

# Maryland Underground Facilities Damage Prevention Authority

## AUTHORITY MEETING Minutes Wednesday, May 4, 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 9:03 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: Satish Patel, WSSC and Kevin Woolbright, WSSC.

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: Artie Bell, Charlie McCadden, Jim DiPietro, George Taylor, Matt Ruddo, and Veronica Davila-Steele. Jeff Garner and Vince Healy were absent. Susan Stroud and Jim Barron were also present.

Agenda Item 4: (Handout)

### **Approval of Minutes:**

A motion was made to accept the April 6, 2016, 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 April 30, 2016. He reported that the Operating Account has a balance of \$82,880.24 and the Education and Outreach Account has a balance of \$29,734.04. The Executive Director also noted that legal fees for the Authority to-date are \$105,876.47. A motion to accept the financial report was made, seconded and approved by acclamation.

Agenda Item 6:

### **Appeals:**

- Pinpoint/WSSC – NPV#'s 1216,1834,1841,1853 Oral Arguments have been set for August 1, 21016 in front of the Circuit Court of Anne Arundel County.
- Pursuant to the finding in the Reliable appeal, that the Authority is a agency of the State of Maryland, a letter has been sent to the Maryland Attorney General asking for advice as to how to proceed with regard to our legal representation in future.

Agenda Item 7:

**There were no scheduled hearings for this meeting.**

Agenda Item 8:

**Requests for Hearings on June 1, 2016:**

- NPV# 4331 – BGE v. ARI Concrete Construction  
§12-124 (a) Notice to One –call system – 1<sup>st</sup> offense
- NPV# 4541 – BGE v. Gaines and Company  
§12-124 (a) Notice to One –call system – 1<sup>st</sup> offense
- NPV# 4487- BGE v. Joseph L. Winkler Co., Inc.  
§12-124 (a) Notice to One –call system – 1<sup>st</sup> offense

Agenda Item 9:

**Post Hearing Updates:**

Please refer to the May 4, 2016 agenda for the disposition of the post hearing NPV's.

Agenda Item 10:

**Accepted Recommendation and Waived Hearing:**

Please refer to the May 4, 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 May 4, 2016 handout for these updates.

Agenda Item 13: (Handout)

**Inactive Collections**

Please refer to the May 4, 2016 handout for these updates.

Agenda Item 14:

**NPV's for Authority Review:**

**Note:** All reviews will be conducted in closed Executive Session

NPV#	Case
NPV# 4616	BGE v. Jems Contracting, Inc. §12-125(a) Expired Ticket
NPV# 4617	BGE v. Olney Masonry Corp. §12-127(c) (3) Mechanical Equipment w/in 18" of facility

NPV# 4618	BGE v. Anchor Construction §12-127(c) (3) Mechanical Equipment w/in 18" of facility
NPV# 4619	BGE v. Chameleon Landscaping & Irrigation §12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense
NPV# 4620	BGE v. M. Luis Contracting §12-127(c) (3) Mechanical Equipment w/in 18" of facility
NPV# 4622	BGE v. Chesapeake Plumbing & Heating, Inc. §12-127(c) (3) Mechanical Equipment w/in 18" of facility
NPV# 4623	BGE v. JMP Concrete Construction, Inc. §12-125(a) Expired Ticket
NPV# 4731	Washington Gas v. B&M Excavating §12-127(b) (1) & (2) Failure to maintain the marks §12-127(e) Clear Evidence
NPV# 4733	Washington Gas v. Dirt Works Excavation & Crane §12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense §12-127(e) Clear Evidence
NPV# 4734	Washington Gas v. Wayne M. Clarke Excavating. §12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense §12-127(e) Clear Evidence

Agenda Item 15:

**New NPV's for Research and Review (33 reviews):** (Handout)

Please refer to the May 4, 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 May 4, 2016 at 1:00 p.m.
- Revised NPV/ Web Application Form – The subcommittee's work product was submitted for Authority review.

Agenda Item 17:

**New Business**

- Revenue Stream – A motion was made to collect a charge of 5 cents per ticket from an owner-member excluding a county or municipality. The motion was made by Chairman Hastings and seconded by member DiPietro. The recording secretary called the roll – the motion carried 7 votes in the affirmative. There were two (2) members absent.
- GCDPC Sponsorship – The Executive Director requested that the Authority consider sponsorship for the 2016 Greater Chesapeake Damage Prevention Conference in October. As in previous years the Authority has been asked to provide a gold sponsorship. Member Bell made a motion to approve the request, which was seconded by member Taylor. The motion carried by acclamation.
- Meeting Change – The Executive Director asked the members to consider moving the July 6, 2016 meeting to July 13, 2016. The reason for the change was due to the July 4<sup>th</sup> holiday. The members agreed to move the meeting providing members Garner and Healy could attend to complete a quorum.

Agenda Item 18:

**Next Meeting Date:**

- June 1, 2016

Agenda Item 19:

**Adjournment and Move to Executive Session**

- The Chairman called for a motion to adjourn the meeting at 10:30 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