



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING Minutes
Wednesday, April 4, 2018

Agenda Items 1 & 2:

Call to Order, Welcome:

The meeting was called to order by Chairman Vince Healy at 9:02 a.m. in the Miss Utility Call Center, Conference Room, 7223 Parkway Drive, Suite 200, Hanover, MD 21076.

Mr. Healy welcomed all present and made a few introductory remarks and introduced the guests which included: Mark Hamrick, Verizon; Dora Parks, Miss Utility; Chuck Small, WSMPA; Diane Spriggs, WSSC; Chris Ratliff & Paul D'Imperio, Lamberts; and Tom Hastings, OCCLS; Jack Ellison, Tamara Neal & Scott Brown, Washington Gas, George Daffan, Utiliquest; and, John Dobson & Bobby Moore, Southern MD Cable.

Agenda Item 3:

Attendance Roll Call:

A roll call of the Board of Directors was conducted by the Secretary, Mr. Erik Phillips. A quorum was present for the session. In attendance were Authority members: Erik Phillips, Charlie McCadden, Walter Gainer, Bucky Taylor, Jeff Garner, Matt Ruddo and Vince Healy. The MACo seat remains vacant. Jim Barron and Susan Stroud were also present.

Agenda Item 4: (Handout)

Approval of Minutes:

A motion to approve the March 14, 2018 was made by Treasurer Ruddo and seconded by member Garner. The motion carried by acclamation.

Agenda Item 5: (Handout)

Authority Financial Report:

The Executive Director provided financial statements as of March 31, 2018. He reported that the Operating Account has a balance of \$181,003.65 and the Education and Outreach Account has a balance of \$45,333.70. There were no legal fees for the month of March. The January revenue from the Miss Utility surcharge was \$14141.10; which is \$3463.70 less than January 2017. The cumulative total for 2017 is \$ 209,232.87. A motion to accept the financial report was made by Secretary Phillips and seconded by Vice Chair McCadden. The motion was approved by acclamation.

Agenda Item 6:

Scheduled Hearings:

NPV# 9937 - BGE v. N&J Excavating --

The hearing began at 9:20 a.m. in the Miss Utility Conference Room. The Chairman read instructions and asked for representative from both parties to come forward. Jack Sullivan was present for BGE. No one from N&J Excavating was present. The Chairman asked for motion from the Authority to proceed with the hearing without the defendant. Treasurer Ruddo made the motion to proceed, which was seconded by member Garner. A recorded vote was taken on the motion. The motion carried with 6 affirmative votes, 1 abstention (Charles McCadden) and 2 absences (Joyce Brooks & MACo seat).

An attendance roll call was conducted and recoded by the Recording Secretary. The Chairman then swore in the Executive Director and Mr. Sullivan. The recording machine was turned on and Mr. Barron was instructed to give his evidence against N&J Excavating. During the hearing, the, Mr. Barron presented evidence, which was entered into the record and distributed to the Authority and Mr. Sullivan. The evidence supported the findings of the original Authority recommendation dated June 13, 2017 stating that: §12-124(a). No Locate Request – No valid ticket existed nor was active for N&J Excavating at 301 Cedar Point Drive, Glen Burnie, MD 21060 on November 18, 2016; the date of the incident.

Mr. Jack Sullivan representing BGE presented corroborating testimony stating that N&J Excavating were observed at 301 Cedar Point Drive, Glen Burnie, MD 21060 on November 18, 2017, the date of the incident; and that there were no marks evident on the job site. In addition, there was no active, valid Miss Utility ticket for that location. Mr. Sullivan also stated, that BGE has attempted on several occasions to obtain payment for the damage caused by N&J Excavating, with no success. With no more questions or comments from the Authority, the Chairman closed the hearing at 9:50 a.m.

The hearing began at 10:00 a.m. in the Miss Utility Conference Room. The Chairman read instructions and asked for representative from both parties to come forward. Scott Brown was present Washington Gas John Dobson and Bobby More were present for Southern Maryland Cable. An attendance roll call was conducted and recorded by the Recording Secretary. There were 6 members present, one (1) recusal (Erik Philips) and two members (Joyce Brooks & MACo seat) absent. Chairman then swore in the Executive Director and Mr. Brown, Mr. Dobson & Mr. Moore. The recording machine was turned on and Mr. Barron was instructed to give his evidence against Southern Maryland Cable. Mr. Barron presented evidence, which was entered into the record and distributed to the Authority, Mr. Brown and the defendant's representatives.

During the hearing, Mr. James Barron, Executive Director of the Authority presented evidence and entered it into record substantiated facts supporting the findings of the corrected Authority recommendation letter dated March 1, 2018. As noted in the correction letter under "Research by The Authority": §12-127 (a) (1) (2) (3) – The Facility Owner through the Underground Facilities Information Exchange System had not yet statused the ticket as "Marked" or "Clear No Conflict" when the excavation proceeded.

John Dobson representing Southern Maryland Cable presented testimony stating that they were disputing the findings of the Authority as noted above under "Research by The Authority". Mr. Dobson testified under oath that Southern Maryland Cable to have an active valid ticket at the time of the incident and that a Code 5 was active at the time. Defendant's Exhibit #1, a copy of Ticket #17138500, was entered into the record. Defendant Exhibit #'s 2, 3 &4, photographs of marks and bore pits, were also introduced into the record Mr. Dobson stated that they had requested remark because the gas main appeared to take a jog toward the house at 703 Chatsworth Dr. When they continued to bore beyond the marks, they hit the gas main. Mr. Moore stated that they were never contacted by the facility owner to resolve the Code 5 issue. Mr. Dobson did admit that Southern Maryland Cable damaged the Washington Gas facility, however, Mr. Dobson felt that the line was not adequately marked.

Mr. Barron pointed out the scope of work for the that ticket did not describe the area where the damage occurred. He indicated that the description was too vague. Mr. Dobson stated that he asked to have marks placed within the confines of the three (3) blocks on the map. He testified that the polygon did not match his request. Mrs. Dora Parks, with Ms. Utility was sworn in by the Chairman, and explained the role of the polygon as a notification tool for the facility owner. Polygons or grids are not the means to identifying the "scope of work".

Scott Brown representing Washington Gas presented testimony stating that there was a "scope of work" issue with ticket# 17138500. He introduced Plaintiff's Exhibit #16, which was an email and photograph from Utiliquest showing the locate request "Locate/Mark: both sides of Chatsworth Dr. at the entrance of subdivision. Utiliquest stated that they completed the request on time and located a 50-foot radius of the intersection. The Plaintiff's map showed that the nearest intersection on Chatsworth Drive is Young Ct. The damage occurred outside of the requested locate area. With no more questions or comments from the Authority, the Chairman closed the hearing at 11:10 a.m.

Agenda Item 7:

Open NPV's:

Please see 04/4/18 handout for updates on these issues.

Agenda Item 8:

Closed/Incomplete NPV's:

Please see 04/4/18 handout for updates on these issues.

Agenda Item 10:

New NPV's for Research and Review:

Please see 04/4/18 for updates on these issues. There are currently 14 NPV's awaiting review. The Authority is now reviewing NPV's for 2018.

Agenda Item 10, 11 & 12: (Handouts) and below:

NPV's for Authority Review & Hearing Schedule:

Note: All reviews will be conducted in closed Executive Session

NPV Scheduled Hearings	Case
NPV# 8496 Scheduled for 05/02/18	Washington Gas v. Langford Excavating §12-124 (a) Notice to One Call – 1st offense
NPV# 15781 Scheduled for 05/02/18	Washington Gas v. BW Excavating §12-124 (a) Notice to One Call – 1st offense
NPV#9405 Scheduled for 06/06/18	Washington Gas v. D.A. Drenner Concrete §12-124 (a) Notice to One Call – 1st offense
NPV# 8496 Scheduled for 06/06/18	Washington Gas v. MIM Construction, Inc. 12-124 (a) Notice to One Call – 1st offense

NPV# 15783 Scheduled for 06/06/18	Washington Gas v. B Squared Construction, LLC 12-124 (a) Notice to One Call – 1st offense
NPVs for Further Review	Case
NPV#	There were none requested at this time.
New NPV's for Review	Case
NPV# 18095	Midasco, LLC v. Riggs Distler & Company, Inc. §12-127(e) – Clear Evidence
NPV# 18159	Wash Gas v. Rustler Construction, Inc. §12-124 (a) Notice to One Call – 1st offense
NPV# 18161	Wash Gas v. Mallick Plumbing §12-124 (a) Notice to One Call – 1st offense
NPV# 18162	Wash Gas v. Venture Home Improvement §12-124 (a) Notice to One Call – 2nd offense
NPV# 18163	Wash Gas v. GEM Landscaping §12-124 (a) Notice to One Call – st offense
NPV#	Wash Gas v. BRP Construction, LLC §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 Thursday, April 19, May 17, May 31 and June 14. All meetings are held in the Miss Utility Conference Room at the One-Call Center.
- Spring Luncheon –The luncheon has been rescheduled for May 9, 2018 at 12 noon. It will be held in the “Miss Utility” Conference Room. Lunch will be catered and a number of mementos have been ordered to present at the event. Ms. Stroud will prepare a program for the proceeding and well as a script for the Chairman.

Agenda Item 12:

New Business:

- The Executive Director presented the media buy request for May of this year. Member Gainer made a motion to contribute \$10,000. For May, which was seconded by Vice Chairman McCadden. The motion carried by acclamation. The Executive Director mentioned that the media buy will leave \$853 in the \$200,000 subscriber grant given to the Authority in 2015.

Agenda Item 13:

Next Meeting Date:

- May 2, 2018 @ 9:00 a.m. – There will be a hearing at that meeting. There are 2 hearings scheduled for the meeting. (See chart above)

Agenda Item 16:

Adjournment and Move to Executive Session

- The Chairman called for a motion to adjourn and go into closed Executive session the meeting at 12:12 a.m. There was motion to go into Closed Executive Session was made and seconded and recorded via roll-call vote at 12:15 p.m.

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