.5 Reciprocity with other States;

Board Member William C. Barham objected to this motion. The motion passed.

8. DISCUSSION  
CONDENSATE ISSUE- SCOPE OF PRACTICE  
REVIEWED AT THE HVACR MEETING JUNE 7, 2016  
AND STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
AT JUNE 23, 2016 MEETING

On June 23, 2016 at the State Board of Examiners of Master Plumber's, a motion was made by Thomas C. Pitcherello and seconded by Michael Sestanovich to accept the revised interpretation of the condensate task as it concerns "the indirect waste" as follows:

"Master HVACR Contractors may discharge condensate lines into an indirect waste with an appropriate air gap or air break to an approved sanitary or storm drain system."

On October 4, 2016, the Board acknowledged that this is an interpretation developed and agreed upon by both Boards, the State Board of Examiners of Master Plumbers and the State Board of Examiners of HVACR Contractors.

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9. DISCUSSION  
BACKFLOW PREVENTERS  
EMAIL: JANUARY 28, 2016, FROM ERIC DE GESERO, FUEL MERCHANTS  
RE: MASTER HVACR CONTRACTOR, SCOTT MAJKA'S LETTER

REGARDING HVACR SCOPE OF PRACTICE AND PERMIT ISSUES  
AND RESPONSE LETTER REGARDING SCOPE OF PRACTICE AND  
PERMIT ISSUES  
DATE: JANUARY 28, 2016- (15) ITEMS  
FROM: THOMAS C. PITCHERELLO- CODE SPECIALIST

On October 4, 2016, the Board discussed this matter and agreed in a motion made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr., to discuss changes to the installation of backflow preventers, residential and commercial, non-testable devices, in the cases of replacements. This matter should be scheduled before the State Board of Examiners of Master Plumbers for consideration. A vote was taken and the motion unanimously passed.

This file will be copied and sent to the SBEMP for their review at the October 27, meeting, Open Public Session, discussion.

INQUIRIES

10. RE: WORK PERMITTED UNDER THE MASTER HVACR LICENSE  
EMAIL AUGUST 25, 2016 FROM: PAT CALABRESE  
MONTVILLE TOWNSHIP- CONSTRUCTION OFFICIAL  
Removal of an above ground oil tank

Does having a HVACR license exempt you from having a Home Improvement Contractor Registration? Specifically in the case of the removal of an above ground oil tank?

On October 4, 2016, subsequent to a discussion, a motion was made by Paul J. Mitchell and seconded by Daniel G. Danko, to re-schedule this matter for the NOVEMBER HVACR meeting for further attention. A vote was taken and the motion unanimously passed.

11. RE: NEW JERSEY LICENSE REQUIREMENTS FOR WORK ON THERMOSTATS  
EMAIL AUGUST 23, 2016 FROM: BENJAMIN M. WILLIAMS  
AT&T DIGITAL LIFE, SR., SPECIALIST TECHNICAL PROCESS & QUALITY

What are the New Jersey license requirements for “swapping out” a thermostat for technicians?

On October 4, 2016, the Board discussed this matter and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Paul J. Mitchell, that the handling of “thermostatic controls” is within the scope of practice of the Master HVACR Contractor, and within the scope of practice for the Licensed Master Plumber. However, this task is not within the scope of practice of the Registered Home Improvement Contractor. A vote was taken and the motion unanimously passed.

12. RE: SCOPE OF PRACTICE OF A MASTER HVACR CONTRACTORS  
EMAIL SEPTEMBER 23, 2016 FROM: MAVERICK DEVELOPMENT

Is a local Heating and air conditioning service/repairman included within the scope and definition of a Home Improvement Contractor? (Task a)

Would that apply only for installation of new systems or also “repair and/ service” functions on existing systems? (Task b)

On October 4, 2016, the Board discussed this matter and concluded in a motion made by Daniel G. Danko and seconded by Paul J. Mitchell, that the license of a Master HVACR Contractor is required for all of the tasks both (a) and (b) presented in this inquiry. A vote was taken and the motion unanimously passed.

PUBLIC COMMENT: Chairman Michael Maloney devoted a portion of Open Session for public comment.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by William C. Barham and seconded by Kevin S. Clark, to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, the DAG caseload, and review matters within the attorney-client relationship exception to the Open Public Meetings Act.

The subject of this discussion shall remain confidential until such time as the reasons for having this matter in Executive Closed Session are no longer applicable. A vote was taken and the motion unanimously passed.

Submitted by,

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Rosemarie S. Baccile, Acting Executive Director