

Maryland Underground Facilities Damage Prevention Authority

MINUTES OF MEETING OF AUTHORITY
WEDNESDAY, September 7, 2011

The meeting was called to order by Chairman Tom Hoff at 9:15 am, Wednesday, September 7, 2011 at the meeting location, The Miss Utility One Call Center, Lower Level Conference Room, 7223 Parkway Drive, Hanover, Maryland. In attendance were Authority members Thomas Baldwin, James Barron, Bernard Cochran, Robert Cooper, Walter Gilmer, Cynthia Flanders and Kevin Woolbright. Also in attendance were Bruce Bereano and Laura Olander. John Nesbud from the Maryland State Highway was also present. Authority member Walter Gainer was absent from the meeting.

The minutes of the meeting of the Authority of Wednesday, August 3, 2011 were adopted.

Chairman Tom Hoff began the meeting thanking Tom Baldwin and BG&E for a check for \$10,000. Tom let everyone know he wrote a thank you letter to BG&E and now the Authority can pay Sandy Smolnicky, the grant writer. He also thanked Sandy and Laura for their efforts in applying for a FedSTAR grant for the Authority. Tom then discussed the goals of the Authority are to go to the Greater Chesapeake Damage Prevention Training Conference in November saying the Authority is in business; that the website is complete, and the Report of Probable Violations is a functional part of the site.

Bruce Bereano discussed how the By-Laws and Code of Conduct documents have to mirror each other. Mr. Bereano agreed to draft new language as these documents will be highly scrutinized by others and must be consistent with state ethics law. After much discussion regarding maintaining the integrity of the Authority, whether or not lawyers should be involved in hearings, and the difference between mediation and litigation, Bruce said he wanted these documents to not be as loosely written as they currently are. He also said he will have them re-written within two weeks and the Members will have an opportunity to comment on his re-write. Chairman Hoff said these documents MUST be decided by the October meeting.

Next, the Authority discussed the landing page that was written by Scott Brown that precedes the Report of Probable Violation page on the website. After some discussion and suggested changes, everyone agreed they would send any new changes/suggestions to Laura Olander.

Standard Correspondence was next on the Agenda. Bruce said we need some standard correspondence letters. Laura Olander will find some examples of standard letters.

Next, the tracking software on the website was briefly discussed as this led to a discussion on whether or not there would be a statute of limitations on complaints. Tom Hoff suggested that nothing be heard that happened before October 1, 2010, prior to Authority's existence. Complaints must be brought to the attention of the Authority on or after October 1, 2010. There also needs to be a limit to the amount of time a violation can be reported. It was decided that the complaint be filed with the Authority within 90 days of filing with Damage Prevention. This prompted a need for a new re-write of the landing page prior to the Report of Probable Violation. Cindy Flanders and Laura Olander agreed to work on this.

The Authority Website was discussed next. Cindy Flanders thanked Leslie at WSSC who helped upgrade the content management system on Word Press. The website was viewed page by page and suggestions were made to Cindy. These included all related conferences be included on the site with information links. This suggestion created the need for a new tab called Education and Training. A separate tab should be labeled Events which also includes only Authority related events. Authority Meeting Minutes and the Authority's formal meeting announcements will also be uploaded to the site.

Cindy will continue to look into a tracking system for the Report of Probable Violations. Further, because the Authority no longer wishes the Rules of Enforcement be posted to the public, it will be replaced on the website with the Code of Conduct and By Laws.

It was further decided that the website Merchant Account not accept American Express cards but will allow Visa, Master Card and Discover.

The First Report to the Legislature was next on the Agenda. Bruce said that the first report is due January 1, 2012. Bruce showed the Members examples of what the report looks like. These will need approved by New Years Day. Bruce said he will help with having everything necessary completed by December 1 and mailed with a cover letter.

Status of Reappointments. Bruce said letters have gone into the Governor's office for Walter Gainer, Kevin and Walter Gilmer. Cindy Flanders also needs reappointed. Tom Hoff asked if everyone in the room wished to nominate Cindy for another term. After no other nominations were presented, the Board voted unanimously to forward Cindy Flander's name to the Governor for reappointment as the public member to the Authority.

USPCD. Tom Hoff met with them seven weeks ago and will be presenting to them on September 15th to give an overview of the Authority. Bruce suggested that we give them a confidential stamped copy of the Authority's documents. Kevin Woolbright was reminded to polish up the PowerPoint Presentation.

Cindy Flanders passed out the most recent Authority financial statement. She then asked if the Authority had to file a tax return and Tom Hoff said he has already asked an accounting firm to do one for the Authority at no cost. Cindy said she would issue a check to Sandy Smolnicky for her grant writing work and Tom said he would remind the USPCD to issue the Authority a check for \$1,000 as promised.

Legal Counsel. The Authority will retain when they can pay someone.

Insurance. It is important that once hearings begin in the Circuit Court that the Authority has insurance. As soon as any money comes in, this will be a priority.

Name Badges. Bruce said he will have some name badges in the next couple of days. The seal is engraved in the badges he has currently prepared and the final badges will be raised and in color with the name and Authority member title. Bruce promises the name badges will be complete before the Damage Prevention Meeting on November 2.

Bob Cooper discussed the MACo Conference that is scheduled January 4 – 6, 2012 at the Hyatt Regency Chesapeake Bay Hotel. Bob would like the Authority PowerPoint to be polished and ready to be presented at this meeting. It was also mentioned that the County Engineers Meeting has been cancelled. Bruce asked that as many Authority members who could attend the Greater Chesapeake Damage Prevention Training Conference on November 2 do so.

Tom Hoff asked Kevin Woolbright to go to BB&T and fill out the paperwork necessary to be a signer for the Authority bank account. Right now, Cindy Flanders is the only person able to sign checks.

Tom Hoff closed the meeting by giving the Authority members an assignment. He asked everyone to think about where the Authority should hold the first violation case and exactly how these hearings should be done. Bruce suggested ordering name blocks to set in front of each Authority member during a violation case.

There being no further discussion or business of the Authority, the meeting was adjourned at 12:00 p.m. The next Authority meeting is scheduled for October 5, 2011 at 9:00 a.m. but will need to be rescheduled due to Chairman Tom Hoff having a scheduling conflict. The next Authority meeting will be decided soon.