

Maryland Underground Facilities Damage Prevention Authority

AUTHORITY MEETING Minutes Wednesday, October 5, 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. The Chairman introduced Walter Gainer, representing the Associated Utility Contractors, who was appointed by Governor Hogan to replace Art Bell whose term had expired this fall. Guests Included: Scott Brown, Washington Gas; and, Juan Vogel, Utiliquest.

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, Walter Gainer, Vince Healy, Jim DiPietro, Jeff Garner, Matt Ruddo, George Taylor and Charlie McCadden. Susan Stroud and Jim Barron were also present.

Agenda Item 4: (Handout)

Approval of Minutes:

A motion was made to accept the September 7, 2016 minutes of the open meeting and seconded. The minutes were accepted by acclamation. 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 September 30, 2016. He reported that the Operating Account has a balance of \$99,638.98 and the Education and Outreach Account has a balance of \$32,59.59. The Executive Director also noted that legal fees for the Authority to-date are \$107,602.04. A motion to accept the financial report was made and seconded by and approved by acclamation. The Final Report for the 2015 PHMSA State Program grant which is due the end of October 2016 and currently being prepared by Ms. Stroud. The first half of the 2016 PHMSA grant (\$48,500.00) will be distributed sometime in November. The Executive Director noted that the Authority has received \$40,792.80 from the first two (2) months of subscriber billings as a result of the five (5) cent surcharge on non-MML & MACo tickets, which was passed by the General Assembly during the 2016 Legislative session.

It is anticipated that the new revenue stream will average \$20,000.00 per month. The Executive Director also stated that he plans to begin independent accounting in 2017 utilizing a QuickBooks type program. The Authority will be moving into larger renovated quarters in December. As a result the rent package will go from \$15.00 per square foot to \$23.00. There is also a plan to hire an outside tech group to manage the Authority's day-to-day needs as well as manage the Website, develop tracking software and a mobile app. The Authority's re-write of its "Rules and Regulations" will also include an overhaul of its current accounting practices.

Agenda Item 6:

Appeals:

- None

Agenda Item 7:

Scheduled Hearings

- Hearings are still postponed indefinitely. There is to be a conference call with Paul Fennimore and Bruce Bereano regarding the Attorney General issue, rules and regs and a possible start date for hearings (January 2017 the likely target), once the new conference space is completed.
- The Authority voted to have the Executive Director run the NPV's pending hearings through the new SFM system and circle back to the individual companies with the new fines to see if they are amenable to accepting the new fine levels. The Executive Director stated that a majority of the violators are requesting hearings in hopes of getting their fines reduced.
- Hearing protocols currently posted on the Authority website are to be revamped prior to the promulgation of the Authority's new rules and regulations which will be advertised in the "Maryland Register" for review.

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
- NPV# 6839 – Verizon v. Berkel Company
§12-127 (c)(1)(2)(3) & d (1) – Duties of Excavator
- NPV# 7085 – BGE v. Love Point Ventures
§12-124 (a) Notice to One –call system – 1st offense

Agenda Item 9:

Post Hearing Updates:

Please refer to the October 5, 2016 agenda for the disposition of the post hearing NPV's.

Agenda Item 10:

Accepted Recommendation and Waived Hearing:

Please refer to the October 5, 2016 agenda for the disposition of these NPV's.

Note: NPV# 4547 – BGE v. Shanni Construction – After repeated attempts, including using a process server, the Authority moved to place this NPV into Closed/Incomplete status.

Note: NPV# 6679 – Verizon v. Scott Duncan – After receiving the training reminder letter, the company has signed up for training.

Agenda Item 11:

Post Review/Pre Hearing Updates

Please refer to the October 5, 2016 agenda for these updates.

Agenda Item 12: (Handout)

Incomplete Reviews

Please refer to the October 5, 2016 handout for these updates.

Agenda Item 13: (Handout)

In Collections

Please refer to the October 5, 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# 7429	BGE v. Glenelg Construction §12-124(a) Notice to One-Call System – 1 st offense
NPV# 7495	Decisive Communications v. Broadstripe/AA Broadband §12-126(d) (3) Abuse of marking extensions
NPV# 7522	BGE v. Team CAM §12-124(a) Notice to One-Call System – 1 st offense

NPV# 7676	Washington Gas v. Specialty Contracts Group §12-124(a) Notice to One-Call System – 1 st offense §12-127(e) Clear Evidence
NPV# 7677	Washington Gas v. Paradise Lawn Care & Design §12-124(a) Notice to One-Call System – 1 st offense §12-127(e) Clear Evidence
NPV# 7678	Washington Gas v. Ritter Fence, LLC §12-124(a) Notice to One-Call System – 1 st offense §12-127(e) Clear Evidence
NPV# 7680	Washington Gas v. J&A Construction §12-124(a) Notice to One-Call System – 1 st offense
NPV# 7681	Washington Gas v. Perlco Homes §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 October 5, 2016 handout for a listing of the new NPV's

Agenda Item 16:

Old Business

- Attorney General representation - Issue to be discussed in closed Executive Judicial Session.
- Search for part-time investigator – A formal job description will be developed and the position will be properly advertised.
- Title XII Re-write committee – The Executive Director stated that he plans to advertise for participation in the 2017 Re-write Committee. The Chairman asked if there was a list of pending issues that the Authority could review. The Executive Director responded that there is an extensive list, which he will provide at the next Authority meeting in November.

Agenda Item 17:

New Business

- Subscriber's meeting in Cumberland on 10/06/16 – The Executive Director has been asked to give a brief update to the group on the status of the Authority and the recent PHMSA site visit and review.

- Greater Chesapeake Damage Prevention Training Conference – The Authority is a Gold Sponsor (\$3,00.00) for the 10/13/16 event and will also have their booth in the exhibit hall which will be worked by Susan Stroud and Jim Barron. The Executive Director will also participate in a discussion regarding the PHMSA site visit and review. The sponsorship comes with two day passes. Board Secretary Veronica Davila-Steele volunteered to attend the meeting and use the day-tripper pass. The Authority voted to pay for her hotel accommodations.
- OCC, Inc. Construction Schedule – Work began ahead of schedule on the new conference space, break and bathroom facilities. OCC management anticipates that the work will be completed by the December 7, 2016 meeting. The Authority will be meeting in the corporate conference room until the work is completed. Ms. Stroud will be working from home until access to the new space is complete. The Executive Director hopes to keep working in the Authority office as long as possible, but issues have already begun with network and power outages.
- Accounting/IT – The Executive Director will be putting together a proposal for outsourcing these services.

Agenda Item 18:

Next Meeting Date:

- November 2, 2016

Agenda Item 19:

Adjournment and Move to Executive Session

- The Chairman called for a motion to adjourn the meeting at 10:20 a.m. 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 10:37 a.m.

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