

Maryland Underground Facilities Damage Prevention Authority

AUTHORITY MEETING MINUTES

Wednesday, April 1, 2015

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, Walter Gainer, Veronica Davilla-Steele, Tom Baldwin and Art Bell. Board Members Marcia Collins, Bernard Cochran and Tom Hoff were absent. Susan Stroud and Jim Barron were also present. Guests included, Erik Philips, Utiliquest, Don Jones, Washington Gas, and Dora Parks, Miss Utility.

A roll call of the Board of Directors was conducted by Ms. Stroud. A quorum (6) was present.

Agenda Item 3: (Handouts)

Approval of Minutes:

The March 4, 2015 minutes were approved and will be posted on the Authority website.

Agenda Item 4: (Handouts)

Authority Treasurer Report:

The Executive Director reported the Operating Account has a balance of \$54,079.57 and the Education and Outreach Account has a balance of \$55,930.62. There are no outstanding bills at this time. In addition \$20,000 will be deposited into the General Account today. Also, the Executive Director gave a breakdown of legal fees to-date. In the first quarter of 2015, the Authority has spent nearly half the amount they expended during all of 2014. (\$12,229.98 = '15 ytd/\$31,406.15 = 2014)

Agenda Item 5: (Handouts)

Cross Bore Issue:

SB401/HB341 – The House bill is currently awaiting amendments to mirror the recently passed Senate bill. The amendments included language from the multi-family housing council clarifying that repairs are not to be considered replacements. A group of unaffiliated plumbers had language that requires tracer wire on all new water lines or any non-metallic service lines on private property. It was noted during the discussion that the CGA's best practices protocol currently calls for the "public side" to mark the "private side" This could potentially become a problem with MML and MACO.

Agenda Item 6:

Scheduled Hearings:

None

Agenda Item 7:

Requests for Hearing (April 1, 2015):

- NPV# 2450 – Washington Gas vs. Purkey Plumbing and Heating.
(No ticket/\$2000K fine and training recommended)

POSTPONED UNTIL THE MAY 1 MEETING.

- NPV# 1765 – SMECO vs. Decisive Communications
(Miss-use of emergency excavation or demolition X 19 @ \$2k/ = \$38,000 + mandatory training)
HEARINGS WILL BE HELD AT THE JUNE MEETING.

Agenda Item 8: (HANDOUTS)

Appeals:

- Oral arguments for Pinpoint/WSSC (NPV's 316a, 316b, 408, 411a and 411b) are set for October 2015.
- Court of Appeals oral arguments are set for Reliable Contracting for April 10, 2015.

Note: Both cases are being heard in the Circuit Court in Annapolis, MD. This is a venue change for the Court of Appeals case. Chairman Woolbright encouraged board members to attend the hearings. In order to show support and also for informational reasons.

- Pinpoint/WSSC – NPV's 1216, 1834, 1841 & 1853 have been appealed to the Circuit Court of Anne Arundel County. (see attached)

Agenda Item 9:

Post Hearing Up-dates:

NPV #1322 – Training set for June 10, 2015

NPV #1323 - “ “ “ “ “

NPV #1589 – Training set for April 6 & 20.

NPV #1599 – Training has not been re-scheduled.

NPV #1723 - No training scheduled as yet/need bi-lingual trainer

NPV #1724 – Fine paid/no training as yet.

NPV #1874 – Fine upheld/decision letter sent 2/23/15/no response.

NPV #2446 – Fine paid/training scheduled for June 25, 2015

NPV#2447 – Closed 3/26/2015

NPV#2459 – Fine paid/training set for June 25, 2015.

Agenda Item 10:

Collections

The following NPV's have ignored repeated attempts to contact: 1005,1199,1446,1497, 1955, 2292 and 2460. The Exec. Director handed out copies of “Operating Practices” for the Authority to use for collections. The board moved to continue the collection action against these companies. The Authority attorneys have a collections department which will handle the process.

Agenda Item 11:

Post Review/Pre hearing updates:

NPV #2130 - Fine paid/training scheduled for 6/25/15

NPV #2504 - Recommendation letter sent 3/23/2015.

NPV# 2514 - Recommendation letter sent 3/23/2015

NPV #2520 – 2nd letter sent 3/30/2015.

NPV #2522 - Fine paid/training scheduled for April 10, 2015.

NPV #2523 – Fine paid/training scheduled for April 6 and 20.

NPV #2524 - The USPS lost the original letter/ 2nd letter sent 3/30/2015.

NPV#2547 - Recommendation letter sent 3/23/2015.

NPV#2737 - Recommendation letter sent 3/23/2015.

NPV#2738 - Recommendation letter sent 3/23/2015.

Agenda Item 11: (cont'd)

NPV#2739 - Recommendation letter sent 3/23/2015
NPV#2740 - Recommendation letter sent 3/23/2015
NPV#2743 - Recommendation letter sent 3/23/2015
NPV#2765 - Recommendation letter sent 3/23/2015

Agenda Item 12:

NPV's for Review and Findings by the Authority:

NPV #2890 – No ticket/\$2K+ training (unanimous)
NPV #2895 - Valid ticket/failure to use due care/\$1K + training (unanimous)
NPV #2896 – No ticket/1st offense/\$2k + training (unanimous)
NPV #2897 - No ticket/\$2k = training (one abstention)
NPV #2898 – No ticket/\$2k + training (unanimous)
NPV #2921 – No ticket/ 1st offense/\$2k + training (unanimous)

Agenda Item 13:

New NPV's for Research and Review:

Please refer to April 1, 2015 Agenda for list of new NPV's

Agenda Item 14:

Non-member Updates:

- Norfolk Southern Railroad: Tabled

MML & Municipalities:

- Town of Funkstown but is working with MU.
- City of Rockville dragging their feet.
- Montgomery County still only signed up for cable marking. The board instructed the Exec. Director to send a letter to MoCo asking them to appear before the authority to explain their policy and cc. County Executive, Ike Leggett.
- Aero Energy (see attached) The Exec. Director will send a letter to Aero informing them that they must mark on private property.
- Baltimore County Issue – Walt Gainer to approach the AUC regarding a meeting with Ed Adams to explain the county's marking policy.

Agenda Item 15: (Handouts)

Old Business:

- *Fining Matrix* – Loyola will not be able to take on the fining matrix project. The issue was tabled until Tom Hoff's return.
- *Revenue Stream* – The Exec. Director was instructed to set up a meeting for the Revenue Committee.
- *Education* - Executive Director has tables acquiring booths at MML, MaCo, Builder Mart and other conferences due to lack of staff to assist and backlog of investigations to pursue. The Exec. Director will be giving a presentation to the HoCo maintenance div. on April 16, 2015
- *Authority Appointments* - still pending
- *Revised NPV review process* – in progress
- *PHMSA 2015 State Damage Prevention Grant* – mid-term report to be submitted by 4/30/15.
- *Ethics Forms* – must be submitted by all members by April 30, 2015.

Agenda Item 17: (Handouts)

New Business:

- *Radio Media* – The board voted unanimously to approve the 50% contribution to the Baltimore market campaign “Call Before You Dig”. They also voted to add the June payment as well.

Agenda Item #18:

Future Meeting Dates: The May 6, 2015 is scheduled for hearings only. To-date 20 hearings have been requested. The Executive Director expects an up-tick in requests due to the number of recommendation letters being sent out. Note: The June meeting will be devoted to the Decisive Communications hearings.

Agenda Item #19:

Adjournment: There being no further discussion or business of the Authority, the meeting was adjourned at 11:06 pm. Prior to adjournment there was a motion to go into Executive Session. A formal roll-call vote was conducted and recorded by the Secretary. The vote was unanimous. Jim Barron and Susan Stroud were excused after a motion was made and approved.

Respectfully submitted by: Susan Stroud