

Maryland Underground Facilities Damage Prevention Authority

AUTHORITY MEETING Minutes Wednesday, July 13, 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 9:12 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: Douglas Deist, SignTracker Technologies.

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

Agenda Item 4: (Handout)

Approval of Minutes:

A motion was made to accept the June 1, 2016 minutes of the open meeting and seconded. The minutes were approved by acclamation and will be posted on the Authority website.

Agenda Item 5: (Handout)

Authority Financial Report:

The Executive Director provided financial statements as of June 30, 2016. He reported that the Operating Account has a balance of \$105,465.01 and the Education and Outreach Account has a balance of \$16,667.47. The Executive Director also noted that legal fees for the Authority to-date are \$106,342.15. 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 – Both Pinpoint and the Authority's attorneys have agreed to file a joint motion for postponement, since the Authority is still waiting to hear from the Maryland Attorney General's office regarding representation and other legal matters involving the Authority. The Joint motion was denied. The Oral Arguments were originally scheduled for August 1, 2016 before the Circuit Court of Anne Arundel County. A roll call vote was taken via email by the Authority members to dismiss all of the pending NPV's against Pinpoint. The vote was unanimous.

Agenda Item 7:

Scheduled Hearings

a) All hearings are postponed indefinitely, until the Authority is advised by the Attorney General's office.

Agenda Item 8:

Current Requests for Hearings :

- NPV# 4331 – BGE v. ARI Concrete Construction
§12-124 (a) Notice to One –call system – 1st offense
- NPV# 4406 – Washington Gas v. Basement Masters
§12-124 (a) Notice to One –call system – 1st offense
- NPV# 4541 – BGE v. Gaines and Company
§12-124 (a) Notice to One –call system – 1st offense
- NPV# 4487- BGE v. Joseph L. Winkler Co., Inc.
§12-124 (a) Notice to One –call system – 1st offense
- NPV# 44734a – Washington Gas v. Manekin Precision Concrete Construction, Co.
§12-124 (a) Notice to One –call system – 1st offense

Agenda Item 9:

Post Hearing Updates:

Please refer to the July 13, 2016 agenda for the disposition of the post hearing NPV's.

Agenda Item 10:

Accepted Recommendation and Waived Hearing:

Please refer to the July 13, 2016 agenda for this information.

Agenda Item 11:

Post Review/Pre Hearing Updates

Please refer to the July 13, 2016 agenda for these updates.

Notes: NPV# 4334 - BGE v. Brandon Smith Contractors was approved to be sent to collections by acclamation. A final notice letter will be delivered via process server since Brandon Smith refuses to sign and accept certified mail.

NPV# 4547 - BGE v. Shani Construction was approved to be delivered by the process server since all three (3) attempts to deliver the recommendation letters have never been accepted or signed for by Shani.

Agenda Item 12: (Handout)

Incomplete Reviews

Please refer to the July 13, 2016 handout for these updates.

Agenda Item 13: (Handout)

In Collections

Please refer to the July 13, 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# 6497	Washington Gas v. Pro-Tech Utilities §12-124(a) Notice to One-Call System – 1 st offense §12-127(e) Clear Evidence
NPV# 6569	BGE v. Noah's Plumbing §12-124(a) Notice to One-Call System – 1 st offense
NPV# 6598	BGE v. Jems Contracting §12-124(a) Notice to One-Call System – 1 st offense
NPV# 6679	Verizon v. Scott Duncan §12-127(c) (1) Due Care §12-127(c) (2) Mechanical Equipment within 18" of marks §12-127(c) (3) Mechanical Equipment w/in 18" of facility
NPV# 6785	Allan Myers v. BGE §12-126(a) (1) Failure to mark facility
NPV# 6810	Washington Gas v. Hollywood Excavating §12-124(c)(3) Expired ticket §12-127(e) Clear Evidence
NPV# 6811	Washington Gas v. Wilson Excavation & Grading §12-124(a) Notice to One-Call System – 1 st offense §12-127(e) Clear Evidence

NPV#	Case
NPV# 6812	Washington Gas v. Optimum Utilities §12-124(a) Notice to One-Call System – 1 st offense
NPV# 6821	Allan Myers v. Baltimore City §12-126(c) Failure to mark facilities within the prescribed time §12-126(d) (i) (ii) Failure to communicate with the excavator
NPV# 6839	Verizon v. Berkel & Company §12-127(c) (1) Due Care §12-127(c) (2) Mechanical Equipment within 18" of marks §12-127(c) (3) Mechanical Equipment w/in 18" of facility §12-127(c) (4) Notification of Damage
NPV# 7078	BGE v. JFC Inc. §12-124(a) Notice to One-Call System – 1 st offense

Agenda Item 15:

New NPV's for Research and Review (28 reviews): (Handout)

Please refer to the July 13, 2016 handout for a listing of the new NPV's

Agenda Item 16:

Old Business

- Fining Matrix – The subcommittee's completed their work at their June 6, 2016 meeting. The work product will be put in its final format and will be presented at the August 3, 2016 Authority meeting.
- Revised NPV/ Web Application Form – Will be given to Sonia for up loading. There is currently a problem with the payment module which DeGray Systems is attempting to resolve.

Agenda Item 17:

New Business

- Revenue Stream – Notices were sent out by OCC, Inc to Owner-members. Collections of the five (5) cent fee will be effective to June 1, 2016.
- PHMSA Review Meeting – The Executive Director reviewed his report of the meeting with PHMSA which occurred on June 29, 2016. He stated that the Authority did well in a majority of categories, scoring in the 80th percentile. The final grade will not be determined until all the states have been reviewed. The one area which the Authority needs to improve is inn damage data collection, so that the Authority's program's impact can be quantitated.

- 2017 MML Sponsorship – Dora Parks has asked the Authority to consider sharing the sponsorship of the next MML Conference bag handout. The total cost would be \$6,000. Miss Utility and the Authority would each have their logos and contact information imprinted on the items which are distributed to all the registered attendees. A motion was made and seconded to approve the \$3,000.00 expenditure.
- IT work – Remains in progress.

Agenda Item 18:

Next Meeting Date:

- August 3, 2016

Agenda Item 19:

Adjournment and Move to Executive Session

- The Chairman called for a motion to adjourn the meeting at 11:00 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