



Maryland Underground Facilities Damage Prevention Authority

AUTHORITY MEETING Minutes
Wednesday, April 5, 2017

Agenda Items 1, 2, 3

Call to Order, Attendance Roll Call & Welcome

The meeting was called to order by Authority Chairman, Tom Hastings at 9:05 a.m. in the Miss Utility Call Center, Conference Room, 7223 Parkway Drive, Suite 200, Hanover, MD 21076.

The Chairman welcomed all present and made a few introductory remarks. The Chairman introduced Guests Included: Scott Brown and Tamara Neal, Washington Gas; Juan Vogel, Utiliquest; Lenny Corbin, Gray & Son, Inc.; Mark Hamrick, Verizon; Dora Parks, Miss Utility; Dawnshaerae Bryant, Total Civil Construction.

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, Vince Healy, Jeff Garner, George Taylor, Charlie McCadden, Matt Ruddo, Walter Gainer and James DiPietro (arrived at 9:40). Susan Stroud and Jim Barron were also present.

Agenda Item 4: (Handout)

Approval of Minutes:

A motion was made by member McCadden and seconded by member Gainer to approve the March 1, 2017 open session meeting minutes. The motion carried by acclamation.

Agenda Item 5: (Handout)

Authority Financial Report:

The Executive Director provided financial statements as of March 31, 2017. He reported that the Operating Account has a balance of \$114,710.46.08 and the Education and Outreach Account has a balance of \$38,949.70. There were no legal fees for January 2017. The January revenue from the Miss Utility surcharge was \$17,604.80. There were no attorney fees to-date, however the Authority has been notified that they must pay court costs to PinPoint amounting to \$2367.00. There was also a discussion regarding the effect of Next Gen on the number of tickets filed because of the addition of the contractor polygon feature. This change could have an impact on the subscriber ticket surcharge.

A motion to accept the financial report was made by member Ruddo and seconded by member Garner. The motion was approved by acclamation.

Agenda Item 6:

Scheduled Hearings

- NPV# 4734a – Washington Gas v. Precision Construction Company, Inc. (formerly v. Manekin Construction)
Offense - §12-124 (a) Notice to One-call system, (1st Offense)
Note: This NPV was settled prior to the hearing date.
- NPV# 8580 – Washington Gas v. Total Civil Construction
Offense - §12-124(a) Notice to One-call system (1st Offense)

Scheduled Hearing #1: NPV# 8580 – Washington Gas v. Total Civil Construction §12-124 (a) – Notice to One Call System, (1st Offense)

At 9:20, the Chairman asked if there were representatives from Washington Gas and Total Civil Construction present. Scott Brown was present for Washington Gas; Dawnshaerae Bryant was present for Total Civil Construction. The Chairman asked the witnesses to step forward to be sworn-in prior to their testimony. The Recording Secretary took the roll-call attendance prior to the hearing. There were Nine (9) authority members present. At 9:26 a.m. the recorder was turned on and the Chairman swore in Mr. Brown and Ms. Bryant; as well as the Executive Director, Jim Barron. The alleged violation was to §12-124(a) Notice to One-call system (1st Offense). The Authority originally fined Total Civil Construction utilizing the SFM, \$1850.00 with a 50% discount for training. The Executive Director entered the Authority's evidence Exhibit #'s 1 through 14 into the record and distributed evidence packets to the Authority Board as well as Mr. Brown and Ms. Bryant.

Mr. Barron stated that there was no active ticket at 8751 Snouffer School Road, Montgomery Village, MD on June 6, 2016, the date of the incident. Washington Gas maintains that Total Civil Construction hit and damaged a 6" gas main; which Ms. Bryant stated was only 4" below the surface. Mr. Barron stated that the defendant did respond to the first notification of investigation and that the company has ticket history of 283 over the past twelve-month period. Ms. Bryant did not deny that Total Civil Construction damaged the gas main, but also stated that since they were only "moving dirt around" they did not need a ticket. In their view, the gas main was buried too shallow by Washington gas and that Total Civil Construction were not engaged in active excavation or grading. Mr. Brown was asked if there was an install @ grade policy at Washington Gas, Mr. Brown stated that they have no control over the depth after installation. Ms. Bryant stated that they were given a developer's site plan showing the location of the facilities which appears to be incorrect. The root cause of this NPV was the lack of an active ticket. The hearing was concluded at 10:05 a.m. and the recorder was turned off. The defendant will be notified by certified mail subsequent to the hearing.

A brief break was taken after the hearing. The meeting reconvened at 10:19 a.m.

Agenda Item 7:

Open NPV's

Please see 05/05/17 handout for updates on these issues.

Agenda Item 8:

Incomplete NPV's

Please see 05/05/17 handout for updates on these issues.

Agenda Item 9:

NPV's in Collections

Please see 05/05/17 handout for updates on these issues

Agenda Item 10: (Handout)

NPV's for Authority Review:

Note: All reviews will be conducted in closed Executive Session

NPV#	Case
NPV# 8636 Sent back to BGE for clarification	BGE v. JRL, Inc. §12-124(a) Notice to One-Call System – 1 st offense
NPV# 9198	Washington Gas v. Delmarva Site Development §12-124(a) Notice to One-Call System – 1 st offense
NPV# 9199	Washington Gas v. Rhames Remodeling & Repair §12-124(a) Notice to One-Call System – 1 st offense
NPV# 9200	Washington Gas v. Jorge Medrano §12-124(a) Notice to One-Call System – 1 st offense
NPV# 9201	Washington Gas v. Insulators Home Exteriors, Inc. §12-124(a) Notice to One-Call System – 1 st offense
NPV# 9208	Washington Gas v. Totally Tents §12-124(a) Notice to One-Call System – 1 st offense

NPV#	Case
NPV# 9209	Washington Gas v. Kollins Lawn & Landscaping Service §12-124(a) Notice to One-Call System – 1 st offense
NPV# 9347	BGE v. Concrete Solutions, LLC §12-124(a) Notice to One-Call System – 1 st offense
NPV# 9348	BGE v. JRL, Inc. §12-124(a) Notice to One-Call System – 2 nd offense
NPV# 9349	BGE v. Colonial Electric §12-124(a) Notice to One-Call System – 1 st offense

Agenda Item 11:

New NPV's for Research and Review (25 reviews): (Handout)

Please refer to the April 5, 2017 handout for a listing of the new NPV's.

Agenda Item 12:

Old Business

- MD/DC – DPC Second Media Buy Request – The ED reminded the members that the May media buy needs to be addressed. The April contribution was for \$15,000. Which was paid on April 3, 2017 to MGH. The May buy would be for \$10,000.00, the same amount as last year. Member DiPietro motioned to contribute \$10,000 for the May buy. The motion was seconded by member McCadden. The motion carried by acclamation.
- Camden Yards Sponsorship Opportunity - Member Matt Ruddo outlined the mixed media campaign featuring the Orioles via MASN. There will be an event on June 16 &17 at Camden Yards featuring the 811 car and bike; a Twitter contest and a feature on the post-game show sponsored by 811. The entire cost of this campaign is \$15,000. BGE has committed to pay \$4,000; MD/DC subscribers \$7,000; OCC, Inc. the car and associated expenses. MUFDP is being asked to contribute \$5,000. The Chair motioned to contribute \$5,000. To the campaign. The motion was seconded by member DiPietro. The motion carried by acclamation.
- New Office Lease – The Executive Director stated that the new rent of the enlarged office space will be \$12,975.00/year (\$1,081.25/mo.). An email vote to approve the new lease had been previously conducted and passed 7-1-0. The rent will be paid out of the operating account.

Agenda Item 13:

New Business

- Title XII Re-write – The members discussed the possible start dates for the next round of re-writes and settled on May 11, 2017 @ 9:00 a.m. at the Miss Utility Conference Center.
- GCDPTC Sponsorship – The Executive Director requested approval to purchase a \$3,000 Gold sponsorship for the 2017 conference. He indicated that the education and outreach fund is getting low for a number of reasons and stated that the sponsorship need not be paid until later this year. Both MML and MACo conferences have been paid for as well as new promotional items. In addition, the Authority is in discussions with PHMSA regarding being reimbursed in this year’s grant for the event. The Authority had originally been turned down by PHMSA citing contradictions with the goals of the State Program Grant. Ms. Stroud, who handles the grants is disputing the finding and has asked for reconsideration. The members agreed that the Authority should sponsor the event again and agreed that payment can be made at a later date.
- Monthly DPC Presentation Request – Dora Parks had asked the Executive Director to add an explanation of sections of the Title XII law at the monthly DPC meetings along with his regular report. The Executive Director stated he was reticent to do it, since the Authority attorneys have warned against “interpreting” the law; which is the province of the courts, not the Authority. The Authority’s role is to apply Title XII only. The Authority decided not to fulfill the request.

Agenda Item 14:

Next Meeting Date:

- May 3, 2017 – There no hearings scheduled for this meeting as yet. There will be a closed Executive Session to discuss judicial issues.

Agenda Item 15:

Adjournment and Move to Executive Session

- The Chairman called for a motion to adjourn the meeting at 11:10 p.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 11:12 a.m.

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