

# Maryland Underground Facilities Damage Prevention Authority

## AUTHORITY MEETING MINUTES

Wednesday, March 4, 2015

### **Agenda Items 1 & 2:**

The meeting was called to order by Authority Chairman, Kevin Woolbright at 9:00 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, Marcia Collins and Veronica Davilla-Steele and Art Bell. Board Members Tom Baldwin and Tom Hoff were absent. Susan Stroud and Jim Barron were also present. Guests included, Juan Vogel, Utilquest and Matt Ruddo, OCC, Inc.

A roll call of the Board of Directors was conducted by Ms. Stroud. A quorum (7) was present.

### **Agenda Item 3: (Handouts)**

#### *Approval of Minutes:*

The February 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 \$74,042.62 and the Education and Outreach Account has a balance of \$53,930.62. There are no outstanding bills at this time. Member Hastings noted that the heading on the state ment of Education and Outreach should be changed from Advertising to the proper heading.

### **Agenda Item 5: (Handouts)**

#### *Cross Bore Issue:*

Members were given the official bill language. The Exec. Director reported that he, the Chairman and Bruce Bereano testified before the Senate Finance Committee on 2/24/15. The bill (SB 401) is sponsored on the Senate side by Finance Committee Vice-chair John Astle. References to water systems were amended into the bill and passed on 2/26/15. The same panel testified before the House Economic Matters Committee on 2/19/15. The House version is sponsored by Committee Chair, Derek Davis. The House Bill (HB 341) was amended to mirror the senate version. The House Committee was to vote on the amended version later that week.

### **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/\$2000 fine and training recommended)

**Agenda Item 8:**

*Appeals:*

- Oral arguments are set for Pinpoint/WSSC for October 2015
- Oral arguments are set for Reliable Contracting for April 2015.

Both cases are being heard in the Court of Special Appeals in Annapolis, MD. Chairman Woolbright encouraged board members to attend the hearings. In order to show support and also for informational reasons.

**Agenda Item 9:**

*Post Hearing Up-dates:*

NPV #1216 - Decision letter sent 2/27/15

NPV #1318 - Closed

NPV #1322 - Fine has been paid/no training as yet.

NPV #1323 - " " " " " "

NPV #1589 – Fine paid/ training set for April

NPV #1599 – Fine paid/cancelled 2/20/15 training.

NPV #1723 - Fine paid/no training scheduled as yet/need bi-lingual trainer

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

NPV #1834 - Fine upheld/decision letter sent 2/27/15

NPV #1841 - " " " " " "

NPV #1853 – " " " " " "

NPV #1874 – Fine upheld/decision letter sent 2/23/15

NPV #2446 – Fine reduced to \$500 w/ training/decision letter sent 2/23/15

NPV#2447 – Changed to no fine and training/decision letter sent 2/23/15

NPV#2459 – Changed back to original violator/fined \$2,000 and training/decision letter sent 2/23/15.

**Agenda Item 10:**

*Collections*

The following NPV's have ignored repeated attempts to contact: 1005, 1199, 1446,1497,1955 and 2292. The Exec. Director asked the board if they wished to continue to pursue these NPV's given the expense of using the attorneys and the subpoena process. Member Gainer suggested using a collection agency. There was general discussion about scofflaw companies and how to deal with them in the future, including changing the law. The Director will report back to the board in April after conferring with Susan Baker.

**Agenda Item 11:**

*Post Review/Pre hearing updates:*

NPV #1864 – Closed

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

NPV #2460 - Motion to send to collections approved. Also send a letter to the State regarding the lack of ID number.

NPV #2520 – No response as yet.

NPV #2521 - Closed

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

NPV #2524 - No response as yet.

**Agenda Item 12:**

*NPV's for Review and Findings by the Authority:*

- NPV #1765 – Misuse of emergency status. 19 violations @ \$2,000 per = \$38,000 + training (unanimous)
- NPV #2504 – Mismarked. \$2,000 fine + training (unanimous)
- NPV #2514 – Unmarked. \$2,000 fine + training (unanimous)
- NPV # 2547 – Misuse of emergency status. \$2,000 + training (unanimous)
- NPV #2737 – Notice to one-call system. \$2,000 + training (unanimous)
- NPV #2738 - Notice to one-call system (1st offense). \$2,000 + training (unanimous)
- NPV #2739 - Notice to one-call system (2nd offense). \$4,000 + training (unanimous)
- NPV #2740 - Notice to one-call system (3rd offense). \$4,000 + training (unanimous)
- NPV #2743 - Notice to one-call system (1st offense). \$2,000 + training. Note: Training already completed. (unanimous)
- NPV #2765 - Notice to one-call system (1st offense). \$2,000 + training (unanimous)

**Agenda Item 13:**

*New NPV's for Research and Review:*

Please refer to March 4, 2014 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.

**Agenda Item 15: (Handouts)**

*Old Business:*

- *Fining Matrix* – Tom Hoff has met with the Loyola Graduate Program (2/13/15). Waiting for a response.
- *Revenue Stream* – Next meeting not set at this time.
- *Education* - Executive Director is researching acquiring booths at MML, MaCo, Builder Mart and other conferences; and researching outreach opportunities with landscapers, plumbers and fence installers. Both are dependent on the hiring of staff to assist in this area.
- *CGA* – The Authority has joined the CGA at the Government/Municipality level for \$1000 level. Jim Barron will be the primary contact. Tom Hastings, Marcia Collins and Kevin Woolbright are the other members. Jim Barron and Kevin Woolbright are attending the CGA Annual Conference in Orlando , March 10-12
- *Authority Appointments* - still pending  
AUC of Maryland – Artie Bell; Underground Facility Owner - Vince Healey (Verizon);  
One-Call Centers – Matt Ruddo (Miss Utility); MML – Jeff Garner (LaPlata)
- *Revised NPV review process* – in progress
- *Annual Report to the General Assembly* – submitted 2/2/15
- *PHMSA 2015 State Damage Prevention Grant* – Submitted 1/26/15

**Agenda Item 17: (Handouts)**

New Business:

- *Comer Construction Issue (Handouts)* – Not the province of the Authority.
- *Filing Fees* – It was suggested that the filing fee be reduced to \$50 for homeowners. The board was not supportive of the suggestion.
- *Multiple NPV's per Ticket* – Could require a by-law change. The issue was tabled for now.

**Agenda Item #18:**

*Future Meeting Dates:* The April 1, 2015 is scheduled for hearings only, but as of this reporting there is only one NPV scheduled for a hearing. There may be additional NPV's to review at the next meeting.

**Agenda Item #19:**

*Adjournment:* There being no further discussion or business of the Authority, the meeting was adjourned at 12:50 pm. Jim Barron and Susan Stroud were excused after a motion was made and approved by Formal Roll Call Vote for the Authority Board to go into Executive Session.

Respectfully submitted by: Susan Stroud