

Maryland Underground Facilities Damage Prevention Authority

AUTHORITY MEETING Minutes Wednesday, August 3, 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 9:02 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: Scott Brown, Washington Gas; Mark Hamrick, Verizon; Erik Philips, Utiliquest and, Brain Simmons, OCC, Inc.

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

Agenda Item 4: (Handout)

Approval of Minutes:

A motion was made by Member Taylor to accept the July 13, 2016 minutes of the open meeting and seconded by Member DiPietro. 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 July 31, 2016. He reported that the Operating Account has a balance of \$92,713.22 and the Education and Outreach Account has a balance of \$19,897.85. The Executive Director also noted that legal fees for the Authority to-date are \$106,639.6115. A motion to accept the financial report was made by Member Ruddo, seconded by Member Garner and approved by acclamation. Note: The Executive Director was notified via CGA that the Authority has been approved for a \$97,000.00 grant for the 2016 state program year.

Agenda Item 6:

Appeals:

- Pinpoint/WSSC – NPV#'s 1216,1834,1841,1853 –The Joint motion to postpone was denied. The four (4) cases will be remanded back to the Authority for re-review.

Agenda Item 7:

Scheduled Hearings

a) All hearings are postponed indefinitely, until the Authority is advised by the Attorney General's office. Chairman Hastings has spoken with the A.G.'s office and was told that a letter would be forthcoming regarding the Authority's request. Bruce Bereano has also been in contact with the A.G.'s office. There was discussion about requesting assistance from Senator Astle and Delegate Davis if this issue is not resolved soon.

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# 4734a – 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 August 3, 2016 agenda for the disposition of the post hearing NPV's.

Agenda Item 10:

Accepted Recommendation and Waived Hearing:

Please refer to the August 3, 2016 agenda for this information. Note: NPV# 4206 Washington Gas v. M&M Excavating discussion was moved to Executive Session via a motion by Member Taylor with a second from Member DiPietro. The motion carried by acclamation.

Agenda Item 11:

Post Review/Pre Hearing Updates

Please refer to the August 3, 2016 agenda for these updates.

Notes:

NPV# 4334 - BGE v. Brandon Smith Contractors was approved to be sent a second and final notice via process server.

NPV# 4485 - BGE v. Nash Landscaping recommendation letter will be resent per the Board's request.

NPV# 4547 – BGE v. Shanni Construction was not served. The violator can not be located and appears to have left the area.

NPV# 4745 - Washington Gas v. J. Fletcher Creamer & Sons. Member Taylor suggested that utility owners should be notified when a sub is not cooperating with the Authority on a violation issue.

Agenda Item 12: (Handout)

Incomplete Reviews

Please refer to the August 3, 2016 handout for these updates.

Agenda Item 13: (Handout)

In Collections

Please refer to the August 3, 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# 7084	BGE v. McCann Plumbing §12-124(a) Notice to One-Call System – 1 st offense
NPV# 7085	BGE v. Love Point Ventures §12-124(a) Notice to One-Call System – 1 st offense
NPV# 7137	Washington Gas v. Robert Tull Plumbing §12-127(a) – Began work before marks were put down §12-127(e) – Clear Evidence
NPV# 7138	Washington Gas v. Family Fire Services & Plumbing §12-124(a) Notice to One-Call System – 1 st offense §12-127(e) – Clear Evidence
NPV# 7140	Washington Gas v. Elite Electrical §12-124(a) Notice to One-Call System – 1 st offense §12-127(e) – Clear Evidence
NPV# 7141	Washington Gas v. Strong Rock Concrete §12-124(a) Notice to One-Call System – 1 st offense

NPV# 7152	Washington Gas v. Recon Construction §12-124(a) Notice to One-Call System – 1 st offense §12-127(e) Clear Evidence
NPV# 7157	Washington Gas v. M G. Fulton Services §12-124(a) Notice to One-Call System – 1 st offense

Agenda Item 15:

New NPV's for Research and Review (21 reviews): (Handout)

Please refer to the August 3, 2016 handout for a listing of the new NPV's

Agenda Item 16:

Old Business

- Fining Matrix – The Executive Director reviewed the fining matrix with the Authority members. The members voted unanimously to accept the recommendations of the Matrix sub-committee. The Executive Director will begin using the matrix on the next round of NPV's
- Revised NPV/ Web Application Form – Awaiting source codes from DeGray so that Sonia can work on current issues

Agenda Item 17:

New Business

- USDOT has published a; news release announcing that Maryland has been awarded SDP Grant in the amount of \$97,000.00.
- IT work – Remains in progress.
- The Executive Director informed the members that the all open meeting agendas will be posted on the Authority web site prior to each meeting beginning in 2017.
- Member DiPietro suggested that the Authority develop a long range strategic plan.
- There was discussion about the Authority obtaining voluntary damage statistics from Miss Utility members in order to develop a baseline for evaluating the programs effectiveness.
- There was also some discussion about developing a mandatory damage ticket; which could also help in assessing program effectiveness. PHMSA will be looking for progress on this issue during next year's program review

Agenda Item 18:

Next Meeting Date:

- September 7, 2016

Agenda Item 19:

Adjournment and Move to Executive Session

- The Chairman called for a motion to adjourn the meeting at 10:40 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 at 11:05 a.m.

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