

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)  
Contractors

Meeting # 40 - Tuesday, September 6, 2016 - Public Meeting - Minutes

The Minutes of the Board meeting held on September 6, 2016 have not been formally approved and are subject to change or modification by the Public Body at its next scheduled meeting.

The notice of the September 6, 2016 meeting has been mailed to the Star Ledger, Camden Courier Post, and Trenton Times newspapers, and has also been posted on the Bulletin Board at the Office of the Secretary of State, Trenton, New Jersey.

The Board meeting of September 6, 2016 was called to order at 9:00 am with the following Members in attendance:

Michael K. Maloney, Chairman, Mechanical Inspector 2

Dominic D. Demico, Jr. - Mechanical Inspector 1

Paul J. Mitchell - Master HVACR Contractor 3 - Board Secretary

Mary Pranzatelli - Public Member 2

Thomas C. Pitcherello  
Executive Branch of State Government Representative

Kevin S. Clark - Master HVACR Contractor 1 - absent

William C. Barham – Master HVACR Contractor 2

Daniel G. Danko, Jr. - HVACR Journeyperson - Vice-Chairman

Board Complement: (9):

As of this meeting date, one (1) vacancy remains for a Public Member with the resignation of Mr. Griffith.

Attendees:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)

Rosemarie Baccile, Acting Executive Director, Jamie Hall, Agency Services Representative

Court Reporter: Susan Bischoff, Certified Shorthand Reporter,  
State Shorthand Reporters 732-531-9500

Public Session Visitors:

John Notte

Jeff Burnett

James C. Franchino, Franchino Insurance

Eric DeGesero, Fuel Merchants

Charles Dougherty, United Supply

Dave Castner, SMWIA Local 22

Scott Bishop, Hudson Meridian

Bobby Ring, Meyer and Depew

Ed Janowiak, EHCCC

Todd Von Derk NJACCA

Richard Cavanaugh, MPD

Sam Weinstein, PPAE

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1. CALL TO ORDER
  2. ROLL CALL
  3. ON-LINE LICENSING APPLICATIONS UPDATE as of 8/19/2016

Licensed Master HVACR Contractors by Grandfathering: 19HC00842200

Application Review: 12,441 - Total applicants by grandfathering

Total applicants in Deficiency Task: 816 - Includes those in Criminal History, Student Loan, Child Support and Citizenship Tasks- All applicants have been notified by a deficiency letter that documents are required.

(- 559) Active in Criminal History Review – All applicants have been notified.

359 Active in Post Board Review/ Waiting on Bonds, license fees and processing.

Licensed Master HVACR Contractors BY EXAM: 134 pending Board review (7 Approved)

Reciprocity Applicants: 42- Pending Board Review with Regulatory Analyst

4. APPROVAL OF THE July 5, 2016 MINUTES

On September 6, 2016, a motion was made by Thomas C. Pitcherello and seconded by William C. Barham to approve the minutes of the July 5, 2016 meeting. The August meeting had been cancelled. A vote was taken and the motion unanimously passed.

5. 2017 MEETING DATES FOR THE BOARD OF MASTER HVACR CONTRACTORS

These dates were approved in a motion made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr. A vote was taken and the motion unanimously passed.

6. CONTINUING EDUCATION  
WELCOMING CONTINUING EDUCATION SPONSORS

All Licensed Master HVACR Contractors are exempt from the Continuing Education (5) five hour requirement for this first biennial renewal of July 1, 2016 to June 30, 2018, according to N.J.A.C 13:32A-4.1 License Renewal; Continuing Education Requirement.

All Licensed Master HVACR Contractors must complete the (5) five hour requirement CE requirement for the following biennial renewal:

July 1, 2018 to June 30, 2020

This requirement must be met before the next renewal date of July 1, 2018.

To assist Master HVACR Contractors with meeting the (5) hour Continuing Education requirement, the Board will approve CE Sponsors and courses and post that information at the HVACR website.

The following individuals submitted their requests and resumes for consideration to teach HVACR continuing education:

- A. Robert C. Ring, President/CEO, Meyer & Depew Co., INC.  
Master HVACR Contractor #19HC00048500  
CE SPONSOR REQUEST

On July 5, 2016, Robert C. Ring was present to discuss his resume and request for approval as a CE sponsor. A motion was made by William C. Barham and seconded by Dominic D. Demico, Jr., to approve Robert C. Ring as a CE Sponsor. A vote was taken and the motion unanimously passed.

- B. Fred L. Lamborn, Training Manager, Peirce Phelps, Inc.  
CE SPONSOR REQUEST

NOT IN ATTENDANCE.

- C. George O. Gent, Jr. HVACR Instructor  
Middlesex County Vocational Technical High School

NOT IN ATTENDANCE

- 7. DISCUSSION  
EMAIL: JUNE 29, 2016  
FROM: DON DUDLEY  
PSI EXAM AGENCY FOR BOARDS- NEW SECURITY POLICY

On September 6, 2016, the Board reviewed the new security policies at PSI and noted their agreement with these procedures.

- 8. DISCUSSION  
EMAIL: JULY 05, 2016  
FROM: DAVE CASTNER, SHEET METAL WORKERS UNION  
DUCT CLEANING – AND- DAMPERS, SERVICE CONNECTING, MAINTENANCE AND REPAIR

PRIOR BOARD REVIEW OF DUCT CLEANING  
FEBRUARY 2, 2016 AGENDA

On September 6, 2016, a motion was made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr., that duct cleaning and dampers are within the scope of practice of the Licensed Master HVACR Contractor. A vote was taken and the motion unanimously passed.

- 9. RE-SCHEDULED FROM JULY 5, 2016 (#11)  
EMAIL: JUNE 13, 2016  
FROM: RAY ALCIVAR  
RE: FIRE DAMPERS IN NJ

On September 6, 2016, a motion was made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr., that duct cleaning and dampers are within the scope of practice of the Licensed Master HVACR Contractor. A vote was taken and the motion unanimously passed.

10. DISCUSSION

EMAIL: JULY 4, 2016  
FROM: CHUN ENG  
RE: APPEAL OF BOARD'S DECISION TO REJECT REQUEST TO BE GRANDFATHERED  
BASED ON YEARS OF EXPERIENCE

On September 6, 2016, the Board discussed Mr. Eng's request and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr., to deny this request since there is no statutory provision to allow an exemption from the education requirements. A vote was taken and the motion unanimously passed.

11. DISCUSSION

EMAIL: JULY 6, 2016  
FROM: LATONYA BROWN, DELAWARE BOARD OF PLUMBING & HVACR  
EXAMINERS  
RE: QUESTIONING THE BOARD'S INTEREST IN EXPLORING THE RECIPROCITY  
AGREEMENT WITH THE STATE OF DELAWARE

On September 6, 2016, the Board noted that this matter has been scheduled for the October meeting with the counsel of Deputy Attorney General Joseph A. Donofrio and Regulatory Analyst Charles Manning.

12. DISCUSSION

RECUSAL: MICHAEL MALONEY

LETTER: JUNE 28, 2016  
FROM: ERIC GARDENER, DIRECTOR, AMERIPOD  
RE: RESPONSE TO BOARD'S REQUEST FOR INFORMATION REGARDING HVACR  
SERVICES PROVIDED

On September 6, 2016, the Board discussed the response submitted from representatives of Ameripod, and noted the following:

Licensed Master HVACR Contractors are required for final connections to insure code compliance and proper Uniform Construction Code (UCC) inspections. A letter should be re-directed to Ameripod to question:

If there is a national agency that approves their modules, how do they demonstrate compliance with National, State and local codes. A motion was made by Paul J. Mitchell and seconded by Dominic D. Demico, Jr. A vote was taken and the motion unanimously passed.

## INQUIRIES

13. RE: WORK PERMITTED UNDER THE MASTER HVACR LICENSE  
EMAIL JULY 21, 2016 FROM: JORGE ORAMA  
MASTER HVACR# 19HC00331700

Are licensed Master HVACR Contractors able to replace water heaters? Do they fall under mechanical code or plumbing code?

Based on existing New Jersey Plumbing Statutes and Regulations, only the Licensed Master Plumber is permitted to work on domestic water lines. Master HVACR Contractors are not permitted to install water heaters. A motion was made by Paul J. Mitchell and seconded by Dominic D. Demico, Jr. A vote was taken and the motion unanimously passed.

14. EMAIL- JULY 26, 2016  
RE: ENFORCEMENT DATE OF THE MASTER HVACR LICENSE AND IMPLICATIONS  
FOR PSEG/ FROM: GARRETT PEPE

Do you know the enforcement date of the Master HVACR license? What will happen with public service when they are doing a boiler or furnace? Will they be required to use a licensed contractor?

On September 6, 2016, the Board discussed this matter and concluded by stating that PSE&G is exempt with all utilities registered by the Board of Public Utilities. The enforcement date for HVACR permits, inspections, and licensure was July 1, 2016.

15. LETTER- JULY 15, 2016  
RE: REQUESTING A WAIVER FROM EXAMINATION FOR MASTER HVACR LICENSING  
FROM: JEFFREY J. BURNETT, NEW FOUND ENTERPRISES, INC.

On September 6 2016, Mr. Burnett was present for Open Session. The Board permitted him the opportunity to speak regarding his qualifications and request for a waiver from the examination toward gaining a Master HVACR license. Subsequent to a discussion, a motion was made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr., to deny this request since Mr. Burnett's education and experience in the HVACR field do not qualify him for examination based on existing New Jersey HVACR regulations and statutes. A vote was taken and the motion unanimously passed.

A motion was made by Paul J. Mitchell and seconded by William C. Barham, to request a letter be sent to the Director requesting a legislative change for applicants who failed to apply for the grandfathering. Chairman Maloney opposed the motion. The motion passed.

16. EMAIL- JULY 29, 2016  
RE: RESTRICTIONS THAT GOVERN HVACR WORK - MULTIPLE DWELLING PROPERTY  
FROM- TRICIA MURCH, PERMIT SOLUTIONS INC.

On September 6 2016, the Board discussed this matter and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr., that based on NJSA 45:14C-12.4. Exemption (A) the owner of a multiple dwelling is not permitted to perform HVACR work on that dwelling; (B) that person cannot perform air-conditioning work; boiler and heating work is permitted within the scope of practice of the Licensed Master HVACR Contractor; Item 2: the Master Plumber and Master HVACR Contractor may perform work within their respective scope(s) of practice.

A vote was taken and the motion unanimously passed.

17. EMAIL- JULY 29, 2016  
RE: REQUEST FOR PERMISSION TO CONTINUE HVACR WORK WITHOUT  
BEING LICENSED DUE TO HIS AGE AND OTHER CIRCUMSTANCES  
FROM: ANUKH SOLOMONOV

On September 6 2016, the Board discussed this matter and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr., to deny this request since existing New Jersey HVACR Statutes and Regulations do not permit an exemption from the education requirements for this circumstance. A vote was taken and the motion unanimously passed.

18. EMAIL-AUGUST 2, 2016  
RE: PULLING PERMITS TO INSTALL GAS PIPING FOR GAS FIREPLACES  
WITHOUT A NEW JERSEY MASTER HVACR OR MASTER PLUMBER'S LICENSE  
FROM: THOMAS PITCHERELLO, CODE SPECIALIST, DEPARTMENT OF  
COMMUNITY AFFAIRS

Melissa Susnosky, consumer, believes that their business should be exempt from the need to have either license under the "Chimney service professionals" exemption.

On September 6, 2016, a motion was made by Member Danko and seconded by Member Demico to send this matter to the Home Improvement Section of Consumer Affairs with a request to define the scope of practice for chimney professionals.

A vote was taken and the motion unanimously passed.

19. LETTER- JULY 29, 2016  
RE: MATTHEW BARLOW- REQUEST TO BE GRANDFATHERED BASED ON  
HARDSHIP;  
FROM: PAUL A. GARFIELD-LAW OFFICES OF DAVIS, SAPERSTEIN & SALOMON

On September 6 2016, the Board discussed this matter and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr., to deny this request since there is no statutory authority that would permit an exemption to grandfather at this time for a Master HVACR license beyond the September 1, 2014 end date. A vote was taken and the motion unanimously passed.

20. DISCUSSION- WALL CERTIFICATES FOR HVACR LICENSEES

A sample wall certificate was presented as provided from the State Board of Examiners of Master Plumbers. Members of the HVACR Board were requested to develop the language for the Master HVACR wall certificate.

The language for the wall certificate was discussed and approved in a motion made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr. A minor change is to replace "Plumbing" with "HVACR" in the fundamentals language, line 1. A vote was taken and the motion unanimously passed. With the approval of the wall certificate language, the Board Office may begin to process wall certificates.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by William C. Barham and seconded by Daniel G. Danko, Jr. to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, the DAG caseload, and review matters within the attorney-client relationship exception to the Open Public Meetings Act.

The subject of this discussion shall remain confidential until such time as the reasons for having this matter in Executive Closed Session are no longer applicable. A vote was taken and the motion unanimously passed.

Submitted by,

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Rosemarie S. Baccile, Acting Executive Director