

Maryland Underground Facilities Damage Prevention Authority

AUTHORITY MEETING Minutes Wednesday, April 6, 2016

Agenda Items 1, 2, 3

Call to Order, Attendance Roll Call & Welcome

The meeting was called to order by Authority Chairman, Tom Hastings at 9:09 a.m. in the Miss Utility - One Call Center, Conference Room, 7223 Parkway Drive, Hanover, MD 21076.

The Chairman welcomed all present and made a few introductory remarks. Guests Included: Dora Parks, Miss Utility; Brian Simmons, OCC, Inc.; Mark Hamrick, Verizon; Chris Shertzer and Sean Simpson, Allan Myers.

A roll call of the Board of Directors was conducted by the Board Chairman Tom Hastings. A quorum was present for the session. In attendance were Authority members: Charlie McCadden, Jim DiPietro, George Taylor, Matt Ruddo, Veronica Davila-Steele, Vince Healy, Jeff Garner and Art Bell who arrived at 9:22 am. Susan Stroud and Jim Barron were also present.

Agenda Item 4: (Handout)

Approval of Minutes:

A motion was made to accept the March 2, 2016 minutes of the open meeting and seconded. The minutes were approved by acclamation and be posted on the Authority website.

Agenda Item 5: (Handout)

Authority Financial Report:

The Executive Director provided financial statements as of March 31, 2016. He reported that the Operating Account has a balance of \$96,474.20 and the Education and Outreach Account has a balance of \$35,991.36. The Executive Director also noted that legal fees for the Authority to-date are \$105,094.18.68. A motion to accept the financial report was made, seconded and approved by acclamation.

Agenda Item 6:

Appeals:

- Reliable Contracting – NPV# 283 – The Maryland Court of Appeals rendered its opinion on March 28, 2016 stating that under the Maryland Constitution the Authority was granted with quasi-judicial powers by the General Assembly in 2010. As referenced in the State Government article §10-1001. The Reliable vs. Maryland Underground Facilities Damagee Prevention Authority ruling is now case law.
- Pinpoint/WSSC – NPV#'s 1216,1834,1841,1853 are still stayed,however, it is expected that these cases will be rescheduled now that the MD Court of Appeals has filed its ruling.

Agenda Item 7:

There were no scheduled hearings for this meeting.

Agenda Item 8:

Requests for Hearings on May 4, 2016:

- NPV# 4487 – BGE v. Joseph L. Winkler Co., Inc.
§12-124 (a) Notice to One –call system – 1st offense

Requests for Hearings on June 4, 2016:

- NPV# 4331 – BGE v. ARI Concrete
§12-124 (a) Notice to One –call system – 1st offense

Agenda Item 9:

Post Hearing Updates:

Please refer to the April 6, 2016 agenda for the disposition of the post hearing NPV's.

Agenda Item 10:

Accepted Recommendation and Waived Hearing:

Please refer to the March 6, 2106 agenda for this information.

Agenda Item 11:

Post Review/Pre Hearing Updates

Please refer to the April 6, 2016 agenda for these updates.

Agenda Item 12: (Handout)

Incomplete Reviews

Please refer to the Aapril 6, 2016 handout for these updates.

Agenda Item 13: (Handout)

Inactive Collections

Please refer to the April 6, 2016 handout for these updates.

Active Collections

Please refer to the April 6, 2016 agenda for these updates.

Agenda Item 14:

NPV's for Authority Review:

Note: All reviews will be conducted in closed Executive Session

NPV#	Case
NPV# 4485	BGE v. Denison Landscaping §12-124(a) Notice to One-Call System – 1 st offense
NPV# 4486	BGE v. Denison Landscaping §12-124(a) Notice to One-Call System – 1 st offense
NPV# 4524	Verizon v. Whitworth Excavating §12-124(a) Notice to One-Call System – 1 st offense §12-127(a) Requirements after Notice to One-Call §12-127(d)(1) Notification of Damage
NPV# 4537	BGE v. SMR Concrete, Inc. §12-124(a) Notice to One-Call System – 1 st offense
NPV# 4538	BGE v. Payne Landscaping Co. §12-124(a) Notice to One-Call System – 1 st offense
NPV# 4539	BGE v. Twin Enterprise Landscaping §12-124(a) Notice to One-Call System – 1 st offense
NPV# 4541	BGE v. Gaines and Company §12-124(a) Notice to One-Call System – 1 st offense
NPV# 4544	BGE v. B&M Excavating §12-124(a) Notice to One-Call System – 1 st offense
NPV# 4546	BGE v. Atlantic Lighting and Litigation §12-124(a) Notice to One-Call System – 1 st offense
NPV# 4547	BGE v. Shani Construction, Inc. §12-124(a) Notice to One-Call System – 1 st offense
NPV# 4551	BGE v. L.J.S. & Associates, Inc. §12-124(a) Notice to One-Call System – 1 st offense

Agenda Item 15:

New NPV's for Research and Review (29 reviews): (Handout)

Please refer to the April 6, 2016 handout for a listing of the new NPV's

Agenda Item 16:

Old Business

- **Fining Matrix –**
The subcommittee's next meeting will be held on Tuesday April 12, 2016 at 10:00 a.m. Joe Shelton has asked to join the subcommittee.
- **Revised NPV/ Web Application Form –**
The subcommittee's work product was submitted for Authority review. The board was asked to review the document and give feedback via email to the Executive Director.
- **Revenue Stream –**
Senate Bill 480 and House Bill 696 have passed. The House Bill will be enrolled and go up for the Governor's signature. It will go into effect on June 1, 2016. The Authority will have to vote on accepting the funding source at its next meeting.
- **PHMSA Grant -**
The six (6) month (mid-term) report is due at the end of April. Also, the Authority has been informed that PHMSA will be making a site visit in May or June. They would like to observe a Board Meeting, Hearing and, Executive Session. The Authority will have to ask legal counsel if attending an Executive Session is permissible.

Agenda Item 17:

New Business

- **Media Buy –** The DPC has made a request for assistance from the Authority Education and Outreach Fund to purchase 811 ads in the Greater-Baltimore market. The total buy for Washington and Baltimore is \$219,044.00. The Authority contributed \$30,000 in 2015. The motion was made by member Matt Ruddo and seconded by member Bell. Board voted by acclamation to release \$25,000 total (\$15,000 in April \$10,000 for May).
- **Off-site meetings –** The Executive Director mentioned that once the renovation of the call center is in full swing, the Authority will have to have some of their meetings at a different venue. He mentioned the Ramada located nearby. Member Ruddo suggested getting in touch with LGIT to see if they had a conference room we could use. They often use the center's parking area for their meetings.

Agenda Item 18:

Next Meeting Date:

- MAY 4, 2016

Agenda Item 19:

Adjournment and Move to Executive Session

- The Chairman called for a motion to adjourn the meeting at 10:00 AM. The motion was approved by acclamation. A second vote was taken and recorded for the Board to go into Executive Session for Judicial review.

Respectfully submitted by:
Susan A. M. Stroud
Recording Secretary