

Queens Chapter New York State Society of Professional Engineers The Drawingboard

September 2015

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President's Message

George Tavoulaareas, P.E.

President gltpe@msn.com

An architect was exonerated from strict liability for causing property damage by the NYC Appellate Division (American Security Insurance V Church of God). The architect prepared underpinning plans for an adjacent property that was to be underpinned but did no physical work at the site. The building was damaged by the contractor during construction and the architect was sued and found liable for damages under NYC's Administrative Code, Section 28-3309-4 for preparing the underpinning plans. The Appellate division later reversed the Trial Court judge and found that the architect was not liable for damages because the architect's contract did not impose any duties on the architect with regard to the excavation phase and that his contract stated that he has no control over the contractor's means and methods and was not responsible for construction. The decision is important because it holds that engineers or architects who merely prepare plans and specifications for excavation and underpinning cannot be held liable under this section of the Administrative Code. This case also reinforces the need for engineers to incorporate strong language in their contracts that they are not responsible for means and methods during construction.

A change to the Model Law that would have modified licensure for structural engineers, requiring a discipline specific SE Licensure was defeated at the National Council of Examiners for Engineering and Surveying (NCEES) annual conference. Had this change been adopted it may have caused discipline specific PE licenses for the various engineering fields. This proposed requirement was opposed by the state society because:

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- -Of paramount importance to licensure as a professional engineer is the ethical commitment to limit one's area of practice only to those fields of engineering in which he or she can demonstrate competence.
- -Of paramount importance to licensure as a professional engineer is the ethical commitment to limit one's area of practice only to those fields of engineering in which he or she can demonstrate competence.
- -A PE who is not fully competent to perform structural engineering is already ethically obligated not to do so, even as he or she is obligated not to practice in other areas that are beyond their established expertise and competence.
- -The obligation to stay current and practice in one's own field is the bedrock of PE licensure and is not limited to or required by separate discipline-specific licensure.
- -For decades, licensure as a Professional Engineer has been central to protecting the public health, safety and welfare.
- -As we face increasingly complex challenges, NSPE believes that the continued recognition of PE licensure as the defining qualification for practice is critical to guaranteeing the trust and protection of the public. Layers of licensing requirements would cloud that perspective and create uncertainty.
- -The current system recognizes that the line between disciplines can at times be difficult to demarcate and therefore, allows the individual professional to exercise the appropriate professional judgment, autonomy and discretion similar to other professionals rather than controlling by rigid, bureaucratic means. Many of the SE activities are also activities of other civil engineering professionals (site, geotechnical, foundation, etc.) which tend to cross over discipline boundaries. Wouldn't such a change then, interfere with the practice of thousands of duly licensed and qualified professional civil engineers?
- -The discussion regarding a separate SE license does not address the success of the current system nor does it address a problem or void in the current practice: Tens of thousands of superb structures have been designed and built not only without harm, but in fact with great benefit to the public.

Next General Membership Meeting

The next general membership meeting will be held on Thursday September 24, 2015 at 6:15pm. at 422 Weaver Ave in Ft. Totten, NY

The admission fee is \$20 for members and \$30 for non members.

6:15-7:00pm buffet dinner

7:00-7:30pm general membership meeting

7:30-8:30pm **Wayne Swirnow**, President, Infrared Imaging Services LLC, will present: "*Thermal Imaging for Non-Destructive Structure Diagnostics*"

Presentation Outline

Course Title:

Thermal Imaging for Non Destructive Structure Diagnostics,

Speakers:

Wayne Swirnow, IR Certification Instructor, Certified Level III Thermographer.

Learning Objectives:

This presentation will provide an overview of how Infrared [IR] imaging is a cost-effective technique used to identify defects the envelopes of the structures and systems. Thermal imaging technology is well-established as a valuable diagnostic tool which can reveal missing insulation, HVAC air flow leakage, equipment issues, radiant heating malfunctions, CMU wall grout, steam system leaks, compromised roofing, and much more. By detecting and locating patterns and sources of heat loss that are invisible to the naked eye, thermal images provide convincing evidence in reports showing where deficiencies are located and where improvements need to be made. Infrared is then used for quality assurance in confirming that repairs have been completed properly.

Links of the Month

<http://www.engineerjobs.com/magazine/2014/20-greatest-engineering-feats-2014.htm>

<http://www.nydailynews.com/opinion/fari-shorenstein-nyc-teaching-girls-code-article-1.2339708>

<http://www.usatoday.com/story/news/nation-now/2015/09/10/photos-rainbow-appears-world-trade-center-eve-911-anniversary/72043352/>

<https://movenewyork.wordpress.com/2015/09/08/book-review-gridlock-sams-street-smart/>

Correspondence

Dear Chapter Presidents & Ex-Com: I have included 3 items in this email.

1. Chapters – I need your Directors/Alternates for the Fall Board Meeting scheduled for Nov. 14, at the Courtyard Marriott, Saratoga Springs. Attached is the form I need back from you with any changes no later than Oct. 19th. If I do not hear back from you I will assume members I have listed are correct. I'm hoping to complete the Fall Conference notice in the next few weeks.
2. We need **Exhibitors & Sponsors** for our Fall Conference (per the budget that was approved in June). Attached are both forms so you can reach out to your contacts. I currently have 3 exhibitors: Huber Engineered Woods, Premium Technical & Vari-Tech, LLC. No sponsors to date.
3. Attached is a flyer for our **NYC Design Professionals Day**, if you could share with others & make copies of it to have out at your events. Here is the link for online registration also: <http://www.cvent.com/d/frqrqx> We also have sponsorship for this event and the form is attached.

If you have any questions please let me know.

Thanks

Jennifer A. Miller

Director of Programs

The New York State Society of Professional Engineers, Inc (NSSPE) - www.NYSSPE.org

The Practicing Institute of Engineering, Inc. (PIE)-www.PracticingInstitute.org

The Foundation for Engineering Education, Inc. (FEE) E-Week: www.CapitalDistrictEweek.org

6 Airline Dr., Ste 114, Albany, NY 12205

518-283-7490 * Fax: **518-283-7495**

Begin forwarded message:

In response to the recent Legionnaires' disease outbreak in the South Bronx, on August 6, 2015 the New York City Health Commissioner issued an order to all owners of buildings with cooling towers. If you were sent this order in error and do not have a cooling tower that recirculates water, you may ignore the order. In addition, building owners are now required to register cooling towers, evaporative condensers, and fluid containers with the Department of Buildings at Cooling Tower Registration.

If you own a building with a cooling tower:

- You **must** disinfect all of your building's cooling towers **within 14 days** of receiving the order in the mail. You have until Aug. 27 to comply with the Commissioner's Order.
- You **must also** keep records at the building or buildings you own of the inspection and disinfection of all cooling towers. If City officials ask for these records, you must show them.
- If the tower was already inspected and disinfected within the last 30 days, you must maintain records of the inspection and disinfection, and make them available to the City upon request.
- You can **demonstrate compliance** with the Commissioner's Order by submitting records of inspection and disinfection using [Cooling Tower Registration](#) on the Department of Buildings [website](#).

Registration of cooling towers, evaporative condensers, and fluid coolers:

The law now requires the registration of cooling towers, fluid coolers and evaporative condensers with the City. If you have any of this equipment, you must register with the Department of Buildings at [Cooling Tower Registration](#) no later than Sept. 17, 2015. More information is available at the Department of Buildings' [website](#).

View [Guidance for Building Owners: Cooling Towers and Health Commissioner Order](#) (PDF) Other languages: [\[Español\]](#)

For more information, please visit: <http://www.nyc.gov/html/doh/html/diseases/legi-comm-order.shtml>

Separately there is a NY State requirement for cooling tower registration as well which can be found here: <https://www.ny.gov/services/register-cooling-tower-and-submit-reports>

Ricky Wong – Director of Community Affairs

Office of External Affairs, NYC Department of Health & Mental Hygiene
Gotham Center, 42-09 28th Street, Queens, NY 11101-4132
phone: [347-396-4059](tel:347-396-4059) -- e-mail: rwong3@health.nyc.gov

Hello Chapter Presidents and Executive Committee Members,

I am contacting you to inform you that the date for our Strategic Thinking Day has been changed to Thursday, November 12, 2015, before the NYSSPE Fall Conference starts in Saratoga due to extremely low attendance for the 9/26 date. The location will be the same as the Fall Conference at the Courtyard Marriott, 11 Excelsior Ave, Saratoga Springs, NY. Please let me know if you are now available to attend on November 12, 2015 from 9AM-3:30PM. The ExCom meeting will be immediately following.

If you haven't yet filled out the form below regarding this Strategic Thinking day, please do so. On it please indicate your availability. If you've already completed the form, no need to do so again, simply reply to me and let me know if 11/12 works for you, if you haven't already.

Here is the link to the form, feel free to share with your Chapter members as it is open to all members: <http://nysspe.org/landing/nysspe-2015-strategic-thinking-day/>

Anthony Fasano, P.E., LEED AP, ACC
New York State Society of Professional Engineers Executive Director

**A Letter from NYSSPE to the New York State Department of Education
Regarding the Proposed SE License**

Sent: August 14, 2015

Jane W. Blair, PE
Executive Secretary

State Board for Engineering and Land Surveying Office of the Professions
New York State Education Department
89 Washington Avenue
Albany, New York 12234

Re: National Council of Examiners for Engineering and Surveying

Dear Jane,

As you are aware the National Council of Examiners for Engineering and Surveying (NCEES) will be voting on a proposed change to the Model Law respecting the practice of professional engineering, and structural engineering in particular, during their Annual Conference, August 19th through the 22nd. If passed, this change threatens the practice of professional engineering by weakening state licensing laws and is strongly opposed by the National Society of Professional Engineers (NSPE).

The change would modify licensure for Structural Engineers, requiring a discipline specific SE Licensure. For an in-depth explanation of the proposed modification, see [ACCA's Charge #2, Motion #1](#). In [NSPE's document](#) setting forth their Position of Opposition, they state in short that a PE Licensure already enforces an obligation to not practice outside one's expertise and competence. Furthermore, rigid lines drawn between disciplines that naturally overlap would interfere with the practice of thousands of qualified and licensed Civil Engineers.

[Click here to read the ACCA's Charge #2, Motion #1 and Stated Rationale.](#)
[Click here to read NSPE's Position in Opposition to This Motion.](#)

We are writing to renew the New York State Society of Professional Engineers opposition to the proposed change for the reasons well stated by NSPE. Accordingly, we urge that New York's delegate(s) to the conference vote in opposition to the proposed change. We urge that the State Board take all necessary steps to secure opposition to this proposal. Should you have any questions regarding our position, please feel free to contact me at afasano@nysspe.org or [518-620-6770](tel:518-620-6770).

Respectfully submitted,

Anthony Fasano, PE
Executive Director
The New York State Society of Professional Engineers



The New York State Society of Professional Engineers, Inc.

The Founding Society of the National Society of Professional Engineers

2nd Annual New York City Design Professionals Day NYU Poly Brooklyn, 5 Metrotech Center, Brooklyn, NY 11201 October 22, 2015



Featuring NYC Department of Buildings Commissioner **Rick Chandler, PE**, speaking on his vision for transformation of the Department, as detailed in his plan titled Building One City.

Presentations by prominent speakers such as...

Timothy Lynch, PE: DOB Assistant Commissioner, Investigative Engineering Services

Dan Eschenasy, PE, F.SEI: DOB Chief Structural Engineer

Gus Sirakis, PE: DOB Assistant Commissioner, Technical Affairs & Code Development

Topics to be covered include:

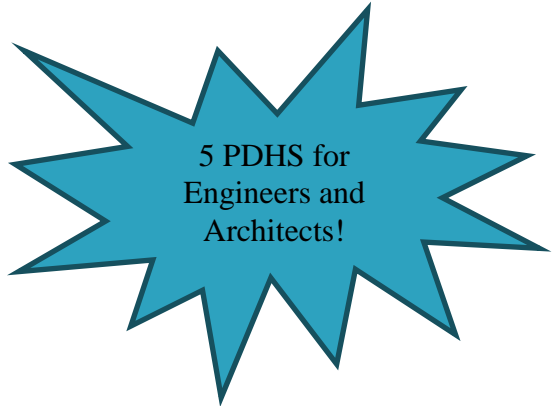
- Commissioner Chandler's Blueprint for Change
- Structural Requirements of the 2014 Code
- Inspection of Old Retaining Walls
- Deterioration of Historic Construction and Prior Codes- How they Mesh
- Concrete Industry in NYC

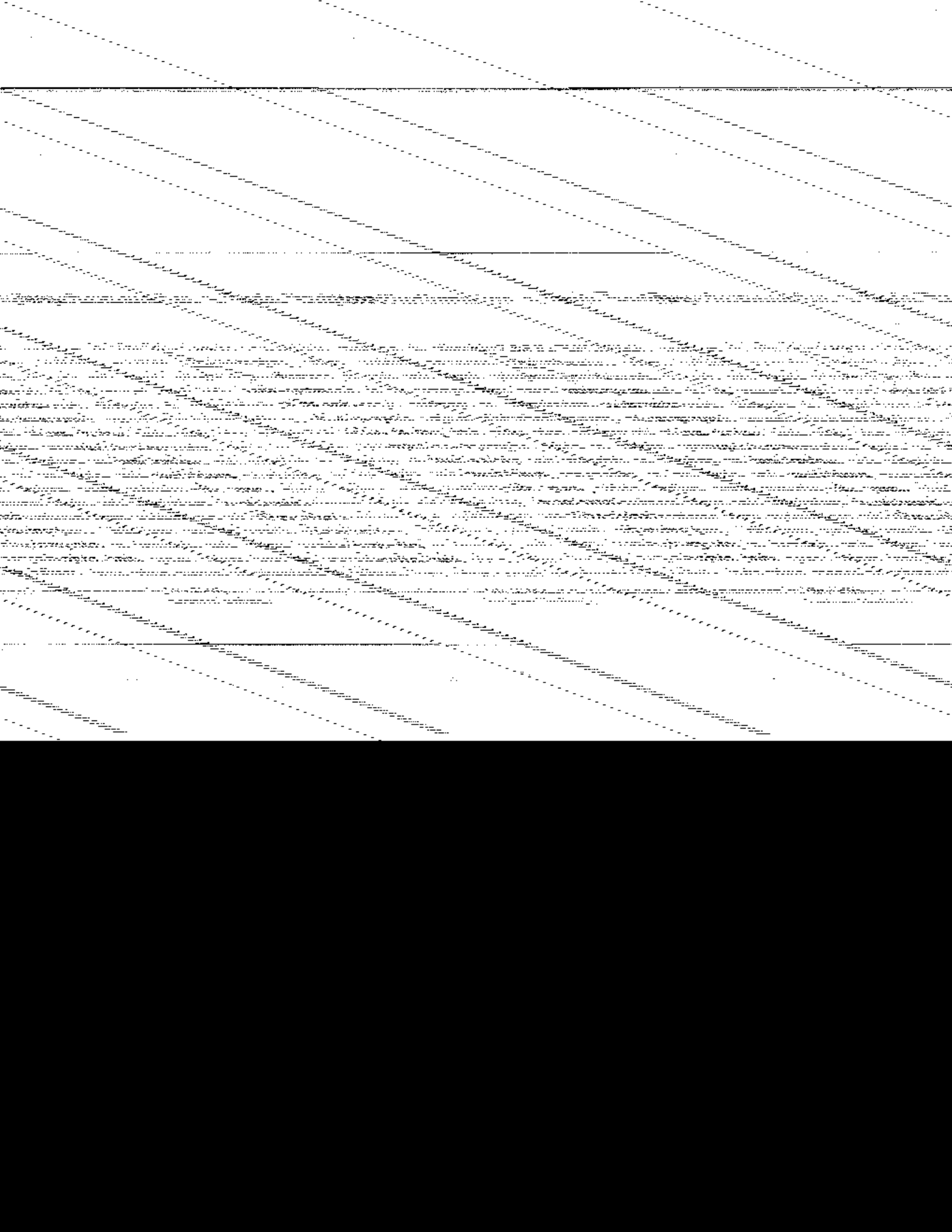
Do You Understand All of the New DOB Building Code Guidelines?

Design professionals in New York City must stay up to date on current regulations in order to be able to successfully complete projects, however staying up to date is not always easy to do. Therefore the NYSSPE is putting on the New York City Design Professionals Day in an effort to educate NYC professionals on some of the changing codes and regulations and also to allow professionals to network with other NYC design professionals and share knowledge and experience.

Make sure to register here:

www.NYSSPE.org/upcoming-events





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