

Maryland Underground Facilities Damage Prevention Authority

MINUTES OF MEETING OF AUTHORITY

Wednesday, November 5, 2014

Agenda Items 1 & 2:

The meeting was called to order by Authority Chairman, Kevin Woolbright at 9:01 a.m. in the Miss Utility One Call Center, Conference Room, 7223 Parkway Drive, Hanover, MD 21076. In attendance were Authority members Kevin Woolbright, Tom Hastings, Tom Baldwin, Tom Hoff, Art Bell, Walter Gainer, Marcia Collins and Veronica Davilla-Steele. Board Member Bernard Cochran was absent. Susan Stroud, Jim Barron and Bruce Bereano were also present. Guests included Juan Vogel and Thurman Snider with Utiliquest, Vince Healy and Mark Hamerick, Verizon, Satish Patel and Deena Joyce with WSSC, Ken Smith with Constellation, Georgia Goslee, Counsel for Pinpoint Underground, Laurence Johnson, Pinpoint Underground, Dora Parks and Matt Ruddo with Miss Utility. Also, Steve Fischer and David Appelbaum with Pacific Gas and Electric Company and Denny Showalter with Insight.

A roll call of the Board of Directors was conducted by Ms. Stroud. A quorum was present.

Agenda Item 3: (Handouts)

Approval of Minutes:

The August 6th, September 3rd and October 8th 2014 minutes were approved and will be posted on the Authority website.

Agenda Item 4: (Handouts)

Authority Treasurer Report: Financials were handed out and Jim Barron gave an overview. Motion made to approve. There were no questions from the board. Board member Baldwin motioned to approve, seconded by member Bell. The motion carried unanimously. The Executive Director also announced that he is preparing the annual report for the Maryland Legislature, which is due January 2015. In addition, the Director reported that the 1st 50% (\$25,000) of the federal grant has been received and deposited. The remainder of the grant will be forthcoming once the mid-term report has been filled with the grantor.

Agenda Item 5: (Handouts)

Cross Bore Issue:

Bruce Bereano, representing Washington Gas gave an update on the proposed Underground Utility Damage Prevention – Location of Nonmetallic Sanitary Sewer Piping legislation. The title of the bill has been changed to reflect the amended language in the bill that removes the “nonmetallic sanitary” reference from the bill. The gauge of the tracer wire has also been changed to 10 AWG minimum and a few grammatical clarifications were added. Bereano stated he is awaiting feedback from the AUC of MD, Maryland Homebuilders, MD Minority Contractors and the State Plumbing Board. It should be noted that this legislation will affect all new and replacement systems after the effective date of the legislation.

Chairman Woolbright opened the floor to discussion: None ensued.

The Board adjourned for a brief break.

The Board reconvened after a 15 minute break. Chairman Woolbrite, recognized Board Member Art Bell, who made a motion to continue all hearings scheduled for this meeting to a later date.

The motion was seconded and a roll call was conducted and recorded by Ms. Stroud. The motion carried with 7 affirmative, 1 absent and 1 recusal.

Agenda Item 6: (Handouts)
Scheduled Hearings:

NPV# 1216 – Complete Sitework, LLC v. WSSC /Pinpoint Underground, LLC

NPV# 1834 – Humphrey and Son, Inc. v. WSSC/Pinpoint Underground, LLC

NPV# 181853 – Deneau Construction, Inc. v. WSSC/Pinpoint Underground, LLC

Agenda Item 7:

Hearing Discussions and Decisions: There were no hearings conducted, therefore no discussion or deliberations occurred.

Agenda Item 8:

Appeals:

The Executive Director gave updates on pending appeals cases NPV #316a,316b, 408, 411a & 411b (Pinpoint/WSSC) The hearing was held on October 27, 2014 @ 9:00 a.m., AACo Circuit Court. The decision will take approximately 60-90 days.

Reliable Contracting NPV #283 has been moved to the MD Court of Appeals, no hearing date has been set. The Exec. Director will contact the Authority attorneys for an update.

Agenda Item 9:

Post Hearing Up-dates:

NPV #285 – Company has 40+ employees. Need to see how many show up for training to determine if more training is needed. Either an interpreter or bi-lingual trainer will be needed.

NPV #1089 – Tabled until next meeting. The \$500 payment is two months in arrears. Registered letter was signed for on 10/20/14. The Exec. Dir. will attempt to contact.

NPV #1199 – Move to collections. Possible court action.

NPV #1304 – See NPV# 285

NPV #1310 - “ “ “

NPV # 1311 – “ “ “

NPV #1318 - Training scheduled for 11/13/14.

NPV #1322 – No training scheduled. Need to contact.

NPV #1323 - “ “ “ “ “ “

NPV #1599 – Have not scheduled training.

NPV #1677 – Motion to rescind discount approved. Move to collections. Company is still pulling tickets.

NPV #1723 - Need a bi-lingual trainer, not scheduled as yet.

NPV # 1724 – Have not paid fine or applied for training.

Agenda Item 10:

Post Review/Pre hearing updates:

- NPV #1005 – Subpoena to be filed in Prince Georges County.
- NPV #1446 - Continue to next meeting..
- NPV #1497 – Subpoena to be filed in Prince Georges County on 10/24/14.
- NPV #1841 – In contact with violator 10/1/14. No hearing scheduled to-date.
- NPV #1864 - Motion to subpoena approved.
- NPV #1873 - Training scheduled for 11/13/14.
- NPV #1874 – No response from resident agent.
- NPV #1955 – Motion to subpoena approved.
- NPV #2130 – Fine has been paid. Training to be scheduled.
- NPV #2292 – Will send 2nd certified letter.
- NPV #2446 – Certified mail was signed on 10/25/14
- NPV #2447 - Certified mail was signed on 10/24/14
- NPV #2459 – Motion approved to change complaint to show B&B Excavating as the violator.
(Handout)
- NPV #2460 - Certified mail returned. Wrong address.

Agenda Item 11:

NPV's for Review and Findings by the Authority:

None at this time. Still in research.

Agenda Item 12:

Still Investigating:

- NPV #1765 - Responses are back. Will present for review at next meeting.
- NPV #1871 – Will close NPV in 30 days if additional information is not provided.
- NPV #1993 – “ “ “ “ “ “ “ “ “ “
- NPV #2504 – Alleged Violation: mis-marked
- NPV #2514 - Alleged Violation: unmarked
- NPV #2520 – Alleged Violation: notice to one-call center/clear evidence
- NPV #2521 - Alleged violation: “ “ “ “ “ “
- NPV #2522 - Alleged Violation: “ “ “ “ “ “
- NPV #2523 - Alleged Violation: Duties of Excavator/clear evidence
- NPV #2524 – Alleged Violation: notice to one-call system
- NPV #2547 - Alleged Violation: Emergency excavation or demolition abuse

Agenda Item 13:

New NPV's for Research and Review:

No new NPV's at this time.

Agenda Item 14: (Handouts)

Non-member Updates:

- Norfolk Southern Railroad:
Motion to table issue until January meeting was unanimously approved. 10/8/2014.
- Baltimore County – County is currently not marking all of their utilities. The Exec. Director will contact Public Works Director Ed Adams to discuss the issue.

MML & Municipalities:

- Town of Myersville – Response sent by authority attorney. All files expunged.
- Town of Funkstown – Joining Miss Utility. Washington Gas has given the town equipment and training.

Agenda Item 15: (Handouts)

Old Business:

- Fining Matrix – Loyola Dean is interested in the project. Need more information from the authority.
- Revenue Stream – Next meeting not set at this time.

Agenda Item 16:

New Business:

- Education – Does the authority want to purchase a booths at MML, MaCo, Builder Mart and other conferences with marketing potential or continue to share with Miss Utility. Exec. Dir. was advised to put together a feasibility chart and look for outreach opportunities with landscapers, plumbers and fence installers.
- CGA - Exec. Dir. was requested to research membership with the CGA and get registration information for the March conference.
- Call Center Issues – The current referral process is resulting in a large volume of inappropriate calls. Need to set up a table of authorities of criteria for call center staff.

Agenda Item #17: the call center

Future Meetings:

- 2015 Meeting Schedule – The Board unanimously approved the 2015 meeting schedule and agreed to cancel the December 2014 meeting. Hearings will be held every other month with the option of no business meeting on days with heavy hearing schedules.

There being no further discussion or business of the Authority, the meeting was adjourned at 10:55 pm.

Respectfully submitted by: Susan Stroud