

Maryland Underground Facilities Damage Prevention Authority

AUTHORITY MEETING Minutes Wednesday, July 8, 2015

Agenda Items 1 and 2:

Call to Order, Attendance Roll Call & Welcome

The meeting was called to order by Authority Chairman, Kevin Woolbright at 9:04 a.m. in the Miss Utility One Call Center, Conference Room, 7223 Parkway Drive, Hanover, MD 21076.

A roll call of the Board of Directors was conducted by Ms. Stroud. A quorum (6) was present for the morning session. Note: Authority member Cochran arrived late for the meeting, which made the quorum (7)

In attendance were Authority members Kevin Woolbright, Walter Gainer, Tom Hoff, Art Bell, Veronica Davilla-Steele and Tom Hastings were present for the morning session. Board Members Tom Baldwin and Marcia Collins were absent. Susan Stroud and Jim Barron were also present.

Guests included: Matt Ruddo, One Call Concepts; Mark Hamrick, Verizon; Juan Vogel, Utiliquest.

Agenda Item 3: (Handouts)

Approval of Minutes:

The June 3, 2015 minutes were approved and will be posted on the Authority website.

Agenda Item 4: (Handouts)

Authority Treasurers Report:

The Executive Director provided financial statements for May. He reported that the General Account has a balance of \$87,572.07 and the Education and Outreach Account has a balance of \$18,674.62. There are no outstanding bills at this time. The Executive Director also noted that legal fees for the Authority to-date are \$46,846.73. He also stated that the other half of the PHMSA grant has not been released as yet, but has been approved. There is a new grant administrator, which may be causing the delay. In addition there is a \$20,000 stakeholder grant in the operating fund. The financial report was approved by acclamation.

Agenda Item 5: (Handouts)

Appeals:

- Oral arguments for Pinpoint/WSSC (NPV's 316a, 316b, 408, 411a and 411b) are set for hearing in the Maryland Court of Special Appeals in October of 2015.
- The Court of Special Appeals ruling on NPV# 283 (Reliable Contracting v. MD Underground Authority) was filed on April 30, 2015 and sent to the Authority on May 5th.

This is the second favorable ruling for the Authority. Reliable filed a “Petition for Writ of Certiorari” on May 29, 2015, which asks the court for reconsideration. If denied the ruling will stand, which close the case and the fine will be assessed on Reliable Contracting for NPV# 283.

- Pinpoint/WSSC – NPV’s 1216, 1834, 1841 & 1853 were appealed to the Circuit Court of Anne Arundel County on March 25, 2015.

Agenda Item 6:

Morning Hearings

There were no hearings.

Agenda Item 7:

Requests for Hearings on August 5, 2015

- NPV# 2504 – Cossentino Contracting vs. Verizon/Utiliquest
Mismarked/\$2k + training
- NPV# 2514 – Cossentino Contracting vs. Verizon/Utiliquest
Unmarked/\$2k + training
- NPV# 2896 – Washington Gas vs. T.R. Electric, LLC
No ticket/\$2k + training

Agenda Item 8:

Post Hearing Updates

NPV# 1322 – closed
NPV# 1323 – closed
NPV# 1589 – closed
NPV# 1599 - keep cancelling training
NPV# 1723 - waiting for bi-lingual training
NPV# 1724 – cancelled training
NPV# 1765 (1-19) – training scheduled for 8/10/15
NPV# 1874 – no training as yet
NPV# 2664 – training scheduled
NPV# 2547 - closed
NPV# 2450 – no training as yet
NPV# 2459 - training scheduled for 9/11/2015
NPV# 2738 – no fine paid/no training as yet
NPV# 2739 - no fine paid/ no training as yet
NPV# 2749 - no fine paid/ no training as yet
NPV# 2743 - closed

Agenda Item 9:

Accepted Recommendation and Waived A Hearing.

NPV# 2130 - fine paid/no training
NPV# 2522 - closed
NPV# 2523 - closed

NPV# 2890 - closed
NPV# 2895 – fine paid/training scheduled
Agenda Item 10:

Post/Pre Review Updates

NPV# 2737 – 2nd recommendation letter sent
NPV# 2765 - 2nd recommendation letter sent
NPV# 2891 - 2nd recommendation letter sent
NPV# 2897 - 2nd recommendation letter sent
NPV# 2898 - 2nd recommendation letter sent
NPV# 2921- 2nd recommendation letter sent

Agenda Item 11:

Collections

The Executive Director reported that there are currently nine (9) NPV's in collections. He also has concerns about for of the older NPV's that are either out of business or unreachable. The Authority is utilizing their attorneys for the collections.

Agenda Item 12:

NPV's to be reviewed by Authority

- NPV# 3165 – Washington Gas v. Civil Construction
- Violations: no ticket (1st) offense), Duties of excavator & clear no conflict.
- Recommendation \$2,000 for each violation = \$6,000 + training

Agenda Item 13:

New NPV's for Research and Review

Please refer to the July 8, 2015 agenda for the list of new NPV's

Agenda Item 14:

Non-Member Updates

- MML & Municipalities
 1. Baltimore County – Jim Barron has sent a letter Ed Adams, Baltimore County DPW Director on 5/29/15. No meeting date set at this time. Will follow up with a phone call.

Agenda Item 15:

Old Business

- Fining Matrix – In process
- Revenue Stream – A meeting was held on June 9, 2015 at 1:00 p.m. at Miss Utility. A recommendation was sent to the Subscriber's Committee for review.
- Authority Appointments – were signed by the Governor on 6/12/15.
- Revised NPV review process – In process, waiting for matrix.
- PHMSA Grant – still waiting for the next installment.

Agenda Item 16:

New Business –

- Funds were approved to pay for 50% of the cost for new 811 baseball caps, which will be ~ \$9000.
- After a discussion regarding changing the expiration date of board members, the board decided to leave the September 30 date as is.
- The Authority has received a PIA request from the new Pinpoint attorneys for all records from January 2010 to present.
- It has been brought to the Authority's attention that Verizon is using a clearing house to screen requests. As a result, the number of "clear no conflict". Virginia is also experiencing the same issue with Verizon. There was much discussion, but no resolution as how to handle the situation.

Agenda Item 17:

Future Meeting Dates

- The next meeting will be held on Wednesday August 5, 2015. As of this date only three (3) hearings have been scheduled.
- There was a request to change the November meeting due to a conflict with the Fall CGA Board meeting. It was suggested that the issue be tabled until the August meeting.

Agenda Item 18:

Adjournment/Executive Session

- The July 8, 2015 Authority meeting was adjourned at 10:45 a.m.
- A motion to go into Executive Session was approved and began at 10:50 a.m.

Respectfully submitted by:
Susan Stroud