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Governor

New Jersey Office of the Attorney General

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State Board of Professional Engineers and Land Surveyors
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STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS Minutes of September 3, 2009

Public Session

CALL TO ORDER

The meeting of the State Board of Professional Engineers and Land Surveyors was called to order by Board President James Purcell at 9:00 a.m. at 124 Halsey Street, 3rd Floor, Union Conference Room, Newark, New Jersey. All parties were duly notified of the time, date and place, with all pertinent material being provided.

SUNSHINE LAW ANNOUNCEMENT

Board President Purcell read the statement required by Chapter 231, Laws of 1975 known as the Open Public Meetings Act, and announced that notice of this meeting was prepared in the office of the Board and mailed to the Secretary of State, the Newark Star-Ledger, Trenton Times, the Camden Courier Post, Bergen Record, and the Atlantic City Press.

Present:	James Purcell	Lawrence Koo
	Barry Jones	James Valenti
	Michael Angeline	Perry Schwartz
	James Cleary	Edward Vernick
	Richard Frantz	

Absent: Robert Marshall

Others: Arthur Russo, Executive Director, Michelle Albertson, Deputy Attorney General, Joseph Grabowy, Assistant to the Executive Director, staff members Martha Richardson, Yolanda Winston, and two members of the public.

REVIEW OF THE MINUTES

July 16, 2009

The Board tabled review of these minutes to the October 2009 meeting.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

ED Russo informed the Board that the principles and practices portion of the professional examinations will be conducted on Friday, October 23, 2009 and the fundamentals examinations will be conducted on Saturday, October 24, 2009. Examinations will be held at NJIT and the West Trenton Fire House. ED Russo mentioned that BP Purcell and he will visit both sites to monitor the examinations. BM Schwartz will also visit the NJIT site and BM's Marshall and Angeline will visit the West Trenton location.

- PCS - Engineering/Surveying Application Process

The Board discussed the additional services proposed by PCS to process applications in addition to administering the exams. A discussion regarding the procedural obligations that PCS would be obligated to follow took place. Further discussion was tabled for further review by the Application Review Committee. BM Valenti proposed that a representative from PCS be invited to attend the October 2009 Board meeting to discuss the newly proposed application process.

INCOMING CORRESPONDENCE

Lincoln H. Edwards, P.E., P.L.S
July 19, 2009

Re: Whether the attached ad is an infringement of the surveying profession

This correspondence was moved to the Executive Session.

Robert J. Chankalian, PE, CME, Township of Toms River
August 12, 2009

Re: Grading Plans Prepared by Landscape Architects

The Board discussed this matter and Mr. Chankalian will be advised that he should review the statutes regarding the definition of the practices of architecture and landscape architecture, and that he direct any further questions to the Board of Architects. . BP Purcell will draft a response to Mr. Chankalian.

Richard Gardell, PE, Gardell Land Surveying, LLC
August 13, 2009

Re: Request for the Board's opinion regarding the setting of corners

The Board discussed this matter and Mr. Gardell will be advised to refer to and comply with its regulation in that a signed waiver not to set corner markers must be obtained and signed by the ultimate user.

Evor F. Johns, President, Progressive Engineering Inc.
August 12, 2009
Re: Applicability of a Certificate of Authorization

The Board reviewed this correspondence and determined that based upon the facts presented, if a NJ Professional Engineer is an employee of a company, under contract or advertising as such, then it may appear to be offering engineering services. Thus, the company would need a Certificate of Authorization. Mr. Johns will be sent an application for a C/A, and advised to refer to N.J.S.A. 45:8-56.

Michael Corder, PE
August 18, 2009
Re: Use of Sealed Documents

The Board discussed this matter and Mr. Corder will be informed that electronic signatures are not allowed on documents and that the only acceptable documents used must have a raised seal. Copies of an original signature are permissible on document copies but must also contain a raised seal. BP Purcell and VP Jones will draft a response.

OUTGOING CORRESPONDENCE

Joanne Faber
July 21, 2009
Re: Definition of "shoreline" "mean high waterline"

This correspondence was noted for the record.

Richard Doughty, Morris, Johnson & Assoc.
July 21, 2009
Re: Updates for the 2010 ICC codes

This correspondence was noted for the record.

Nicholas Giella
July 21, 2009
Re: Approval of certain ethics courses stipulated in Board's Consent Order

This correspondence was noted for the record.

Richard Spafford, PE
August 3, 2009
Re: Requested information regarding updates for the 2010 ICC codes

This correspondence was noted for the record.

Jonathan Gustafson, PLS
August 3, 2009

Re: Law and Rules Clarification regarding Laser Scanning

This correspondence was noted for the record.

COMMITTEE REPORTS

a. Standing Committees:

Applications:

No report

Legislation & Regulations Committee:

BM Vernick stated that the NJ Legislature is on recess until after the November 2009 gubernatorial election.

The Board directed that Patricia Schiripo and Deborah Shane-Held, its new regulatory analyst, appear at its October 2009 meeting to discuss the pending legislation requiring continuing education for Professional Engineers.

Education Committee:

On a motion by BM Cleary, second by BM Angeline, the Board voted to approve the following continuing education courses:

<u>SPONSOR</u>	<u>COURSE</u>	<u>PDH</u>
NJ Association for FloodPlain Management	2009 Annual Conference	8
Pennsylvania Society of Land Surveyors	Carlson Software : Field Data Collection with Surveying	8
Pennsylvania Society of Land Surveyors	Carlson Survey and TDS	8
Surveyors Association of West Jersey	Work Zone Safety	1
Surveyors Association of West Jersey	True Meridian Line in NJ	1
Land Surveyors Workshop	The Surveyors Role in Mediation	4
Land Surveyors Workshop	The Surveyors Role in the FEMA Flood Insurance	4
Land Surveyor Workshop	Anatomy of a Claim	4
Land Surveyor workshop	The Expert Witness	4

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
MINUTES OF SEPTEMBER 3, 2009
PUBLIC SESSION

Land Surveyors Workshop	Electronic Seals and Signatures	2
Land Surveyors Workshop	ALTA/ACSM - The New Standards and How To Apply Them	4
Land Surveyor Workshop	Area-Wide VRS to Get on the Same Page	4
Land Surveyor Workshop	Advanced Techniques for Carlson or C&G Software	8
Land Surveyors Workshop	Carlson C&G Survey Software	8
Land Surveyors Workshop	Drawing a Map Using Your Computer	4
Land Surveyors Workshop	FEMA for Land Surveyors	4
Land Surveyors Workshop	Horizontal Alignment	4
Land Surveyors Workshop	Introduction to Laser Scanning	4
Land Surveyors Workshop	Maps & Charts	4
Land Surveyors Workshop	Marketing, PR and Advertising for the Small Professional Office	4
Land Surveyors Workshop	Contract Basics for Land Surveyors	4
Land Surveyors Workshop	Managing the Client Relationship	4
Land Surveyors Workshop	Organize Your Computer Files	4
Land Surveyors Workshop	Small Business Management Tools	4
Land Surveyors Workshop	The Seven Deadly Sins of Surveying	4
Land Surveyors Workshop	SurvCE Introduction	4
Land Surveyors Workshop	Using Microsoft & Excel in a Small Surveying Office	4
Land Surveyors Workshop	Adverse Possession	2
Land Surveyors Workshop	The Surveyor's Role in the Transfer of Real Property	4
Land Surveyors Workshop	Insurance Needs of the Surveyor	4

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
 MINUTES OF SEPTEMBER 3, 2009
 PUBLIC SESSION

Land Surveyors Workshop	Introduction to GPS	4
Land Surveyors Workshop	Tectonics & Surveying	4
Land Surveyors Workshop	The Gravity of Surveying	4
Land Surveyors Workshop	GPS Real Time	4
Land Surveyors Workshop	Datums & Coordinate Systems	4
NJ Association of Floodplain Management	FEMA Elevation Certificate Training	3
NJ Society of Professional Land Surveyor	NJ Perspective on Boundaries & Landmarks	8

Joint Committee of Architects & Engineers:

BM Schwartz informed the Board that meeting for September was cancelled due to the lack of agenda items.

b. Ad Hoc Committees:

Sunset Regulations:

No report

NCEES 2013 NE Zone Meeting

BP Purcell and VP Jones reviewed and approved a draft letter to the NCEES Northeast Zone President regarding possible acceptable venues for the interim meeting, which is being hosted by the New Jersey Board in 2013.

REVIEW OF APPLICATIONS

a. Licensure

The Board, on a motion by BM Vernick, second by BM Schwartz voted unanimously to approve the following applications as indicated:

<u>NAME</u>	<u>APPLICATION #</u>	<u>PE/EIT</u>	<u>DECISION</u>
Anthony DiRosa	910626	Exam	Take FLS
Tracey J. Letzring	1413400	Comity	Grant License
Shannon Strotman 1368162	Comity	Grant License	
Steven Bagge 1370739	Comity	Grant License	
Theodore Dmytryk	1394302	Comity	Grant License
Robert J. Watts	1404628	Comity	Grant License

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
MINUTES OF SEPTEMBER 3, 2009
PUBLIC SESSION

Tracy J. Letzring		1413400	Comity	Grant License
Brian Kutz	1416091		Comity	Grant License
Russell Green	1419194		Comity	Grant License
Dale Husser	1434974		Comity	Grant License
Kaustubh Hulyalkar	1414267		Exam	Take P
Brain McDevitt	1371060		Exam	Take P
Jiangtao Luo	1291020		Comity	Grant License
Caitlin Terry	1414821		Exam	Take F
Zsuzsa Erdelyi Hamos		1414845	Exam	Take F & P
Stephen Gates		1414982	Exam	Take P
Gary Becker	1416074		Comity	Grant License
Ihab Mohammed		1284082	Comity	Grant License
Gerard J. Buechel		1416145	Comity	Grant License
John Sweet	1417535		Comity	Grant License
Christine Julias		1414834	Exam	Take P
Christopher Lesniak		1414984	Exam	Take P
Brett Ownes		1415672	Exam	Take P
John Alava		1416041	Exam	Take P
Joshua Van Bogaert		1417765	Exam	Take P
Benjamin Boisvert		1418284	Exam	Take P
Nelson Montecillo		922555	Comity	Grant License
Sowri Rajan		1249131	Comity	Grant License
Vadin Demovoy		1415492	Exam	Take P
Amin Gomoa		1413426	Exam	Take P
William Schauman		1411896	Comity	Grant License
Charles Kutz		1388926	Comity	Grant License
John Elmer		1395804	Comity	Grant License
Harry Tenenbaum		1403382	Comity	Grant License
Travis St. Pierre		1404643	Comity	Grant License
Alan Abramson		1403359	Comity	Grant License
Priyan DeSilva		1353306	Comity	Grant License
Manh Van		1398078	Comity	Grant License
Larry Elliott		1419180	Comity	Grant License
David Doucette		1425996	Comity	Grant License
William Maxwell		1444836	Comity	Grant License
Brian Jeanettes		1440449	Comity	Grant License
Miichael McGuire		1440329	Comity	Grant License
Kenneth Naumann		1425568	Comity	Grant License
Benjamin Mullen		1413423	Comity	Grant License
Mario Patulot		1396193	Exam	Take F
Paul Zawadzki		1411160	Exam	Take P
Jairo Rios		1411191	Comity	Grant License
Justin Bocian		1415458	Exam	Take P
Igor Finkelshtey		1417559	Comity	Grant License
Bryan Suelto		1442450	Comity	Grant License
David Paskman		1442358	Exam	Take F
Nachiket Gokhale		1396197	Exam	Take F
Marcus Scrimgeour		1394300	Comity	Grant License
Alton Baum		1416097	Comity	Grant License
Kenton Braun		1320479	Comity	Grant License
William Wentzien II		1375878	Comity	Grant License
Edwin Calvache		1381472	Exam	Take P
Claire Mackler		1394318	Exam	Take P
Manar Alsharaa		1411143	Exam	Take F & P
Levi Collins		1411146	Exam	Take P
Stephanie Kibeiro		1413155	Exam	Take P
Clifford Andrews		52228	Comity	Grant License
Matthew Lunemann		1411173	Exam	Take P

**STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
MINUTES OF SEPTEMBER 3, 2009
PUBLIC SESSION**

Benjamin Hovey	1411912	Exam	Take P
Margaret LaNeve	1414824	Exam	Take P
Alison Kimball	1418206	Exam	Take F & P
Ajit Shukla	1418344	Exam	Take P
Tarek Korio	1426002	Exam	Take P
Michael Galante	1434812	Exam	Take P
Valerie Spies	1440357	Exam	Take P
Thomas Bongiovanni	1407888	Exam	Take P
Kevin Chen	1409391	Exam	Take P
Nicola Marcucci	1411931	Exam	Take P
Brian Brach	1414999	Exam	Take P
Peter Stahley	1415387	Exam	Take P
Scott McKenzie	1393603	Comity	Grant License
James Brandt	1434946	Comity	Grant License
Kinjal Shah	1411953	Exam	Take P
Stephen Awuku	1414110	Exam	Take P
Lauren Coe	1415525	Exam	Take P
Craig Mawhinney	1415503	Exam	Take F&P
Thomas Zubrzycki	1415503	Exam	Take P
Barbara Herrera	1414836	Exam	Take P
John Yagecic	1381491	Comity	Grant License
Terry Francis	1391265	Comity	Grant License
Robert Tosolt	1418211	Comity	Grant License
Clifford Schwinger	1418198	Comity	Grant License
John Calvert	1425961	Comity	Grant License
Jeff Fleischmann	1395816	Comity	Grant License
George Stankiewicz	1400736	Comity	Grant License
Gwong-Jian Oh	1366653	Exam	Take F
Daniel Drury	1414117	Exam	Take P
Gregory Sydlowski	1414125	Exam	Take P
David Barnhardt	1391317	Comity	Grant License
Susan Hill	1353354	Comity	Grant License
John Yacapsin	1409612	Comity	Grant License
Goddaard Finley II	1418227	Comity	Grant License
Miguel Pereias	1370559	Exam	Take P
Maragret Prestwood	1415323	Comity	Grant License
Brian Gregis	1418194	Exam	Take FLS & PLS

The Board, on a motion by BM Vernick, second by BM Schwartz voted unanimously to request additional information from the following applicants for licensure:

Mahfuja Begum	1417553	Exam	AIN
Richard Henriksen	1231912	Comity	AIN
Alexander Liu	1418314	Exam	AIN
Sidhartha Ghosh	1415514	Exam	AIN
Romulo Lakip Jr.	1313526	Comity	AIN
Charles Lipsky	1394865	Comity	AIN
William McShane	1413407	Comity	AIN
Harvey Hnatiuk	1394329	Comity	AIN
Pratik Patel	1411153	Exam	AIN
Adam Early	48428	Exam	AIN
Michael Fischer	1434935	Comity	AIN
George White	443289	Comity	AIN
Scott Kesler	1440362	Comity	AIN
Mohammed Ullah	1307259	Comity	AIN
Paula Miranda	1432091	Exam	AIN

**STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
MINUTES OF SEPTEMBER 3, 2009
PUBLIC SESSION**

Nelson Acosta	1361608	Comity	AIN
David Holmes	1369348	Comity	AIN
Ivona Tarchala	1443847	Exam	AIN
Jeffrey Gatlin	1356270	Comity	AIN
Byungtae Park	1371044	Exam	AIN
Brain Senyk	1403364	Exam	AIN
Kun Li	1407304	Exam	AIN
Michael Cronin	1414830	Exam	AIN
Sudip George	1399499	Exam	AIN
Lawrence Denk	1447769	Comity	AIN
Bruce Hunt	1135151	Comity	AIN
Mark Licalzi	1404504	Comity	AIN
Stephan Krier	1415580	Exam	AIN
Mark Herrmann	1418277	Exam	AIN
Paul Cavota	1394872	Comity	AIN
Henry P. Wilson III	1407761	Exam	AIN
Benjamin Jennings	1415325	Comity	AIN
David Billingsley	1415350	Comity	AIN
Perry Johnson	1415507	Comity	AIN
Timothy Murine	1416141	Comity	AIN
Ryan Elkholy	1415483	Exam	AIN
Troy Cook	1411165	Comity	AIN
Sophia Azam	1337685	Comity	AIN
Lyra Knust	1415418	Exam	AIN
James Oliver	1407838	Comity	AIN
Timothy Riegel	1407311	Comity	AIN
Ernest Hanna	1404534	Comity	AIN
Randal Diviney	1409402	Comity	AIN
Berani Halley	1409659	Comity	AIN
Rong Yuan	1414985	Exam	AIN
Dominic Cardinale	1419255	Exam	AIN
Nicole Gortian	1413395	Exam	AIN
Xuanteng Xu	1407322	Exam	AIN
Linda Schmidt	1415534	Exam	AIN
Herbert Ramirez	1415623	Exam	AIN
Michael Iliakis	1379303	Comity	AIN
Randall Sturgill	1415368	Comity	AIN
Kevin Campbell	1381593	Comity	AIN
Emil Katsarov	1419293	Comity	AIN
Kerry Lee	1425532	Comity	AIN
Michael Walsh Jr.	1434821	Comity	AIN
Igor Finkelshteyn	1417559	Comity	AIN
John Fralinger	1440450	Exam	AIN
Christopher Myers	1114973	Exam	AIN
Lawrence Butler	1320225	Comity	AIN
Robert McDowell	1434969	Comity	AIN
Thomas Spencer	1440356	Comity	AIN
Joseph Muller	1443228	Comity	AIN
Steven Peto	1414268	Exam	AIN
Louis Lee	1416138	Comity	AIN
Sean T. DiBartolo	1416140	Comity	AIN
Terence Waldron	1419154	Comity	AIN

A.I.N. = Additional Information Needed

FULL BOARD REVIEW

The Board reviewed an application from a graduate of Pensacola Christian College, located in

Pensacola, Florida, which offers an engineering curriculum. The institution has chosen not to be either a regionally accredited institution nor to be accredited by any body recognized by the US Department of Education or the Council for Higher Education Accreditation (CHEA). The Board's approved education evaluators have indicated that they cannot perform evaluations of programs from such schools, as there is no basis for comparison without accreditation of the institution by a higher education authority.

The Board determined that applicants with degrees from institutions such as Pensacola Christian College (PCC) applying for the professional examinations in New Jersey will be advised that since PCC is not a regionally accredited institution, it would be impossible for their curriculum to be properly evaluated. These applicants will be advised that they must obtain a degree from an ABET accredited program or from an accredited institution which can be evaluated for equivalency to an ABET accredited program.

REINSTATEMENT APPLICATIONS

John Kwok, PE

This matter was tabled for the next meeting to review Mr. Kwok's proficiency in engineering.

Richard Bravo, PE

The Board reviewed Mr. Bravo's application for reinstatement and determined that he failed to adequately demonstrate his continued proficiency in engineering. Thus, on a motion by BM Schwartz, second by BM Angeline, the Board voted that Mr. Bravo take the principles and practices portion of the engineering examinations.

Frederick Oldenhage, PE

The Board reviewed Mr. Oldenhage's application for reinstatement and determined that he had not adequately demonstrated continued proficiency in engineering. Thus, on a motion by BM Schwartz, second by BM Angeline, the Board voted that Mr. Oldenhage take the principles and practices portion of the engineering examinations.

George Tharisayi, PE

The Board reviewed Mr. Tharisayi's application for reinstatement and determined that he had not adequately demonstrated continued proficiency in engineering. Thus, on a motion by BM Schwartz, second by BM Angeline, the Board voted that Mr. Tharisayi take the principles and practices portion of the engineering examinations.

Thomas Miller, Jr., PE

The Board reviewed Mr. Miller's reinstatement application and on a motion by BM Vernick, second by BM Angeline, voted to approve his request for reinstatement of his PE license.

CERTIFICATES OF AUTHORIZATION

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
 MINUTES OF SEPTEMBER 3, 2009
 PUBLIC SESSION

The Board on a motion by BM Frantz, second by VP Jones, voted to approve, the following companies for a Certificate of Authorization:

<p>LEO COAKLEY CONSULTING LLC 27 Kentwood Road Succasunna, NJ 07876 Application # 1444612</p>	<p>McCUMSEY, LLC 15 Pinewood Trail Brick, NJ 08724 Application #1446174</p>
<p>JWP ENGINEERS AND SURVEYORS, INC. 4 King Road Dayton, NJ 08810 Application # 1447513</p>	<p>AE DESIGN, INC. 1857 William Penn Way, Ste., 201 Lancaster, PA 17601 Application # 1447520</p>
<p>STEEN ENGINEERING, INC. 5430 Douglas Dr., N. Crystal, MN 55429 Application # 1447831</p>	<p>RAY GROUP CONSULTING ENGINEERS, INC. 1827 Powers Ferry Road, Bld. 20, Ste. 100 Atlanta, GA 30339 Application #1448061</p>
<p>BUILDING DIAGNOSTICS, INC. 106 East 6th Street, Ste. 520 Austin, TX 78701 Application # 1449415</p>	<p>FIRST AMERICAN PROFESSIONAL REAL ESTATE SERVICES, INC. 200 Commerce Irvine, CA 92602 Application # 1449578</p>
<p>TLC ENGINEERING FOR ARCHITECTURE, INC. 255 S. Orange Ave., Ste. 1600 Orlando, FL 32801 Application # 1449966</p>	<p>ASBURY CONSULTING ENGINEERS, LLC 321 County Road 579 Asbury, NJ 08802 Application #1451443</p>
<p>FLEXIBLE LIFELINE SYSTEMS 14325 West Hardy Road Houston, TX 77060 Application # 1453810</p>	<p>HAYMAN RESIDENTIAL ENGINEERING SERVICES, INC. 2404 Jackson Blvd. Rapid City, SD 57702 Application # 1453839</p>
<p>ATLANTIC COAST ENGINEERING, LLC 1101 Wheaton Ave., Ste. 100 Millville, NJ 08332 Application # 1453939</p>	<p>INTEGRATED SCIENCE & TECHNOLOGY, INC. 1349 Old Hwy. 41, Ste. 225 Marietta, GA 30060 Application #1453945</p>
<p>G-A-I CONSULTANTS, INC. 385 East Waterfront Drive Homestead, PA 15120 Application # 1455223</p>	<p>MBO ENGINEERING, LLC 102 Andrews Dr. Bordentown, NJ 08505 Application # 1455276</p>

INFORMATIONAL/DISCUSSION ITEMS

a. NCEES Annual Meeting Report

BP Purcell reported on the NCEES Annual Meeting, which took place in Louisville, KY, on August 12-15, 2009. Details of the meeting will be published by NCEES in the near future.

BP Purcell further noted that he has volunteered to serve on the Law Enforcement Committee, which will hold its meeting on January 30, 2010 in Nashville, TN.

b. Draft Letter to NCEES Re: 2013 Northeast Zone Meeting

The Board agreed to send a letter to NCEES in which it agreed to host the 2013 Northeast Zone meeting, with a preference toward the Cape May location.

c. BM Schwartz spoke about an article entitled "To PE or not to PE" by the IEEE and the need to develop new avenues/tracks toward licensure for professors and teachers in academia to overcome the Board's two (2) years design regulation.

This handout was noted for the record.

PUBLIC COMMENTS

Charles Blumeling, PE, PLS, spoke about the numerous signatures required on DEP forms, and about landscape architects performing grading plans.

Joseph E. Keil, PE, former complainant for complaint #06-23, which the Board decided there was insufficient cause for action, stated he will be requesting the Board to reopen this matter.

Enzo Palau, PE application #1413623, appeared before the Board to seek direction and guidance on how to proceed with his PE licensure application after previously being advised the evaluation of his degree indicated it was one credit short in engineering design courses. In addition, a prior review of his experience indicated he did not have any professional engineers who provided regular and effective supervision over his work for the requisite minimum four (4) years experience. A full Board review of Mr. Palau's application will be held in October 2009.

MOVE TO EXECUTIVE SESSION

The Board, on a motion by BM Schwartz, second by BM Angeline unanimously voted to enter into Executive Session to review disciplinary matters.

RETURN TO PUBLIC

On a motion contained in the Executive Session minutes, the Board re-entered into Public Session to adjourn.

ADJOURNMENT

On motion by BM Frantz, second by BM Cleary, the Board unanimously voted to adjourn the meeting at 3:00pm.

APPROVED BY:

**James J. Purcell,
President**

**Arthur Russo
Executive Director**