



January 11, 2010

The Honorable Paula A. Mahan  
Supervisor, Town of Colonie  
Colonie Town Hall  
534 Loudon Road  
Newtonville, New York 12128

**RE: Removal of a licensed professional engineer as the Commissioner of Public Works**

Dear Supervisor Mahan:

The New York State Society of Professional Engineers is a statewide organization that promotes and protects the interests of professional engineers. This includes upholding the integrity of the license and its primary function; to protect the health, safety, and welfare of the public. As such, your appointment of a non-licensed individual to the position of Commissioner of the Department of Public Works causes us great concern.

According to your job description for this position, "The Commissioner of Public Works has comprehensive policy responsibility for the administrative supervision of the Water, Sewer, Environmental Services and Engineering functions of the Town of Colonie." Additionally, it calls for a "Professional Engineering License as recognized by New York State." The Commissioner is regularly involved with many critical technical systems and operations that require the experience and expertise of a licensed professional engineer, in fact it is mandated by law pursuant to section 7201 of the NYS Education Law, "The practice of the profession of engineering is defined as performing professional service such as consultation, investigation, evaluation, planning, design or supervision of construction or operation in connection with any utilities, structures, buildings, machines, equipment, processes, works, or projects wherein the safeguarding of life, health and property is concerned, when such service or work requires the application of engineering principles and data."

We realize that due to the economy, there may be a desire to reorganize your operations; however such changes should not interfere with sound professional judgment. Removing the professional engineer's requirement from a position that is so immersed in technical decision making is not a wise way to streamline operations. Giving an unlicensed individual the authority over the operations and maintenance of this critical public infrastructure not only jeopardizes public safety, it also potentially burdens the town from a liability standpoint. Your constituency would be better served with a Commissioner of Public Works who is properly licensed to practice Professional Engineering.

If you would like to discuss this very important issue further, please feel free to contact me.

Respectfully submitted,



Dr. James J. Yarmus, PhD, PE  
President