



## Maryland Underground Facilities Damage Prevention Authority

AUTHORITY MEETING Minutes  
Wednesday, June 7, 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 9:00 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: Juan Vogel, Utiliquest; Shelly Welling & Lenny Corbin, Gray & Son, Inc.; Mark Hamrick, Verizon; Scott Brown, Washington Gas; Kevin Smith, BGE and Brian Simmons, OCC, Inc.

A roll call of the Board of Directors was conducted by the Authority Secretary, Ms. Davila-Steele. A quorum was present for the session. In attendance were Authority members: Tom Hastings, Veronica Davila-Steele, George Taylor, Charlie McCadden, Walter Gainer and James DiPietro. Susan Stroud, Brian Chase and Jim Barron were also present.

Agenda Item 4: (Handout)

### **Approval of Minutes:**

A motion to approve the May 3, 2017 was made by Chairman Hastings and seconded by member DiPietro. The motion carried by acclamation.

Agenda Item 5: (Handout)

### **Authority Financial Report:**

The Executive Director provided financial statements as of May 31, 2017. He reported that the Operating Account has a balance of \$160,186.41 and the Education and Outreach Account has a balance of \$13,202.22. There were \$450.00 in legal fees for May 2017. The March revenue from the Miss Utility surcharge was \$19,247.80. The Executive Director noted that the .05 billings are running two (2) months behind. A motion to accept the financial report was made by Chairman Hastings and seconded by member DiPietro. The motion was approved by acclamation.

Agenda Item 6:

### **Scheduled Hearings**

- NPV# 9347 – BGE v. Concrete Solutions, LLC

#### **Scheduled Hearing #1: NPV# 9347 – BGE v. Concrete Solutions, LLC §12-124 (a) – Notice to One Call System, (1<sup>st</sup> Offense)**

At 9:07, the Chairman asked if there were representatives from BGE and Concrete Solutions present. Jack Sullivan was present for BGE; Mark Benzing and Beth Leitner were present for Concrete Solutions. 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 seven (7) authority members present. At 9:13 a.m. the recorder was turned on and the Chairman swore in Mr. Sullivan, Ms. Leitner & Mr. Benzing; as well as the Executive Director, Jim Barron. The alleged violation was to §12-124(a) Notice to One-call system (1<sup>st</sup> Offense). The Authority originally fined Concrete Solutions utilizing the SFM, \$1850.00 with a 50% discount for training, for a total of \$925.00. The Executive Director entered the Authority's evidence Exhibit #'s 1 through 16 into the record and distributed evidence packets to the Authority Board as well as Mr. Sullivan and the Concrete Solutions representatives.

Mr. Barron stated that there was no active ticket at 413 Orchard Avenue, Brooklyn, MD on October 18, 2016, the date of the incident. BGE maintains that Concrete Solutions hit and damaged a 1" PVC gas service line; Mr. Benzing did not deny that Concrete Solutions damaged the gas line, and that a ticket was subsequently called in by the homeowner, when he found a steel gas line under a water-line adjacent to the newly installed concrete porch. Mr. Benzing stated that they routed the new water-line nine and one-half feet away from the BGE marks, presuming that the steel line was the operating service to the dwelling, when in fact a new PVC gas line had been installed 1.04 feet away from the side of the house. The root cause of this NPV was the lack of an active ticket for Concrete Solutions. Mr. Benzing and Ms. Leitner both agreed that they now know that they must be the ones to call in tickets. The hearing was concluded at 9:55 a.m. and the recorder was turned off. The defendant will be notified by certified mail subsequent to the hearing.

Agenda Item 7:

#### **Open NPV's**

Please see 06/07/17 handout for updates on these issues.

Agenda Item 8:

#### **Incomplete NPV's**

Please see 06/07/17 handout for updates on these issues.

Agenda Item 9:

#### **NPV's in Collections**

Please see 06/07/17 handout for updates on these issues. Note: The items on this list will be discussed in closed executive session.

Agenda Item 10: (Handout)

**NPV's for Authority Review:**

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

| NPV#                         | Case  |
|------------------------------|---|
| NPV# 7683<br>Reconsideration | Washington Gas v. GT Contracting Corporation<br>§12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense<br>GT Contracting took training at the Washington Gas facility in Virginia conducted by Jack Ellison. They are asking that the Authority accept this training to satisfy their Damage Prevention Training requirement. |
| NPV# 9406                    | Washington Gas v. Buhrstone Brick<br>§12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense   |
| NPV# 9407                    | Washington Gas v. Ellsworth Electric<br>§12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense  |
| NPV# 9481                    | BGE v. Gradeline Construction<br>§12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense   |
| NPV# 9503                    | Washington Gas v. Diversified Applications Corporation<br>§12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense  |
| NPV# 9504                    | Washington Gas v. Premier Concrete Construction<br>§12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense   |
| NPV# 9505                    | Washington Gas v. Insulators Home Exteriors, Inc.<br>§12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense   |
| NPV# 9650                    | BGE v. Gradeline Construction<br>§12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense   |
| NPV# 9764                    | BGE v. Costello Construction of MD<br>§12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense  |
| NPV# 9937                    | BGE v. N&J Excavating<br>§12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense   |
| NPV# 10148                   | BGE v. Country Nursery<br>§12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense  |

Agenda Item 11:

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

Please refer to the June 7, 2017 handout for a listing of the new NPV's.

Agenda Item 12:

**Old Business**

- MD/DC – DPC Third Media Buy Request – The Executive Director stated that he has been waiting for the invoice to come from MGH so he can pay the June contribution.
- Title XII Re-write Meeting – The Executive Director gave a brief overview of the first organizational meeting at which stakeholders were identified. Tom Hastings, the Authority Chairman was selected to represent the Authority and Charlie McCadden was chosen as the secondary. The next meeting of the re-write committee will take place on June 15<sup>th</sup>.
- Filing Fee – There was discussion about refunding homeowners filing fees if they are successful with their complaint; and, also reducing the filing fee to \$100 for subscribers. This issue remains tabled.

Agenda Item 13:

**New Business**

- Authority Public Member – Ms. Davila-Steele's term will expire in September. She is not eligible to serve again. The Executive Director asked the members to give thought to someone to replace her.
- Website Language Change – On the NPV page it states that "all incidents must have occurred no more than 365 days from the incident discovery", this language is ambiguous and allows for NPV's to be filed that go back several years. The Executive Director would like to make the wording clearer, regarding the statute of limitations on alleged violations. The new language proposed states "All complaints must have occurred no more that 365 days from the incident discovery date. NPV's can only be submitted for an incident date that is no more than two (2) years from the date of submission." Chairman Hastings made a motion to accept the new language for the website, member Taylor seconded the motion. The motion carried by acclamation.

Agenda Item 14:

**Next Meeting Date:**

- July 5, 2017 – The Executive Director asked if the members still wanted to meet the day after the 4<sup>th</sup> of July. They voted to move the meeting to the following Wednesday, July 12, 2017 at the usual time. There will be two (2) hearings for the same violator that morning.

Agenda Item 15:

**Adjournment and Move to Executive Session**

- The Chairman called for a motion to adjourn the meeting at 11:55 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 12:00 a.m.

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