

Maryland Underground Facilities Damage Prevention Authority

MINUTES OF MEETING OF AUTHORITY Wednesday, February 6, 2013

The meeting was called to order by Chairman Tom Hoff at 9:00 am in the Miss Utility One Call Center, 7223 Parkway Drive, Hanover, MD 21076. In attendance were Authority members Tom Hoff, Wayne Gilmer, Kevin Woolbright, Tom Baldwin, Cindy Flanders, and Bernard Cochran. Bruce Bereano, Laura Olander, Matt Ruddo, Scott Brown from Washington Gas, Ron Vogel and Thurman Smith from Utiliquest, Jim Barron, Dora Parks and Sonia Miles were also present. Marcia Collins, Walter Gainer and Art Bell were absent.

Tom Hoff asked everyone to introduce themselves.

First order of business was a Motion to approve the January 9th Authority Minutes. All in favor.

Report of the Authority Treasurer from Cynthia Flanders. Cindy said that she didn't print the spreadsheet since we just did year-end and the only charges are merchant charges, \$160.00 to the web developer, and an invoice from Bruce Bereano for charges incurred printing the Second Report to the Governor. It was agreed moving forward to make sure Bruce knows the Authority cannot spend as much on this. There was no vote on who would be commissioned to print and bind this document and the expense is too high at Minuteman Press.

Grant money - Laura still needs to reconstruct her time and put together a list of all the expenses OCC has paid for the Authority. Cynthia Flanders will write the letter to get the sales tax exemption for any expenses the Authority incurs. The tax exemption status should be obtained before the Authority purchases laptops, etc.

The Mid-Term Reports need to be finalized and submitted before March 1.

Everything the Authority has done should have been archived from the beginning. The practice Notice of Probable Violation (NPV) Walter sent in and the 2 NPV's recently sent in need to be archived. OCC has a Damage Manager package that can do this. The Authority does not need to reinvent the wheel by hiring a software developer and spending unnecessary funds since OCC already has this software.

Sonia Miles was next on the Agenda and introduced. She discussed the Damage Manager package. It is designed to track and manage damages but is used for much more. It can track whether it's a new investigation and/or where the status is in the process. Emails can be sent during the investigation and a number of other alerts in the system. Also, it can create a notice of probable violation and has the ability to display where the incident occurred on a map. It can create a history record and shows all changes/additions as things move along. You can attach back up documentation, etc. and add detailed descriptions as well as email and print and it will show who added these items and when. All records can be searched and mapped geographically in relation to each other. Additional fields can be added if necessary. Cindy said that what is currently on the Authority website is very similar, however, attachments cannot be found in the historic files online. She needs to look into this. She will also see if she can add fields. But the attachments need to be embedded in the archive so they are accessible. Sonia will go into the Authority's website on the back end and see what can be done or improved.

Dora asked if the Authority's website tracks payment of claims. Cindy said it does not - she doesn't think this should be on the website anyway because it should be tracked separately. Tom said the new Executive Director, the Authority members, and the Assistant, should have access to all this paperwork online. Cindy would like Sonia to go into the back end of the Authority's website because Tom wants the site enhanced as much as possible. Tom Hoff raised the question whether or not the information from NPV's should be made public and Bruce Bereano said it definitely should be. It was agreed that all records should have the ability to be viewed publicly. Tom Baldwin thinks the ability for anyone to see these records could cause a sensitivity to those who may file but decide not to because they don't want to be viewed negatively. Plus people will be able to see how many times an entity is filed against which could have a negative impact. Tom Baldwin thinks if there isn't a statute requiring this information to be public, then it should stay private. Tom Hoff said all of this information should stay private until someone else tells the Authority they have to make it public. Jim Barron added that this was a huge issue and major concern when creating DIRT (Damage Information Reporting Tool) for CGA.

Tom discussed the interviews taking place with Jim Barron and Bob Cooper for the Executive Director position and that hopefully, there will be a recommendation soon. Then Tom Hoff discussed Niles, Barton and Wilmer Law Firm and attorney Paul Finamore's background. Paul is a Senior Partner and has agreed to help out the Authority at no cost for the time being. Tom Hoff distributed the Professional Services Agreement for the new Executive Director.

Logistics and support - Dora got the new Executive Director's office up and running and the Authority took a short break to go look at it. The Authority members will supervise and oversee the Executive Director.

March 1st is the recommended start date - or earlier - if the successful candidate is available. Cindy added that since the Executive Director will be a contractor, they will have to submit a bill to the Authority every month.

Bruce gave an overview on the Second Report to the Governor and then had to leave the meeting.

Tom began with the NPV's that Dora handed out. Dora discussed the violations that have come in so far, how she reviewed each claim and the conclusions she came to.

It was decided that there should be a place on the NPV's that asks the complainant what the violation of state law was.

Violation No. 233 was discussed in detail. There are lots of questions because it is very ambiguous. Tom Hoff said it was real simple because when the marks were gone, the excavator should have stopped digging. Kevin Woolbright added that the job of the Authority is to simply determine if there is a violation. Tom Baldwin added that once the ED is hired, the ED should send a letter to the complainant asking for more detail if necessary. This is what Tom will do in the interim. All in favor. Baldwin officially recused.

Wayne Gilmer needs to send Cindy the language to add a new field in the NPV asking whether or not they have attended the DP meetings.

Next, NPV No. 241 was discussed. Again, there are unanswered questions. For example, who identified Elm Street Development as the violator? This isn't in any of the ticket information, etc. and a lot of fields were unanswered. Scott Brown suggested contacting Comcast and ask if they have a case in regard to this and see what information they may have. Tom Baldwin said it will be interesting to see if they will even share this information. Tom said it is important that we do these NPV's right - we do not want to develop a negative reputation.

A Motion to request more information on both claims was raised. All in favor. Letters will be written and sent to each.

Automatic Actions: if there is digging without a locate request or marks with no damage - and this is fact - what should the penalty be? Tom Hoff wants people to think about what automatic penalties should be. Cindy suggested violators be sent to DP meetings and receive more education.

Digging without locate requests or marks (damage) - Again, what should the automatic penalty be? Tom Baldwin said there has to be a monetary penalty. Again, a matrix was mentioned - the matrix will clearly state particular violation penalties. This across the board penalty for particular fines will also eliminate others saying there are favorites, etc. or swaying the penalty cost for certain individuals.

There being no further discussion or business of the Authority, the meeting was adjourned. The next Authority meeting is scheduled for Wednesday, March 6, 2013.