

State Board of Professional Engineers and Land Surveyors

Minutes of June 1, 2000

PUBLIC SESSION

CALL TO ORDER

The meeting of the State Board of Professional Engineers and Land Surveyors was called to order by the Board President Albert Faraldi at 9:00 am in the Hudson Conference Room, Sixth Floor, 124 Halsey Street, Newark, New Jersey. All parties were duly notified of the time, date and place, with all pertinent material being 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

BM's present:

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

BM's absent: Rishi Raj

Others present: Arthur Russo, Executive Director, William Mandeville, Management Assistant, Joseph Grabowy, Management Assistant, Sadiqa Smith, Recording Secretary, Deputy Attorney General Olga E. Bradford and two members of the public.

APPROVAL OF MINUTES

April 20, 2000

On a motion by BM Bogart, seconded by BM Frantz, the Board unanimously voted to approve the minutes of April 20, 2000 as amended.

COMMITTEE REPORTS

Legislation

BM Vernick submitted a legislation report that outlined the following:

Residential Site Improvement Standards - A draft of the 2nd annual revision was approved by the Site Improvements Advisory Board (SIAB) on March 23, 2000, and forwarded to the DCA Commissioner. Publication for

comment is projected for June, with adoption in the fall. Thicker pavement sections have been adopted. The basin maintenance issue is being delayed until next year. The next meeting of the SIAB is June 6, 2000.

A1712 - Authorizes assessment of development impact fees by municipalities - On January 11, 2000 this bill was introduced and referred to the Assembly Housing Committee. It appears similar to A494 from the 1998/99 session which was supported by the League of Municipalities but opposed by the Builders Association.

A2336/S789 - Capital and Educational Facility Financing Act (Impact Fees) On May 1, 2000 this bill was introduced and referred to the Assembly Local Government Committee. It appears to be the Builders Association response to A712.

A755 - Changes the duration of contracts for professional services under the "Local Public Contracts Law" from 12 months to 24 months - On January 11, 2000 this bill was introduced and referred to the Assembly Local Government Committee.

A1142 - Establishes the Professional, Occupational and Trades Licensing Review Commission - On January 11, 2000 this bill was introduced and referred to the Assembly Consumer Affairs and Regulated Professions Committee.

A1180 - Broadens the education requirement for professional planning licensure - Passed the Assembly on March 27, 2000 and referred to the Senate Commerce Committee. The Board, at its April 6, 2000 meeting opposed this bill. The Board further discussed the bill and voted to take "no position". The rationale and reasons for the "no position" will be formulated by the Legislation Committee and forwarded to the Director's Office.

S16 - Congestion Relief and Transportation Trust Fund Renewal Act of 2000 - Several bills providing funding sources have been introduced. S16, sponsored by Donald DiFrancesco, appears to be the most likely to move forward. This bill was reported out of Senate Committee with amendments (2nd reading) on May 11, 2000.

A1673/S813 - Funding for the 1999 Statewide Transportation and Local Bridge Bond Act (\$251 million) - This bill passed the Assembly on February 24, 2000, the Senate on March 23, 2000, and was signed by the Governor on April 6, 2000.

S200 - Educational Facilities Construction and Financing Act (Gormel/Lynch) includes Abbott District - Passed Senate on May 18, 2000. Referred to Assembly Appropriation Committee on May 22, 2000.

A2041 - Educational Facilities Construction and Financing Act (Collins/Malone) includes Abbott Districts - Introduced on February 7, 2000. This bill was reported out of the Assembly Education Committee on March 16, 2000 and referred to the Assembly Appropriation Committee.

A426/S496/S601 - Authorizes the Adoption of Municipal Time Growth Ordinance - On January 11, 2000 each bill was introduced and referred to the Assembly, local Government Committee or Senate Community and Urban Affairs Committee.

The following additional bill was briefly discussed:

S1279 - Would require all Home Improvement Contractors to be bonded for their work - On May 18, 2000 this bill was introduced and referred to the Senate Commerce Committee. The Board voted to take "no position" on this bill. The rationale being that the bill excludes professional engineers, land surveyors, and others in any related profession requiring registration, certification, or licensure by the State, who are acting within the scope of their profession. This rationale will be forwarded to the Director's Office.

Administration

No report.

Examination

No report.

Education

No report.

Regulations

BM Cassera reported that the Board is still in the sunseting process, and that the Board's current rules and regulations must be "sunsetted" by August 2000.

Finance

Fee Schedule

ED Russo reported that on April 1999, the Board approved a fee increase for the October 2000 exam, based on increased NCEES examination costs. To date, the Governor has not signed off on this fee request. It is, therefore, projected that the Board will incur a loss of approximately \$12,000.00 for conducting the October 2000 exams at the present rates. ED Russo has written a memo to Deputy Director Anthony Miragliotta notifying him of this matter.

Special Committee Reports

Newsletter

BM Raimondi reported that the second edition of the Newsletter is currently in Print Production being formatted. He is presently working on the third edition.

Applications: Revisions Design Experience

BM Bogart reported that the Committee is currently working on the PE application revisions.

Shop Drawings

BM Bogart indicated that he is awaiting VP Kelly's report rebutting the Committee's position on this subject.

Home Inspection Advisory Committee Regulations

The Board held a lengthy discussion on the subject of septic systems inspections, well, and carbon dioxide inspections. BM Raimondi, who recently attended a septic system seminar at Rutgers University, stated that septic systems should be inspected by home inspectors in the normal course of home inspections. He suggested that home inspectors work with the Septage Management Association, and their membership, to secure qualified individuals to perform septic system inspections. Presently there are no certification requirements to qualify as a septic system inspector. VP Kelly recommended adding a provision to the proposed HIAC regulations, making septic system inspections a function of home inspectors and making such inspections mandatory in the home inspection process. VP Kelly will draft a memo to the HIAC, inviting them to attend a future Board meeting, for the purpose of discussing the incorporation of septic system inspections as part of a home inspection process.

On a motion by VP Kelly, seconded by BM Raimondi, the Board voted to accept VP Kelly's draft memo. BM Patel abstained.

Joint Committee

No report.

Sunsetting Regulations

BM Cassera discussed this matter under regulations.

Website

No report.

REPORT OF THE EXECUTIVE DIRECTOR

Incoming Correspondence

Joe A. Rhoads, PE, National Society of Professional Engineers (3/6/00)

Re: Mentoring Group/Licensure Board Workshop, July 27, 2000, in conjunction with the NSPE Annual Convention July 27-August 1, 2000.

BM Patel will represent the Board at this workshop. He asked the Board for input on questions of how construction engineers can obtain two years of original design experience to qualify as licensed professional engineers. The general response was for those individuals to go "in-house" to acquire this design experience.

John Adams, III, PE, NCEES (5/1/00)

Re: Change to PE exams to Breadth/Depth Format

Future PE exams in the civil, electrical and mechanical engineering disciplines will convert to a Breadth/Depth format starting with civil exam in October 2000. The electrical and mechanical exams are tentatively scheduled to make the conversion in October 2001.

The Board noted Mr. Adams' correspondence for the record.

Williams J. Taylor, PE, Taylor Engineering Company (5/2/00)

Re: Spot elevations and proposed grading for small residential pool on a 90'x125' lot.

The Board concluded that only a professional engineer can prepare plans which include proposed grading and drainage details, soil erosion control, and the placement of retaining walls for pool construction. A professional land surveyor must handle the topography aspects of the project including spot elevations and miscellaneous reference points. ED Russo will correspond to Mr. Taylor conveying the Board's conclusion.

Stephen A. Bray, DLB Associates Consulting Engineers, P.C. (2/8/00)

Re: Industrial Engineering Discipline

Mr. Bray thanked the Board for authorizing industrial engineering as PE examination discipline. (effective October 2000)

The Board noted Mr. Bray's correspondence for the record.

George J. Cosentino, Jr., CLA, New Jersey American Society of Landscape Architects (NJASLA) (5/11/00)

Re: Site Plan Rule

Mr. Cosentino wanted to make it clear to the Board that the Chapter continues to have dialogue with design professionals of this state, and that any official statements, positions on issues, and concerns of the NJASLA, legislative or otherwise, will be rendered by the NJASLA Executive Committee and not by individuals.

The Board noted Mr. Cosentino's correspondence for the record.

Fred H. Rohn (5/11/00)

Re: Thanks to the Board

Mr. Rohn conveys his sincere thanks to everyone for their kind thoughts and for the recognition dinner honoring him for his many years of public service to this Board and the Board of Accountancy.

The Board noted Mr. Rohn's correspondence for the record.

Robert L. Schreibel, New Jersey Society of Municipal Engineers (5/15/00)

Re: Accuracy and validity of digital engineering of architectural plans/specifications used for bidding purposes, offered by F.W. Dodge

BM Cassera responded to this inquiry concerning a new service being offered to bidders by F.W. Dodge called "Dodge Plans" by indicating the following: there are no regulations prohibiting Dodge from copying plans and specifications. Per N.J.A.C. 13:40-1.1 (b) and (c), absent the required signatures and impression seal, such documents cannot be confirmed as being official documents prepared under the supervision of a licensed professional. Also, one cannot confirm the origin, accuracy or validity of data shown on unsealed or unsigned plans. In addition, the issues of whether it is legal for those other than the preparer to copy and distribute plans and specifications, and the question of liability with respect to incomplete plans produced by a service like Dodge, are subject to legal opinion relating to regulations not under purview of this Board. Finally, control of the communication of addenda to interested parties, is not affected by current Board regulations and is, therefore, subject only to rules established by the Owner/Engineer.

BM Cassera will draft a response to Mr. Schreibel's correspondence for the Board's review at its June 15, 2000 Public Session meeting.

Jose Femenia, The Society of Naval Architects and Marine Engineers (5/15/00)

Re: Ship Design Engineering examination

Mr. Femenia thanked the Board for advising him that the Ship Design Engineering examination will now be included in the group of exam disciplines offered in New Jersey.

The Board noted Mr. Femenia's correspondence for the record.

H. Clay McEldowney, Studer and McEldowney, P.A. (5/31/00)

Re: Conflict of Interest

The Board discussed Mr. McEldowney's correspondence. BM Cassera will draft a response to this inquiry for the Board's review at the June 15, 2000 Public Session meeting.

Sam Race, Department of Agriculture, Soil Conservation District (5/25/00)

Re: Unlicensed Practice of Engineering

Mr. Race informed the Board of instances where individuals performing work relating to the Department of Agriculture functions may be practicing engineering without a license. Mr. Race, several of his associates, BM Bogart and ED Russo will meet to discuss this matter.

General Report

NCEES Annual Conference

The NCEES Annual Conference is scheduled to be held in Chicago, Illinois from August 2 - August 5, 2000. Pres. Faraldi along with VP Kelly, BM Raimondi, DAG Bradford and ED Russo will be attending.

Northeast Zone Meeting - May 11-13, 2000

ED Russo reported on the major subjects of interest discussed at the NCEES Northeast Zone meeting, held on May 11-13, 2000, included the utilization of the FE examination as an outcome assessment tool; breadth and depth examinations for the civil, mechanical and electrical disciplines; mobility of comity licensure and incorporated

business certifications; computer based testing; electronic signatures and seals; examination security; the "Agreement between NCEES and Member Board; and a variety of other subjects, most of which are to be discussed at the NCEES Annual Meeting in Chicago.

Certificate Award Ceremony - April 2000 examinees

ED Russo reported that the Certificate Award Ceremony for the April 2000 examinees has been scheduled for October 5, 2000. The staff will be making the necessary arrangements.

On a motion by BM Frantz, seconded by BM Raimondi, the Board unanimously voted to schedule the Certificate Award ceremony on October 5, 2000.

Certificate of Authorization - April 2000

The Board noted the April 2000 Certificate of Authorization report for the record.

Applications Received/Verification Processed - April 2000

The Board noted the April 2000 Applications Received/Verifications Processed report for the record.

REPORT OF BOARD VICE PRESIDENT

Discussion on Perc Tests, Soil Logs and Excavations

The Board held a lengthy discussion on this matter. In VP Kelly's memo to ED Russo dated April 7, 2000, it was noted that pursuant to N.J.A.C. 7:9A-5.1(b), "all soil evaluation procedures relied upon as a basis for the design of an individual subsurface sewage disposal system shall be carried out by or under the direct supervision of a licensed professional engineer." The Board requested that the ED write to unlicensed companies advertising perc test services. The Board will review advertisements of companies who appear to be potential violators at its June 15, 2000 Executive Session meeting.

ARTICLE OF INTEREST

Rutgers University - "Electrical Contracting Without a License is Now a Crime"

The Board noted the article of Interest for the record.

APPROVAL/ DENIAL OF APPLICATIONS FOR LICENSURE

The Board reviewed the May 18, 2000 Examination/Comity Applications Report and, of the reported applications, voted to approve 20 exam and 14 comity applications and to deny 3 exam and 9 comity applications. (list attached).

On a motion by BM Bogart, seconded by BM Vernick, the Board unanimously voted to accept the May 18, 2000 list of approved/denied applications for licensure.

MOVE TO EXECUTIVE SESSION

On a motion by BM Vernick, seconded by BM Frantz, the Board unanimously voted to move into Executive Session for the purpose of reviewing a complaint.

RETURN TO PUBLIC SESSION

In accordance with a motion contained in Executive Session minutes, the Board unanimously voted to return to Public

Session for the purpose of completing the Public Session agenda.

ADJOURNMENT

On a motion by BM Frantz, seconded by BM Raimondi, the Board unanimously voted to adjourn at 2:15 pm.

Approved by:

Albert N. Faraldi, PLS
President

Arthur Russo
Executive Director

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Modified March 2002