

State Board of Professional Engineers and Land Surveyors

Minutes of November 1, 2001

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 James Kelly at 9:00 am in the Union Conference Room, Third 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 Kelly 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:

James Kelly Pravin Patel
Robert Bogart Theodore Cassera (10:00 am)
Albert Faraldi Richard Frantz
Rishi Raj Louis Raimondi
Edward Vernick

BM's absent: Robert Marshall

Others present: Arthur Russo, Executive Director William Mandeville, Program Development Assistant
Joseph Grabowy, Auditor/Accountant Assistant Sadiqa Smith, Recording Secretary
Deputy Attorney General Michelle Albertson, and one member of the public.

APPROVAL OF MINUTES

September 20, 2001

On a motion by BM Faraldi, seconded by BM Bogart, the Board unanimously voted to approve the minutes of September 20, 2001 as amended.

COMMITTEE REPORTS

Legislation

BM Vernick submitted a legislation report outlining the following:

A1712/S842 - Authorizes the 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 A1712 (above).

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.

S1079 - Establishes ten year limitation on a surveyor's liability with an exception for adverse possession cases - S1079 passed the Senate on October 2, 2000, with amendments. Passed the House on March 26, 2001 and was signed into law on May 4, 2001.

A2567/S1408 - Provide broader investigative and enforcement authority to professional licensing boards and other amendments to the statute - S1408 passed the Senate on June 21, 2001. Reported out of Assembly Committee on October 3, 2001.

A2768/S2282 - Interior Designers Certification Act - On September 25, 2000 this bill was introduced and referred to Assembly Consumer Affairs and Regulated Professions Committee. On March 1, 2001 this bill was reported out of this Committee and referred to the Assembly Appropriations Committee on March 29, 2001. Similar legislation (S2282) was introduced in the Senate.

The Board had previously reviewed the provisions of this bill along with comments from the Board of Architects. It generally agrees with the concerns and position that the Board of Architects expressed in its writing to the Director of Consumer Affairs, and, at its October 19, 2000 meeting, voted to support this position. S2282 passed the Senate on June 28, 2001.

A2913 - Prohibits limitations on a contractor's remedy for delay caused by contracting unit under the "Local Public Contracts Law." On November 9, 2000, this bill, which was introduced and referred to the Assembly Local Government Committee, would prohibit "no damage for delay" clauses in contracts made under the Local Public Contracts Law. The bill was reported out of Assembly Local Government Committee on January 18, 2001, with amendments to include the Public School Contracts Law. On March 26, 2001 this bill passed the Assembly and was referred to the Senate Education Committee. This bill passed the Senate on June 28, 2001 and was signed by the Governor on August 8, 2001.

AJR51/SJR26 - Establishes a "Local Public Works Contracting Law Study Commission" consisting of nineteen members - On October 12, 2000 AJR51 was introduced and referred to the Assembly Local Government Committee. On December 4, 2000 SJR26 was introduced and referred to the Senate Community and Urban Affairs Committee. A Senate Committee hearing was held on December 14, 2000, and passed the Senate on March 29, 2001 and referred to the Assembly Local Government Committee.

A2945/S1991- Authorizes public entities to use asphalt milling and recyclable concrete as a paving material, notwithstanding any other law, rule or regulation by NJDEP - On December 7, 2000, A2945 was reported out of the Assembly Transportation Committee. On December 15, 2000, S1991 was introduced and referred to the Senate Transportation Committee. A2945 was passed in the Assembly on June 28, 2001. On October 3, 2001, A2945 was referred to Senate Transportation Committee.

A3154/S2269 - Permits issuance of home inspector licenses to professional engineers and architects - A3154 passed both the Assembly & the Senate and was signed by the Governor on July 13, 2001.

S2112 - Includes Certified Landscape Architect as a "closely allied professional" - Passed the Senate on March 26,

2001 and was reported out of the Assembly Consumer Affairs & Regulated Profession Committee on May 17, 2001.

S1714/A2863 - Appropriate \$135 million to DEP for dam, lake and stream projects - On October 12, 2000 A2863 was introduced and referred to the Assembly Environmental Committee. On December 18, 2000 S1714 was passed in the Senate and referred to the Assembly. The Board reviewed and discussed both bills and on a motion by BM Vernick, seconded by BM Patel, unanimously voted to take no position on them. Director Herr, in a March 5, 2001 memo, was so notified. Passed the Assembly on June 28, 2001. On October 3, 2001 this bill was received in the Senate for concurrence on amendments.

A3496/S1740 - Local Bridge Bond Act of 2001 authorizes \$250 million in bonds for County and Municipal bridge improvements - On May 21, 2001, A3496 was reported out of the Assembly Transportation Committee and referred to the Assembly Appropriation Committee. On June 7, 2001, S1740 was introduced and referred to the Senate Transportation Committee.

Watershed Management Rules (D.E.P. rules & regulations) - Opposition has been voiced by both builders and environmental groups. Assembly has passed ACR 124 opposing rules. Identical Senate bill, SCR76 is being held by sponsor. The portion of the rules that covers discharge of wastewater to groundwater became effective on March 20, 2001 (N.J.A.C. 7:15-8.)

S2250/A3293 - Rescinds recent NJ DEP rules on subsurface sewage disposals for development of 6 lots or more, or 2,000 gpd or more (see above) - On March 22, 2001, A3293 was referred to the Assembly Environmental Committee. S2250 was referred to the Senate Environmental Committee on March 26, 2001.

S2564 - Prohibits the public release of a professional licensees' home address - This bill was introduced on October 3, 2001, The Board reviewed and discussed this legislation at its meeting of October 18, 2001 in which it voted to support the bill. The Board generally agrees with the bill's provisions and its intent to prevent the "stalking" of licensees. However, it also recognizes that while a home address must be available to contact licensees, that home address should not be public information unless the home address is also the licensees's business address.

An October 25, 2001 memo was forwarded to Director Herr, notifying him of the Board's comments.

S2487 - Provides for the certification of certain crane operators - This bill was introduced on September 6, 2001. The Board reviewed and discussed this bill with Anthony Miragliotta at its meeting of October 18, 2001 and voted to oppose the amendments to this bill. The Board would be willing to adopt this new Committee provided there is an accompanying budget appropriation to offset the additional administrative costs associated with this program. Conversely, if the assumption of this Committee does not include any monetary appropriations, then perhaps this committee could be transferred to a more appropriate jurisdiction such as the Department of Labor.

Additionally, while this bill recognizes the need to protect the public safety and welfare, the Board questions the need for additional state certification (via this bill) when federal regulations under the Occupation Safety and Health Administration (OSHA) are already in place. There is some uncertainty about the overlap and extent of the relationship between OSHA and the National Commission for the Certification of Crane Operators (CCO).

An October 25, 2001 memo was forwarded to Director Herr, notifying him of the Board's position on this bill.

Administration

No report.

Examinations

ED Russo reported that the engineering and land surveying examinations were held on October 26 & 27, 2001. The northern examination site was at the New Jersey Institute of Technology (NJIT) in Newark, and the southern location was the West Trenton Firehouse. Activities at both locations proceeded flawlessly.

A letter was sent to President Saul Fenster of NJIT, thanking him for hosting the examinations and complementing all the individuals involved (especially Joel Bloom and Dr. Perna) in the preparation and execution of this event.

For the April 2002 examinations, there will be three examination sites. They are: NJIT, Rowan University and the West Trenton Firehouse.

Education

BM Frantz reported that minor changes were made to the draft copy of the Board's position opposing the exclusion of high school level industrial art classes for credit towards graduation to the New Jersey Department of Education (NJDOE). Upon completion this letter will be forwarded to the NJDOE.

During October 2001, BM Raj observed the 3 day ABET accreditation process of Fairleigh Dickinson University's engineering technology program in Teaneck, NJ. He indicated it was a very worthwhile and educational experience.

Regulations

No report.

Finance

No report.

Special Committee Reports

Newsletter

BM Raimondi reported that he has completed a draft of the 4th edition of the Board's newsletter. This edition of the newsletter will highlight two new articles of interest: the three examination locations for the upcoming exams (NJIT, Rowan University & the West Trenton Firehouse), and an article on the availability of the new environmental engineering testing discipline.

BM Raimondi mentioned that due to other commitments, he will be relinquishing his duties as editor of the Newsletter and has requested that a replacement be named in his place. BP Kelly mentioned that a nominating committee will be established to name a successor and allow for a smooth transition.

Many thanks to BM Raimondi for launching the Board's initial Newsletter in the Fall of 1999, through two successive editions in years 2000 and 2001, and a soon to be released Winter/Spring 2002 edition. The Newsletter serves to better inform licensees of new updates to regulations, board meeting dates, disciplinary matters taken by the Board, and general updates to the engineering and land surveying professions.

Applications: Revisions PE/LS and Design Experience

No report.

Joint Committee

No report.

Website

The Website will be updated to include the following items: the examination dates for the year 2002; deadline dates for the acceptance of applications in the Board office for the 2002 examinations; and the three examination locations, NJIT, Rowan University and the West Trenton Firehouse.

In an effort to attract examinees who would normally test out of state due to logistical or convenience purposes, the

Board requested that a determination be made of the application and document submission cutoff dates for surrounding states. Preliminarily, it appears that New Jersey allows less time for applicants to apply for the examinations, and subsequently loses perspective examinees to surrounding states.

2003 Northeast Zone Meeting

BM Raimondi reported that the arrangements have been started for the 2003 Northeast Zone Meeting. He informed the Board that the 2003 Northeast Zone Meeting will be a joint meeting between the northeast zone and the central zone, and will be held in Orlando, Florida on April 3-5, 2003. While the Board will still act as the host state of the northeast zone, NCEES will handle the bulk of the preparation work involved. However, the Board will still need to facilitate the event.

BM Raimondi indicated that there will be a meeting in Burlington, Vermont during April, 2002 to discuss the Orlando, FL northeast zone meeting.

Signing of Computer Generated Plans

No report.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

Certificate Award Ceremony

ED Russo reported that the Certificate Award Ceremony for the successful April 2001 licensees was held on October 18, 2001. It was a very notable ceremony with the entire itinerary of events flowing effortlessly and seamlessly.

For future ceremonies BM Cassera suggested that name tags be prepared for each new licensee. This would allow individuals to more readily identify each other and provide for a more socially interactive and rewarding evening. The Board concurred with this idea, and the staff will provide said name tags beginning with the April 2002 awards ceremony.

Rowan University Accreditation Evaluation

ED Russo reported that both BM Vernick and himself attended the Rowan University Accreditation Ceremony on October 25, 2001. Rowan is now accredited by the prestigious ABET. Among others, present at the ceremony were former Dean Tracy and current Engineering Dean Diane Dorland, PE. Rowan University is certainly an engineering school on the rise and seeks to be a major force in offering students cutting edge engineering technology.

Incoming Correspondence

**Ted C. Fairfield, PE, NCEES
(October 26, 2001)**

RE: 2002 Board Presidents/Member Board Administrators Assembly

In his correspondence Mr. Fairfield has extended an invitation to the Board inviting it to participate in the upcoming NCEES Board Presidents/Member Board Administrators Assembly. This event will be held on February 14-16, 2002 in San Antonio, TX.

On a motion by BM Faraldi, seconded by BM Frantz, the Board unanimously voted to approve President Kelly and ED Russo to represent the Board at this event.

**Anthony Miragliotta, Office of the Director
(September 19, 2001)**

RE: Per Diem Compensation for Board Members

Deputy Director Miragliotta notified the Board that as of September 17, 2001 the Per Diem compensation rule change became effective. This means Board members may now begin receiving the increased compensation amount of \$100.00 for a full day and \$50.00 for a half day.

The Board noted this correspondence for the record.

George H. Folk, Stires Associates

(September 25, 2001)

RE: Use of the PE designation as a state employee

Mr. Folk submitted a list of the NJDEP Dam Safety Personnel which indicated some employees using the title "engineer" without being licensed by this Board. DAG Albertson will research the issue of unlicensed NJDEP personnel using the "professional engineer" or derivatives thereof designation after their name. This topic will be scheduled for further discussion in the January/February, 2002 time frame.

The Board requested that John Moyle, DEP Dam Safety Personnel, Section Chief be notified that John Richey and Michelle Krueger of his staff, can not use the PE designation unless licensed as a professional engineer in New Jersey.

Joseph J. Orlins, Ph.d, P.E., Rowan University

(October 2, 2001)

RE: Thanking BM Vernick for his presentation

In his letter Mr. Orlins extended his thanks to BM Vernick for speaking to the students at Rowan University's Civil Engineering Practice Seminar on September 10, 2001.

Mr. Orlins and the students enjoyed BM Vernick's lively presentation on the importance and benefits of becoming a registered Professional Engineer and the process by which to do so.

The Board noted this correspondence for the record.

George A. Twiss, PLS, State of Washington Board of Registration for Professional Engineers and Land Surveyors

(October 3, 2001)

RE: Changes to Structural Engineering requirements

The State Board of Washington changed provisions to its licensing act that affects the requirements for licensure in structural engineering. The primary changes are that eligible applicants will need to hold a current license in that State as a professional engineer and demonstrate 2 years of qualifying experience in structural engineering, in addition to the experience required to be licensed as a PE.

BM Patel indicated that he would look into this matter and monitor these changes on an on-going basis.

The Board noted this correspondence for the record.

Joseph A. Simonetta, New Jersey Society of Professional Engineers (NJSPE),

(October 16, 2001)

RE: Proposed Amendments to N.J.A.C. 13:40-1.1, 1.2, 1.3, 5.1, 11.3, and 11.8

On behalf of the NJSPE, Mr. Simonetta submitted comments regarding the proposed amendments to the aforementioned regulations.

The Board noted that his comments along with all others received will be discussed by the Board. This correspondence was noted for the record.

**Daniel M. Waldman, New Jersey State Bar Association
(October 17, 2001)
RE: Proposed Amendments to N.J.A.C. 13:40-5.1**

The New Jersey Bar Association submitted comments in reference to the proposed amendments to N.J.A.C. 13:40-5.1.

The Board noted this correspondence for the record.

**James Hsu, Joint Committee of Architects & Engineers
(October 4, 2001)
RE: Joint Committee 2002 meeting dates**

The Board noted the list of the Joint Committee 2002 meeting dates.

**Joseph A. Donato, Jr.
(October 12, 2001)
RE: NJDOT Title Blocks**

Mr. Donato thanked the Board for its previous responses to the issue of the NJDOT title block requirements.

The Board noted this correspondence for the record.

**Joseph A. Donato, Jr.
(October 12, 2001)
RE: Proposed amendments to N.J.A.C. 13:40**

Mr. Donato submitted comments in reference to the proposed amendments to N.J.A.C. 13:40.

The Board noted this correspondence for the record.

**Joseph A. Donato, Jr.
(October 12, 2001)
RE: Seminar "Title Blocks & seals for Professional Engineers and Land Surveyors"**

Mr. Donato expressed his concerns regarding the Board's non-response on the subject of hypothetical and/or fictitious situations regarding title blocks submitted for approval.

The Board noted this correspondence for the record.

Licensing Statistics

The Board noted the August 2001 and the September 2001 licensing statistics for the record.

ARTICLE OF INTEREST

"Idaho Law Requires Engineering Professors to be Licensed"

The Board noted the article of interest for the record.

APPROVAL/ DENIAL OF APPLICATION FOR LICENSURE

The Board reviewed the October 18, 2001 Examination/Comity Applications Report and voted to approve 7 exam and 19 comity applications, and to deny 1 exam and 4 comity applications (list attached).

On a motion by BM Bogart, seconded by BM Vernick, the Board unanimously voted to accept the October 18, 2001

list of approved/denied applications for licensure.

MOVE TO EXECUTIVE SESSION

On a motion by BM Frantz, seconded by BM Raimondi, the Board unanimously voted to enter into Executive Session for an Investigative Inquiry.

RETURN TO PUBLIC SESSION

On a motion contained within the Executive Session minutes, the Board unanimously approved to return to Public Session for the purpose of adjournment.

ADJOURNMENT

On a motion by BM Frantz, seconded by BM Raj, the Board unanimously voted to adjourn at 2:00 pm.

Approved by:

James D. Kelly
President

Arthur Russo
Executive Director

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Modified March 2002