

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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March 18, 2024

MINUTES – MARCH 13 2024 COUNCIL MEETING

A meeting of the Council of the Delaware Association of Professional Engineers was held on Wednesday March 13, 2024 in hybrid format (at DAPE office and via Zoom).

The Roll call was taken and a quorum was declared.

Council Members Present:	M. Clendaniel, P.E.	V. Fazio, P.E.
	J. Hastings, P.E.	J. Jakubowski, P.E.
	J. Kalmbacher, P.E.	K. Maxson, P.E.
	J. Puddicombe, P.E.	D. Reinhold, P.E.
	M. Smith, P.E.	R. Smith, Esq.
	K. Tadler, P.E.	T. Thomson, P.E.

Council Members Absent:	D. Barbato, P.E.	W. Gamgort, Esq.
	C. Lingenfelder, Esq.	

DAG present: E. Kelly, Esq.

DAPE lobbyist present: M. Davis

Staff present: J. Wootten

Meeting was called to order at 3:11 PM.

Open Forum

M. Lennon attended as a member of the public and member of the Finance/Employee Compensation & Benefits Committee/Facilities Committee to get more information on the Council's decision to engage OMB to negotiate DAPE's lease renewal.

DAG Kelly explained that Council was required to take this step since our agreement was missing basic language required in any lease agreement with a State Agency.

The Executive Committee discussed this at their meeting just prior to the Council meeting, and recommended the following next steps:

- Recommend that Council amend the draft meeting minutes to clarify the discussion from February 14, 2024.
- The April Council meeting agenda will include a report from DAG Kelly to further explain DAPE's status and requirements with the State.
- Council President Clendaniel and DAG Kelly will attend the next Finance Committee meeting.
- The Finance/Facilities Committee will be asked to review the lease agreement when it has been drafted by OMB.
- J. Wootten will schedule the next Finance Committee meeting between the April and May Council meetings.

Minutes of the February 14, 2024 Council Meetings

Council reviewed the Minutes of the February 14, 2024 Council meeting.

Motion by J. Jakubowski, seconded by V. Fazio, to approve the minutes of the February 14, 2024 meeting, with the "Old Business" section amended as follows:

Old Business

DAG Kelly reviewed DAPE's current lease and Old Town Hall Associate's proposal for a 5-year extension. DAG Kelly ~~recommends~~ advised that DAPE is a State agency and must utilize Delaware's Office of Management (OMB) and Budget's Division of Facilities Management to negotiate a contract. OMB has specific requirements related to utilities, insurance and property taxes that are not included in our current lease.

Approved: Clendaniel, Fazio, Hastings, Jakubowski, Kalmbacher, Puddicombe, Reinhold, M. Smith, R. Smith, Tadler, Thomson; Abstained: Maxson.

D.A.G. Report – None.

Financial Reports

K. Maxson ~~V. Fazio~~ reported that finances for the 10 months (83.3%) of fiscal year ending April 30, 2024 reflect income has reached 99.4% of projections and expenses 74.0%.

Motion by K. Maxson, seconded by T. Thomson, Council accepts the Finance Report subject to audit. Approved unanimously.

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.

Finance/Employee Compensation & Benefits Committee/Facilities Committee

K. Maxson reported that the Committee met on February 28, 2024 and discussed the following:

- Investment update from Wells Fargo Investments (will continue to use ladder investment approach with CDs)
- Office Lease renewal update (see earlier discussion)
- Investigator/outreach assistant hired – welcome to Katy Steimling
- 2024-2025 Budget Projections

Motion by K. Maxson, seconded by J. Puddicombe, Council approve the proposed budget for the May 1, 2024-April 20, 2025 fiscal year. Council discussed potentially eliminating the \$25 fee for Delaware residents to obtain Engineer Intern certification. This topic will be further reviewed by the Public Information Committee with guidance from DAG Kelly. The Finance Committee, however, did not believe that this would have a material impact on the budget projections. Approved unanimously.

Law Enforcement/Ethics Committee

D. Reinhold reported that the committee met on March 7, 2024 and discussed the following:

- Ad Hoc Successor Engineer Committee's recommendations: No further feedback.
- NCEES Annual meeting law enforcement program
- 2 files for closure.

Motion by D. Reinhold, seconded by K. Maxson, Council approve the closure of 2 cases listed on Exhibit A of the committee report. Approved unanimously.

Examining Committee

K. Tadler reported that the Committee met on February 28, 2024 and discussed the following:

All recommendations for licensure or approval to take the P&PE exam are shown on Exhibits A1 and A2 which are now ready for Council action. The recommendations are summarized below:

Application Type	Total applications	Recommendation	Exhibit Reference
Comity	10	License	A1
Exam	7	Approval to take P&PE	A1
Exam	1	Backlog	B
Initial	1	License	A1
Exam (passed PE)	3	License	A2
Total Individual applications reviewed	22		

Motion by K. Tadler, seconded by D. Reinhold, Council approves the Committee's recommendations for applications for licensure as noted on Exhibits A1 and A2 of the committee's report as amended just prior to the Council meeting. Approved unanimously.

Committee recommendations for firm licensure are noted on Exhibit A3. The recommendations are summarized below:

Application Type	Total applications	Recommendation	Exhibit Reference
Certificate of Authorization	7	License	A3
Certificate of Authorization Reinstatement	1	License with LEE review	A3
Total Firm Applications	8		

Motion by K. Tadler, seconded by D. Reinhold, Council approves the Committee's recommendations for Certificates of Authorization as noted on Exhibit A3 of the committee's report. Approved unanimously.

The backlog of applications (which the Committee has reviewed but are not ready for Council action) is shown on Exhibit B.

Additional Committee Recommendations:

Application Type	Total applications	Recommendation	Exhibit Reference
Model Law Engineer Comity License	22	License	D
FE Exam/Decoupling	3	Approve	C

External Affairs Committee – No Report

Public Information Committee – No Report

Government Affairs/By-Laws Committee – No Report

Nominating Committee – No Report (J. Wootten will schedule)

Correspondence – A member shared an article on the topic of “Responsible Charge,” but the article and question were related to the Florida code.

NCEES

The deadline to register for the May 2-4, 2024 Zone Meeting in Washington, DC is **March 18, 2024**.

Funded delegates for the August 14-17 Annual meeting in Chicago must be named by May 1. J. Puddicombe, and M. Smith are both eligible for first-time attendee funding.

Old Business

Successor Engineer legislative amendment: Ad Hoc Successor Engineer Committee drafted a legislative amendment. This has been reviewed by the Law Enforcement & Ethics Committee, stakeholders such as DelDOT and ACEC, and was shared with DAPE’s members in the February newsletter. There has not been any further feedback.

Motion by J. Jakubowski, seconded by J. Hastings, to proceed with legislative amendment as proposed by the Ad Hoc Successor Engineer committee, and authorize DAPE’s lobbyist to proceed with seeking legislative sponsors. Approved unanimously.

DAPE Lease: see Open Forum.

M. Clendaniel is working to finalize committee charges. Nominations for the 2024 Distinguished Service award should be sent to J. Wootten or M. Clendaniel by May 1, 2024.

New Business

2024 open Council seats: Sussex County, Education, Mechanical (all are eligible to run again); Governor-appointed seats: New Castle & Kent (M. Davis will help identify candidates).

Upcoming Meetings:

April 10, 2024 at 2:30 PM, with Council meeting at 3:00 PM in hybrid format (via Zoom and at DAPE office).

April 3, 2024 Council/LEE Committee training in hybrid format (via Zoom and at DAPE office).

DAPE’s next Engineering Ethics training has been scheduled for Thursday April 18 at University of Delaware’s Clayton Hall on the topic of CPC requirements/audits/hearings. J. Wootten will outline by the end of this month and J. Jakubowski will help with the presentation. A video crew will record the session to add to our online training library for members.

Future Events:

- Blue Rocks special event (max 20 attendees) on May 16. We may reschedule Council meeting that month to take place at DAPE office before this event.
- PE Night at Blue Rocks June 6
- June 12, 2024: Council meeting in Sussex County
- October 9 Volunteer Appreciation Banquet

Meeting adjourned at 4:13 PM.