

State Board of Professional Engineers and Land Surveyors

Minutes of February 3, 2000

PUBLIC SESSION

CALL TO ORDER

The meeting of the State Board of Professional Engineers and Land Surveyors was called to order by President Bogart at 10:00 AM at the Bally's Park Place Hotel & Casino, Atlantic City, New Jersey. All parties were duly notified of the time, date and place and all pertinent material has been provided.

SUNSHINE LAW ANNOUNCEMENT

President Bogart read the statement required by Chapter 231, Laws of 1975 known as the Open Public Meeting Act, and announced that notice of this meeting was prepared in the office of the Board and mailed to the Secretary of State, the Star-Ledger, the Courier Post and the Bergen Record.

ROLL CALL

BMs present:

Robert Bogart Albert Faraldi
James Kelly Richard Frantz
Pravin Patel Edward Vernick
Robert Marshall Theodore Cassera
Louis Raimondi

BMs absent: Rishi Raj

Others present: Arthur Russo, Executive Director, Joseph Grabowy, Management Assistant, Ernest Gonzalez, Acting Recording Secretary, Deputy Attorney General Olga E. Bradford and approximately forty members of the public.

DISCUSSION ITEMS

Land Surveyors Continuing Competency

VP Faraldi was pleased with the results of the audits conducted on Land Surveyors regarding their PDHs. VP Faraldi announced that out of 700 licensees that were audited, 10 were deficient. After a comment from the public the Board will consider carrying over extra PDHs from one renewal period to the next. Currently, N.J.A.C. 13:40-11.3 (c) permits a licensee to carry over a maximum of 8 PDHs per renewal period. The Board will consider whether to increase this amount of PDHs.

Four Year Degree Requirement

VP Faraldi reported that he met with Dr. Joshua Greenfeld, NJIT, to discuss the possibility of a student completing the requirements for a land surveying degree in less than four years. Dr. Greenfeld explained that it is possible to obtain a

land surveying degree in two years if an individual has a prior four year degree and some of the credits already earned are honored. Dr. Greenfeld also said that an NJIT evaluation sheet is used to determine the number credits to be honored. The NJIT website where this information is found is www.njit.com.

Map Filing Law

A question was raised by the public regarding the legality of filing a minor sub division map. The Board advised the public that filing a minor sub division map is regulated by the Municipal Land Use Law, but can be controlled by local ordinances. Questions regarding this matter should be sent to the Board for further review and response. Current compliance with the Map Filing Law is required.

Permissive Use of Corner Markers

Under the Map Filing Law, only concrete monuments are permitted to be used as corner markers. However, in deciding which materials to use, consideration should be given to the materials permanence, durability, and ease of identification. In addition, any decision should be based upon a professional assessment.

Bruce Blair, former Board member, stated that a Land Surveyor can offset corner markers only if it is acceptable to the Municipal Engineer. He went on to say that Municipal Engineers are practicing land surveying when making decisions on an offset monument. Mr. Blair is seeking a Board policy on this issue.

Submission of Survey with Site Plan

It was generally acknowledged that the submission of site plans without surveys is a recurring problem. All licensees were encouraged to submit surveys with site plans.

Sunsetting of PE/LS Regulations

BM Cassera announced that preparations for the sunsetting of the PE/LS regulations are in progress. At this time, BM Cassera is requesting the Board, together with the public, forward any comments and/or suggestions to him. The following are the deadline dates for sunsetting of regulations:

February 3 & 14 - review of regulations, recommendations made

March 16 - sunset proposal approved by Board

May 1 - proposal published in NJ Register

May 31 - comment period ends

June 15 - respond to comments

July 6 - adoption approved by Board

August 2 - expiration date

APPEARANCE

Louis Marchuck, PLS

Louis Marchuck, PLS, wanted clarification as to when state agencies are required to have survey work done under the responsible charge of a Professional Land Surveyor. Mr. Marchuck stated that his interpretation of the Map Filing Law was that all survey projects are required to be done under the supervision of a qualified PLS, except those projects that fall under the grandfather clause in which they were started and under contract prior to the effective date of the 1998 amendments to the Map Filing Law.

The Board briefly discussed this issue and postponed further discussion to a future meeting.

COMMITTEE REPORTS

Legislation

BM Vernick submitted a legislation report that outlined the following: Residential Site Improvement Standards - The Site Improvement Advisory Board continues to meet to discuss additional comments presented by the NJ Society of Municipal Engineers, including pavement standards. The basin maintenance issue has not been resolved. The next meeting is scheduled for February 17, 2000.

(S1807/A3576) - Rules concerning Professional and Occupational Licensing Boards - Passed in Senate December 6, 1999, and Assembly on January 10, 2000. Signed January 18, 2000.

(A1712) - Authorizes assessment of development impact fees by municipalities - January 11, 2000- Introduced and referred to Assembly Housing Committee. Appears similar to A494 from the 1998/1999 session which was supported by the League of Municipalities but opposed by the Builders Association.

(A755) - Changes duration of contracts for professional services under "local Public Contracts Law" from 12 months to 24 months. - January 11, 2000 - Introduced and referred to Assembly Local Government Committee.

(A1142) - Establishes the Professional, Occupational and Trades Licensing Review Commission- January 11, 2000 - Introduced and referred to Assembly Consumer Affairs and Regulated Professions Committee.

(A1180) - Broadens education requirement for professional planning licensure - January 11, 2000 - Introduction and referred to Assembly Consumer Affairs and Regulated Professions Committee (same as A3016 from the 1998/99 session)

Administration

There was no report on administration

Examinations

ED Russo advised the Board that the October 1999 test results are now available through LGR. On a motion by BM Frantz, seconded by BM Raimondi, the Board unanimously voted to release the test results to the applicants.

ED Russo also stated that LGR has sold their contracts to Professional Credential Services (PCS) Inc., in Nashville, Tennessee. All exams will now be administered by PCS. ED Russo will invite a representative from PCS to appear before the Board and give a brief presentation of PCS.

Regulations

There was no regulations report.

Finance

There was no report on finance due to the fact the Finance Committee chair is vacant with the departure of Public Member Fred Rohn. Until such time a new appointment is made to this committee there will not be any report forthcoming.

Special Committee Reports

Newsletter

BM Raimondi announced that the second edition of the newsletter is currently being written. The Board received numerous positive comments on the first edition.

Revisions to PE Applications/Design Experience

President Bogart announced that the Board is considering revising the design experience portion of the PE application in order to make it more understandable.

Shop Drawings

The issue regarding the signing and sealing of altered shop drawings by a subsequent person without the permission of the original preparer was discussed. This issue remains open.

Acceptance of Engineering Technology Degrees

There was no report on this topic.

REPORT OF THE EXECUTIVE DIRECTOR

Incoming Correspondence Betsy Browne, NCEES Executive Director (12/21/99)

Re: 1998-1999 Fiscal Year Financial Statements

This correspondence pertains to the NCEES 1998-1999 Fiscal Year Financial Statements. This matter will be tabled for a future discussion once a new appointment to the Board's financial committee is made.

Mark L. Husik, Director, NJSPLS (1/5/00)

Re Posting of the PE/LS Newsletter on the NJSPLS Website

Mr. Husik is requesting that the Board allow NJSPLS to post the Board's newsletter on their website.

The Board will contact the Director of the Division of Consumer Affairs regarding this request.

NCEES (1/10/00)

Re: Membership Fee

ED Russo requested the Board to approve the Board's \$5,000.00 NCEES membership fee for the year 2000. On a motion by VP Kelly, seconded by BM Raimondi, the Board unanimously approved payment of this fee.

Peter G. Burgess (1/19/00)

Re: Questions concerning signing and sealing "shop drawings"

It is the Board's position that shop drawings should not change the intent of the original designer. In response to Mr. Burgess' inquiry, President Bogart concluded that since the subject drawings have not been forwarded to the Board for review, no comment can be made about the drawings.

David Plante, PE/ Kinzler Ritter & Plante (1/24/00)

Re: Preparation of Major Subdivisions by Professional Engineers

Mr. Plante is requesting clarification on the preparation and signing and sealing of a Preliminary Major Subdivision Plan.

The Board will advise Mr. Plante that a metes and bounds description cannot be made on a preliminary plat. It must be done by a land surveyor.

VP Faraldi will formulate a response to Mr. Plante for the Board review.

John Menchin, PE/ Deltech Engineering (1/24/00)

Re: A Question Regarding Potential Conflicts

Mr. Menchin is asking the Board whether or not a Municipal Engineer in one town can prepare and submit plans in

another town within the same county.

The Board will allow a Municipal Engineer to submit plans to another town if there is no conflict with either of the two towns.

VP Kelly will formulate a response for the Board review.

Licensing Statistics

The Board noted the licensing statistics for the record.

Certificate of Authorization Report

The issue of making the Certificate of Authorization report public was raised by a public member. President Bogart indicated the Board will look into it and place it on a future agenda. Another general question raised by a public member was whose name(s) should be used on the Certificate of Authorization, the PE in responsible charge or all PEs working for the respective firm. This matter is under review by the Board's legal counsel.

The Board noted the Certificate of Authorization report for the record.

Applications Received

The Board noted the applications received report for the record.

Meeting Dates

The Board noted the meeting dates for the year 2000 for the record.

After a comment from the public on the subject of giving PDH credits for attending Board meetings, the Board stated that it will consider giving 2 PDHs per Board meeting, with a maximum of 4 PDHs a year, to individuals attending Public Board meetings.

Certificate Award Ceremony

The Board announced that the Certificate Award Ceremony for successful candidates of the October 1999 examination, will be held at the Holiday Inn, Jamesburg, NJ on April 20, 2000.

Home Inspection Advisory Committee

There was no report on this subject.

REPORT OF DAG

Ronald E. St. Laurent - #GB 13174

DAG Bradford advised the Board that Ronald E. St. Laurent, GB 13174, offered to surrender his land surveying license, but requested to retain his engineering license, in exchange for the Board's rescinding of the Provisional Order of Discipline with preliminarily concluded that Mr. St. Laurent had failed to comply with the continuing competency requirements. The Board voted to accept these terms.

DISCIPLINARY ACTIONS TAKEN - JANUARY 1999- DECEMBER 1999

The aforementioned report of disciplinary actions taken against licensees during the 1999 calendar year was noted for the record.

NEWS ARTICLES OF INTEREST

The following news articles were noted for the record:

- State Bulletin "Court Halts Design Contracts"
- Municipal Engineers Quarterly "Controversial Impact Fee Legislation Stalls in the Assembly"

APPROVED/ DENIED APPLICATIONS FOR LICENSURE

January 6, 2000

The Board reviewed the list of exam and comity applications and voted to approve 29 exam and 24 comity applications, and to deny 5 exam and 4 comity applications.

January 20, 2000

The Board reviewed the list of exam and comity applications and voted to approve 41 exam and 31 comity applications, and to deny 5 exam and 5 comity applications.

On a motion by BM Raimondi, seconded by VP Kelly, the Board unanimously voted to accept the list of approved/denied applications for licensure.

UPCOMING MEETINGS

The upcoming meeting were noted for the record.

VP Faraldi indicated he would be attending the 2000 Registration Board Forum on March 20, 2000 in Little Rock, Arkansas.

BM Cassera, BM Raimondi and ED Russo indicated they will be attending the NCEES Northeast Zone Meeting on May 11-13, 2000 in North Conway, NH.

VP Faraldi, VP Kelly, BM Cassera, BM Raimondi and ED Russo indicated they will be attending the NCEES annual Meeting on August 2-5, 2000 in Chicago, IL.

ADJOURNMENT

On a motion by BM Frantz, seconded by VP Faraldi, the Board unanimously voted to adjourn at 12:00 pm.

Approved by:

Robert C. Bogart, PE, PLS
President

Arthur Russo
Executive Director

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