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STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS Minutes of October 1, 2015 Public Session

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CALL TO ORDER

The meeting of the State Board of Professional Engineers and Land Surveyors was called to order by President Barry Jones, 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

President Jones 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.

ROLL CALL

Present:	Barry Jones, PLS James Valenti, PE, James Cleary, PE/PLS	Michael Kelly, PE, Member James Purcell, PE, Member Edward Vernick, PE, Member
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Absent: Richard Smith, Jr., PLS, Member

Others: Michelle Albertson, Deputy Attorney General, Karl W. Reidel, Executive Director, Joseph Grabowy, Senior Mgt. Assistant, staff members Martha Richardson, Yolanda Winston, and Peggy Hinkley and one member of the public, Carl Peters, NJSPLS/NJSME.

REVIEW OF MINUTES

September 17, 2015

ACTION: After reviewing the minutes of September 17, 2015, the Board, on a motion by BM Purcell, second by BM Cleary voted to approve the minutes as submitted.

REPORT OF THE EXECUTIVE DIRECTOR

None

INCOMING CORRESPONDENCE

None

COMMITTEE REPORTS

a. Standing Committees:

I. Legislation:

The current Legislation Chart was noted for the record.

ii. Regulations Committee:

None

iii. NCEES

None

iv. Joint Committee of Architects & Engineers

None

v. Petition for Rulemaking Committee (BP Jones, BM Cleary and BM Valenti)

Elizabeth Greenblatt, Regulatory Analyst appeared before the Board to discuss the Petition for Rulemaking submitted by the New Jersey Society of Professional Land Surveyors regarding the preparation of land surveys, site plans and major subdivision plans seeking Amendments to N.J.A.C. 13:40-5.1, N.J.A.C. 13:40-7.2, N.J.A.C. 13:40-7.3 and N.J.A.C. 13:40-7.4.

The Committee made recommendations to the full Board for discussion and decision. The Board allowed members of the public to make comments, whether on the petition or other matters, during the time for Public Comment. There were no comments taken from the public during the Board's discussion or prior to its vote.

BP Jones summarized the written recommendations of the Committee as follows:

“The Committee has reviewed the suggested amendments to Subchapter 5 of its rules dealing with the minimum standards for the preparation of surveys by a professional land surveyor. It has also reviewed the suggested amendments to Subchapter 7, also known as the Site Plan Rule, which defines the relationship between the respective professions as it relates to preparation of a site plan, with the standards of practice

being set forth in each Board's respective statutes and rules.

The Board members have materials for review on the agenda and what follows is a summary of the Committee's recommendations.

As to Subchapter 5 - the Petitioner requests changes to 5.1(n) and adding new sections (o) and (p). The Committee recommends that these changes be denied. Specifically:

1. Many of the changes in (n) appear to be simply re-wording of the current rule and do not provide further guidance to its licensees. While the Committee agrees with the Petitioner that only a professional land surveyor can prepare a survey, it disagrees that inserting words such as "only a licensed professional land surveyor" gives the current rule any further clarity or meaning, but rather is redundant. The Committee also does not believe that using undefined terms, such as "topography or existing conditions surveys", provide any further clarity and, in fact, the Committee believes that its current rule is broad and encompasses all types of surveys. Therefore, attempting to give names to the various types of surveys is unnecessary. Further, the Petitioner uses undefined terms such as "restriction lines" mixed with statutory language found in the practice definition that would cause confusion.

As to requiring 2 benchmarks, the Committee believes it is unnecessary. The rules set forth the minimum standards to be followed and relies upon the professional judgment of a licensee to make an appropriate determination as to whether additional benchmarks are necessary.

As to who can combine survey information, the requested change is unclear since only a land surveyor can prepare a survey which requires using available survey information.

The Committee believes its current rule adequately covers the minimum standards of practice and that the requested amendments do not provide further clarity or guidance to its licensees.

2. As to adding new sections "O" and "P", the Committee recommends these requests be denied. Section "O" deals with federal forms and the Board does not have authority over them. Rather, it is expected that the Board's licensees know his/her scope of practice and prepare and sign the forms applicable to that scope.

Section "P" uses undefined terms such as "as-built conditions mapping" and requested changes do not add clarity or further guidance. Further, the requested language, which is unclear, may conflict with the exception language found in the statutory practice definition.

As to Subchapter 7 - the Petitioner requests various changes to 7.2, 7.3 and 7.4. The Committee recommends that these changes be denied. In general, adding the words “only” and “licensed professional” are unnecessary. More specifically:

1. As to 7.2(a), adding the words “topography” and “wetlands delineation locations” are unnecessary since they are existing conditions and can be found in the practice definition as well as Subchapter 5.

As to 7.2(a)(1), the small changes are simply a re-wording and/or nonsubstantive. Further, the suggested definition of “current survey” is ambiguous and would lead to confusion and the number of surveys is left to the discretion of the professional based on need. Finally, it should be noted that changes to the minimum standards should be located in Subchapter 5 which is applicable to all surveys, not just those attached to a site plan.

2. The requested change to 7.2(b) is simply reaffirming that only a land surveyor can show exact locations on a survey and therefore is redundant.
3. The proposed new 7.2(c) refers to forms and rules not governed by the Board and also not part of the site plan preparation process contemplated by this section. The Committee’s prior comments on Subchapter 5 on federal forms also applies in this Subchapter 7.
4. The proposed new 7.2(d) appears to relate to post construction conditions and is not relevant to preparation of a site plan.
5. The proposed new 7.2(e) merely re-affirms that only a land surveyor can prepare surveys and therefore is redundant. It also uses undefined names for surveys which have been addressed in the Committee’s recommendations in Subchapter 5.
6. The Petitioner purposes amendments to 7.3(a), (b) and (j) to include land surveyors as one of the professionals permitted to show proposed conditions on a site plan, whether conceptual or not. There has been no statutory change to the scope of the practice of land surveying and thus the amendments should be denied.
7. The proposed new 7.3(k) is ambiguous. To the extent that a land surveyor can prepare a site plan or sewage disposal plan, there has been no statutory change to permit this change. To the extent it may mean that only land surveyor can measure and locate existing conditions to be shown on a survey and transferred to a site plan, it is redundant. Finally, the proposed amendment refers to rules not governed by this Board and which are unnecessary since the Board expects its licensees to apply all relevant laws to their designs.
8. The proposed new 7.3(l) is ambiguous. This section deals with proposed conditions and as such is not within the scope of practice of a land surveyor.

9. The proposed changes in 7.4 to add “preliminary subdivision maps with metes and bounds” can be found in subchapter 5.

One final note, there were requested changes such as adding “licensed professional” before land surveyor which do not change the meaning of the rules and are nonsubstantive, but which the Board can revisit at the time of sunset.

Once the Board has discussed these recommendations and made a final decision, a written memorialization that more fully sets forth the Board’s rulings shall be completed and published in the New Jersey Register.”

ACTION: After discussion and a careful review of the written recommendation of the Committee and the summarization presented by BP Jones, the Board, on a motion by BM Cleary, second by VP Valenti, voted unanimously to deny the Petition for Rule Making.

REVIEW OF APPLICATIONS

Licensure:

ACTION: The Board, on a motion by VP Valenti, second by BM Purcell, voted unanimously to approve the following applications as indicated:

<u>Name</u>	<u>Application #</u>	<u>Comity/Exam</u>	<u>Decision</u>
Abernathy, Cliff	1936190	Comity	Grant License
Allen, Benjamin	1949617	Comity	Grant License
Anderson, Stuart	1823892	Comity	Grant License
Baca, Katie	1935955	Comity	Grant License
Beaver, Stephen	1934236	Exam.	Take PE
Berdahl, Matthew	1830011	Exam.	Take PE
Birchmier, Matthew	1926609	Comity	Grant License
Boyer, James	1934153	Exam.	Take PE
Casseday, Michael	1950080	Comity	Grant License
Castaldo, Joseph	1890277	Comity	Grant License
Chadwell, Anthony	1956920	Exam.	Take PE
Chiou, Jasie	1946735	Comity	Grant License
Clark, Shelley	1939377	Comity	Grant License
Clement, Bryan	1921203	Comity	Grant License
Cornelius, Benjamin	1946703	Comity	Grant License
Cranmer, Griffin	1911814	Exam.	Take PE
Debesis, William	1943886	Comity	Grant License
Denis-Rohr, Michael	1928220	Exam.	Take PE
DeOliveira, Joseph	1934231	Exam.	Take PE
Derienzo, Jennifer	1935463	Comity	Grant License

Doleyres, Jean	1916030	Comity	Grant License
Elliot, Steven	1941951	Comity	Grant License
Elmore, Simon	1847948	Comity	Grant License
Elzibak, Ayman	1928228	Comity	Grant License
Fredericks, Brian	1962041	Comity	Grant License
Fryzowski, Kamil	1902646	Exam.	Take PE
Goodman, John	1948736	Comity	Grant License
Goodnight, Wesley	1962011	Comity	Grant License
Gray, Ryan	1923735	Comity	Grant License
Helmstetter, Dennis	1952984	Comity	Grant License
Higgins, Karl	1885642	Comity	Grant License
Husain, Muzamil	1820410	Comity	Grant License
Jacob, Tony	1937670	Comity	Grant License
Johnston, Scott	1959891	Comity	Grant License
Jones, Clarence	1957045	Comity	Grant License
Jutras, Thomas	1950828	Comity	Grant License
Kelly, Jeffrey	1919129	Comity	Grant License
Kelly, Michael	1905391	Comity	Grant License
Ketch, Michael	1940767	Comity	Grant License
Kluttz, Michael	1699706	Comity	Grant License
Kwan, Gavin	1957991	Comity	Grant License
LaGatta, Robert	1957786	Comity	Grant License
Lenz, Germaine	1921038	Comity	Grant License
Leptuch, Peter	1904573	Comity	Grant License
Li, Ling	1898550	Comity	Grant License
Lightner, Justin	1937686	Comity	Grant License
Losier, Jean Michel	1951597	Comity	Grant License
Loughery, Scott	1924858	Exam.	Take PE
Marchesano, Jr., Dominic	1915158	Exam.	Take PE
McArthur, Tyler	1911276	Comity	Grant License
McGill, Douglas	1956671	Comity	Grant License
McGreevy, Robert	1889733	Comity	Grant License
McGuire, Patrick	1890255	Exam.	Take FE
McLeod, Joseph	1951508	Comity	Grant License
Meyers, Paul	1882158	Comity	Grant License
Mikaeel, Mina	1951626	Comity	Grant License
Miller, Samantha	1945736	Comity	Grant License
Moore, Jonathan	1949133	Comity	Grant License
Moreau, William	1957791	Comity	Grant License
Nassau, Andrew	1933633	Exam.	Take PE
Nowak, Arthur	1888046	Comity	Grant License
Olanipekun, Olayinka	1903580	Exam.	Take PE, Denied Waiver of FE
Padilla, Xavier	1922436	Comity	Grant License
Parisi, Philip	1906075	Comity	Grant License
Parsell, Dana	1958672	Comity	Take NJ State Specific Exam.
Pase, Tara	1937845	Comity	Grant License

Patel, Mehul, C.	1948054	Comity	Grant License
Patel, Mitul	1829742	Exam.	Take PE
Patel, Sanket	1904942	Comity	Grant License
Quirk, David	1934774	Comity	Grant License
Savery, Timothy	1941101	Comity	Grant License
Schaffer, Justin	1849753	Comity	Grant License
Scott, Wesley	1951600	Comity	Grant License
Siery, Lain	1930916	Comity	Grant License
Sposito, Brett	1661433	Comity	Grant License
Sullivan, Dennis	1938607	Comity	Grant License
Syed, Mohiuddin	1948666	Comity	Grant License
Taylor, Thomas	1550535	Comity	Grant License
Tomlinson, Stephen	1912406	Comity	Grant License
Tran, Hung	1960927	Comity	Grant License
Uddin, Md	1953513	Comity	Grant License
Valade, Matthew	1963995	Comity	Grant License
Wampler, Thomas	1795515	Comity	Grant License
Woodward, Ryan	1954229	Comity	Grant License
Yingling, Paul	1960923	Comity	Grant License

ACTION: The Board, on a motion by VP Valenti, second by BM Purcell, voted unanimously to request additional information from the following applications:

<u>Name</u>	<u>Application #</u>	<u>Comity/Exam</u>
Albanese, Andrew	1935902	Exam.
Colgan, Mark	1966389	Comity
Collins, Michael	1929578	Exam.
Crockett, Tomothy	1690930	Comity
Godwin, Evan	1909267	Exam.
Gold, Allison	1914064	Exam.
Lawrence, Steven	1661232	Exam.
Lowery, Jeffrey	1963142	Comity
McDonnell, Michael	1947959	Comity
Sakla, Sherief	1896030	Comity
Walcott, Kemba	1927257	Comity
Wen, Zhang	1952658	Comity
Williams, Michael	1962624	Comity

Full Board Review:

None

Continuing Education:

ACTION: Tabled until the next meeting.

Reinstatements:

Robert Koch, PE

ACTION: The Board , after reviewing the additional experience information provided by Mr. Koch, on a motion by BM Kelly, second by BM Vernick, voted unanimously to approve Mr. Koch’s request for reinstatement.

William J. Schlageter, Jr., PE

ACTION: The Board , on a motion by BM Purcell, second by BM Cleary, voted unanimously to approve Mr. Schlageter’s request for reinstatement.

William Ver Eecke, PE

ACTION: The Board , on a motion by BM Purcell, second by BM Vernick, voted unanimously to approve Mr. Eecke’s request for reinstatement.

James P. Primm, PE

ACTION: The Board , on a motion by BM Purcell, second by BM Cleary, voted unanimously to approve Mr. Primm’s request for reinstatement.

Certificates of Authorizations:

ACTION: The Board, on a motion by VP Valenti, second by BM Vernick, voted to approve the following companies for a Certificate of Authorization.

COLWILL ENGINEERING CONSULTING ENGINEERS, INC. 4750 East Adamo Drive Tampa, FL 33605 Application # 1958635	PLEASANT MOUNT WELDING, INC. 45 Dundatt Street Carbondale, PA 18407 Application # 1971229
PAUL KOELLING & ASSOCIATES, LLC 2161 Shore Road Linwood, NJ 08221 Application # 1959218	KORLEY ENGINEERING CONSULTANTS, LLC 28 Meadow Lane Old Bridge, NJ 08857 Application #1960462
HERBERT, ROWLAND & GRUBIC, INC. 369 East Park Drive Harrisburg, PA 17111 Application # 1967534	GALLOWAY BUILDERS, LLC 609 6th Avenue Galloway, NJ 08205 Application # 1960393
LAZR SURVEYING, LLC 11 Sanderson Avenue West Caldwell, NJ 07006 Application # 1977550	NORTHEAST CMT, LLC t/a LIPPINCOTT JACOBS CONSULTING ENGINEERS 1 N. Pavilion Avenue Riverside, NJ 08075 Application # 1960635

BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC. 1501 Lebanon Church Road Pittsburgh, PA 15236 Application #1968564	ARGENT ENVIRONMENTAL, LLC 1512 Marion Street Wall, NJ 07719 Application #1968554
ANCHOR QEA, LLC 720 Olive Way, Ste. 1900 Seattle, WA 98101 Application #1969821	RTM ENGINEERING CONSULTANTS, LLC 3 Executive Court, Unit 4 South Barrington, IL 60010 Application #1964760
HEDGES AND ASSOCIATES SURVEYING LLC 2249 Blansing Road Manasquan, NJ 08736 Application # 1969826	

INFORMATIONAL/DISCUSSION ITEMS:

BM Purcell and BM Vernick received invitations from The College of New Jersey and Rowan University to speak to its students on behalf of the Board.

ACTION: The Board, on a motion by BM Kelly, second by BM Cleary, unanimously voted to approve BM Purcell to speak at The College of New Jersey and BM Vernick to speak at Rowan University.

PUBLIC COMMENTS:

None

MOVE TO EXECUTIVE SESSION:

ACTION: The Board, on a motion by BM Kelly, second by BM Cleary, 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 Public Session.

ADJOURNMENT:

ACTION: On motion by BM Vernick, second by BM Purcell, the Board unanimously voted to adjourn the meeting at 2:00 pm.

APPROVED BY:

Barry S. Jones
President

Karl W. Reidel
Executive Director