

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS
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March 24, 2015

MINUTES – COUNCIL MEETING, March 11, 2015

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday, March 11, 2015, in the meeting room of the Georgia House, Milford, Delaware.

President Medlarz convened the meeting at 3:05 p.m.

Council Members Present:	C. Balascio, P.E.	J. Ludman, P.E.	C. McAllister, P.E.
	W. Balascio, P.E.	H. Medlarz, P.E.	
	S. Gharebaghi, P.E.	E. Retzlaff, P.E.	
	K. Kooker, P.E.	T. Thomson, P.E.	
	M. Lennon, P.E.	J. Tracey, Esq.	
	M. Lester, P.E.	R. Wheatley	

Council Members absent:	D. Barbato, P.E.	-	excused
	R. Hayden, P.E.	-	excused
	R. Smith, P.E.	-	excused

Staff present: P. Abshagen

DAG present: Catherine (Terry) Hickey, Esq.

The Roll call was taken and a quorum was declared.

Open Forum -- Nothing to report.

Minutes of the February 11, 2015 Council Meeting

Council reviewed the Minutes of the February 11, 2015 Council meeting and recommends approval as submitted. Motion by C. Balascio, seconded by Tracey, Council approve the Minutes of the February 11, 2015 as submitted. Approved unanimously.

D.A.G. Report

- Scott Hearing Panel decision draft distributed today.
- Matthew Szayna hearing – Written arguments received. Hearing Panel will need to convene to deliberate.
- Supreme Court Decision -- North Carolina Dental Board vs. the Federal Trade Commission. Brief discussion on this restraint of trade violation of antitrust laws.

- DAG Hickey was requested to research whether retired members are eligible to participate in the Council election and whether they are eligible to participate on committees.

Committee Reports

Executive Committee

The Executive Committee met just prior to the Council meeting, therefore, a written report is unavailable. Items discussed at Executive Committee meeting will be covered under the appropriate Committee reports.

Financial Report

Finances for 83% of this fiscal year reflect income has reached 108% of projections; and expenses 58%.

Finance Committee convened a meeting on 3/9/15 to discuss:

- Proposed Budget F/Y 2015-2016 – presented to Council for approval
- Deferred Income and Reserve Fund investments
- Auditor Recommendation – Barbacane & Thornton proposed as auditor
- Retired Status fees – waiving renewal fees
- Salary Adjustments

Motion by Kooker, seconded by Retzlaff, Council approve the proposed budget for fiscal year 2015/2016. Approved unanimously.

Motion by Kooker, seconded by Thomson, Council approve Barbacane & Thornton as the 2015 auditor. Approved unanimously.

Motion by Kooker, seconded by C. Balascio, Council approve waiving the fees for Retired status during the biennial renewal period. Approved unanimously.

Motion by Kooker, seconded by C. Balascio, Council approve the monthly financial report subject to audit. Approved unanimously.

Employee Benefits & Compensation -- Reported under New Business.

Law Enforcement/Ethics Committee

Chair Kooker presented the report of the committee's meeting on 3/9/2015.

- A draft Memorandum of Understanding (MOU) between DNREC and DAPE on the Class B designs has been reviewed and will be shared with DNREC and Council in the near future.
- Changing, Altering Other's Plans (Sussex County) – Committee members Kooker and Thomson met with Mike Izzo and Vince Robertson to further discuss this issue. Consensus of the committee is that the new engineer must provide due diligence and certify any alterations do not have any impact on the existing plans. Chair Kooker drafted a position statement which has been sent to Sussex County for comment prior to formalizing.
- Committee is recommending Council closure of four (4) cases listed on Exhibit A of its report.

Motion by Kooker, seconded by C. Balascio, Council approve the closure of the four (4) cases listed on Exhibit A of its report. Approved unanimously.

Examining Committee

The Council reviewed the report of the Examining Committee's meeting of February 25, 2015. Thirty-five (35) individual applications for licensure were reviewed and confidential recommendations made for Council action consisting of 30 applications for comity; and 5 applications for examination. The Committee also reviewed 15 applications for Certificate of Authorization and 1 application for Temporary Permit.

Motion by C. Balascio, seconded by Tracey, Council approve the Committee's recommendations as noted on Exhibits A1-A2 of the committee's report dated February 26, 2015. Approved unanimously.

External Affairs Committee

Joint Advisory Committee (JAC) met on March 3, 2015 and discussed:

- Building Code Updates
- Fire Marshal Submissions – not consistently requiring sealed documents
- Code Officials Handbook – draft in progress
- Overlapping Practice Issues
- Legislation – P3 (legislation to remove qualifications-based selection)
- Sussex County – electronic submittal of plans
- Sussex County – changing, altering, amending previously signed plans
- Board Updates – legislative initiatives

Facilities Committee

Chair Wheatley reported all is good. No further report.

Government Affairs/By-laws Committee -- No report.

Public Information

- Laboratory for Learning -- Chair Gharebaghi wanted to share with Council that Council member Lester provided an excellent presentation in the "Laboratory for Learning" program. She engaged all participants with a hands-on exercise and captivated all. Keith Harrison of the Office of Drinking Water is scheduled for a presentation on 3/26/15. And Council member Carmine Balascio will demonstrate a survey on 4/3/15.
- Working on newsletter draft.

Ad-Hoc/Law Revision Committee -- No report.

Correspondence

- NCEES approved emeritus membership for C. McAllister, P.E.

NCEES

- Joint Zone Meeting is scheduled for April 30-May 2, 2015 in Hershey, PA. Registration is open.

Old Business

- LEE Committee member Kiefer has requested funding to the NCEES NE Zone meeting. This is not in compliance with the Guidelines Manual policy, and therefore, the request is denied.

New Business

- Council member Lester is working on organizing DAPE representatives to speak to UD students in early April. Council members Lennon (Chemical) and Ludman (Mechanical) have agreed to participate.

(Executive Director Abshagen and Council member Thomson were excused.)

- Employee Reviews/Salary Adjustments

Motion by Wheatley, seconded by Kooker, Council approves increasing compensation by up to 3%, based on the final committee recommendations. Approved unanimously.

Motion by Lennon, seconded by Tracey, to modify charge for Employee Compensation/Benefits Committee to have a member present for employee reviews. Approved unanimously.

Next meeting is scheduled on **Wednesday, April 8, 2015**, in the DAPE offices.

Meeting adjourned at 5:10 p.m.

/pa