



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING Minutes
Wednesday, October 4, 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 9:08 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 which included: George Daffan & Erik Phillips Utiliquest; Scott Brown, Washington Gas; Dora Parks, Miss Utility; Kevin Woolbright, WSSC; and, Beth Dixon, Lufburrow & Company.

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, Vince Healy, Veronica Davila-Steele, Charlie McCadden, Walter Gainer, Bucky Taylor & Jim DiPietro. Jeffrey Garner and Matt Ruddo were absent. Susan Stroud, Hira Zaidi & Jim Barron were also present.

Agenda Item 4: (Handout)

Approval of Minutes:

A motion to approve the September 7, 2017 was made by member Taylor and seconded by member Gainer. The motion carried by acclamation.

Agenda Item 5: (Handout)

Authority Financial Report:

The Executive Director provided financial statements as of September 30, 2017. He reported that the Operating Account has a balance of \$158,083.43 and the Education and Outreach Account has a balance of \$25,498.93. There were no legal fees for the month of September. The July revenue from the Miss Utility surcharge was \$17,221.80, which was off by ~\$3000.00 over last year's distribution. The cumulative total for 2017 is currently \$129,716.40. The Executive Director also stated that the Final Report is being prepared for the 2016 PHMSA SDP grant. Ms. Stroud was able to make the case for reallocating \$21,701.05 of the unspent 2016 grant funds toward offsetting her salary as the acting part-time investigator. That leaves \$1825.66 in unused funds that will have to be returned to PHMSA.

A motion to accept the financial report was made by Chairman Hastings, and seconded by member Gainer. The motion was approved by acclamation.

Agenda Item 6:

Scheduled Hearings

There are no hearings scheduled. However, there may be a hearing in November.

Agenda Item 7:

Open NPV's

Please see 10/04/17 handout for updates on these issues. Also, the Executive Director has been in touch with the attorneys regarding Reliable's non-payment of their fine and lack of training. Paul Finemore got in touch with the Reliable attorney to ask if he could persuade Reliable to comply with the Authority's recommendation after remand from the Circuit Court of Anne Arundel County. The Reliable attorney stated that he had already instructed Reliable to make the fine payment and was surprised that nothing had been done. He advised that he would get in touch with Reliable and instruct them to comply.

Agenda Item 8:

Closed Incomplete/Collections NPV's

Please see 10/04/17 handout for updates on these issues.

Agenda Item 9

New NPV's for Research and Review

Please see 10/04/17 for updates on these issues. There are currently 17 NPV's awaiting review.

Agenda Item 10: (Handout)

NPV's for Authority Review:

Note: All reviews will be conducted in closed Executive Session

NPV#	Case
NPV# 15467	Gaines & Co., v. Verizon §12-126(e) – Marking Requirements <i>Was sent back to Gaines & Co. for more information.</i>
NPV# 15468	Gaines & Co. v. Comcast §12-126(e) – Marking Requirements <i>Was sent back to Gaines & Co. for more information.</i>

NPV# 15780	Wash Gas v. City General, Inc. §12-124 (a) Notice to One Call – 1st offense Was sent back to Washington Gas for more information.
NPV# 16075	Wash Gas v. NG Berry Excavation, LLC §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 16076	Wash Gas v. Royce LTD §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 16077	Wash Gas v. Flaim Bros. Construction §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 16081	Wash Gas v. SMI Services, LLC §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 16181	Wash Gas v. Ground Breaking Landscaping, Inc. §12-124 (a) Notice to One Call – 1st offense
NPV# 16183	Wash Gas v. K.C, Builders, Inc. §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence

Agenda Item 11:

Old Business

- Title XII Re-write Meeting – the next meetings for the Title XII re-write have been scheduled for September 28, 2017, October 19, 2017 & November 9, 2017. All meetings are being held in the Miss Utility Conference Room at the One-Call Center. Currently under study is a “responsible contractor” ticket, the use of rental equipment & operators as well as the storm sewer exemption.
- PHMSA 2016 Excavation Damage Prevention Law Enforcement Program Evaluation – A work group consisting of Jim Barron, Susan Stroud, Tom Hastings, John Clementson met and completed the evaluation questionnaire on August 8, 2017

Agenda Item 12:

New Business

- PHMSA 2016 Evaluation of the State Damage Prevention Program - The questionnaire sent by PHMSA was completed and returned to Dave Applebaum for review. As of this date, the Authority has not received any confirmation regarding the response.
- Data Base – Several meetings have been held with Beth Dixon of LufCo. Good progress is being made in the design phase of the project. The case management system will be populated by information from the new NPV's as they are submitted on the website. LufCo will make a presentation at the October meeting.

Agenda Item 13:

Next Meeting Date:

- October 4, 2017 @ 9:00 a.m.
- Agenda Item 14:

Adjournment and Move to Executive Session

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

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