



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING Minutes
Wednesday, May 2, 2018

Agenda Items 1 & 2:

Call to Order, Welcome:

The meeting was called to order by Chairman Vince Healy at 9:03 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: Dora Parks, Miss Utility; Diane Spriggs, WSSC; Tom Hastings, OCCLS; Jack Ellison, Tamara Neal & Scott Brown, Washington Gas, Brian Simmons, OCC, Inc.; Calvin Swanger and Tim Hamilton, Columbia Gas; and, Marc Langford, Langford Excavating.

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 April 4, 2018 was made by member Taylor and seconded by member Brooks. The motion carried by acclamation.

Agenda Item 5: (Handout)

Authority Financial Report:

The Executive Director provided financial statements as of April 30, 2018. He reported that the Operating Account has a balance of \$174,745.07 and the Education and Outreach Account has a balance of \$35,561.76. There were no legal fees for the month of April. The February revenue from the Miss Utility surcharge was \$12,395.40; which is \$3060.60 less than February 2017. The cumulative total for 2018 is \$26,536.50. A motion to accept the financial report was made by Treasurer Ruddo and seconded by member Garner. The motion was approved by acclamation.

Agenda Item 6:

Scheduled Hearings:

NPV# 8496 - Washington Gas v. Langford Excavating. --

The hearing began at 9:14 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, Marc Langford was present for Langford Excavating. An attendance roll call was conducted and recorded by the Recording Secretary. There were 8 members present, one member (MACo seat) was absent. Chairman then swore in the Executive Director and Mr. Brown and Mr. Langford. The recording machine was turned on and Mr. Barron was instructed to give his evidence against Langford Excavating. Mr. Barron presented evidence, which was entered into the record and distributed to the Authority, Mr. Brown and the defendant.

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 6, 2018; which was served by process server on April 27, 2017 after the refusal of all certified letters. Under "Research by The Authority": **§12-124 (a) – Failure to notify One-Call system**. Mr. Langford damaged a 3/4" steel wrapped gas pipe, while doing a demolition job with no ticket at 5403 Surrey Lane, Chevy Chase, MD on May18, 2016. Mr. Langford acknowledged that he did not have a ticket at the time of the incident and wasn't aware that one was needed for that kind of activity. He stated that since then he now files tickets on a regular basis. Scott Brown representing Washington Gas stated that he would be willing to work with Mr. Langford and provide training and other resources. With no more questions or comments from the Authority, the Chairman closed the hearing at 9:50 a.m.

The Authority took a temporary adjournment at 9:51 a.m. and reconvened at 10:05 a.m.

Agenda Item 7:

Open NPV's:

Please see 05/2/18 handout for updates on these issues.

Agenda Item 8:

Closed/Incomplete NPV's:

Please see 05/2/18 handout for updates on these issues.

Agenda Item 10:

New NPV's for Research and Review:

Please see 05/2/18 for updates on these issues. There are currently 13 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# 17956 Scheduled for 06/06/18 | Washington Gas v. Electrico, Inc. §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# 15198 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# 15781 | Washington Gas v. BW Excavating 12-124 (a) Notice to One Call – 1st offense Requests a payment plan. |
| | |

| Move to Hearing | Case |
|----------------------|---|
| NPV# 16081 | Washington Gas v. SMI Services, LLC §12-124 (a) Notice to One Call – 1st offense |
| NPV# 16181 | Washington Gas v. Ground Breaking Landscaping §12-124 (a) Notice to One Call – 1st offense |
| NPV# 16305 | Washington Gas v. Conduit Connections, LLP §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence |
| New NPV's for Review | Case |
| NPV# 18323 | Verizon v. Solid Brick Contracting, LLC §12-124 (a) Notice to One Call – 1st offense §12-127 (d)(1) – Failure to notify facility owner of damage. |
| NPV# 18269 | Wash Gas v. Monument Enterprise §12-124 (a) Notice to One Call – 1st offense |
| NPV# 18270 | Wash Gas v. Prestige Group §12-124 (a) Notice to One Call – 1st offense |
| NPV# 18271 | Wash Gas v. Delmarva Site Development §12-124 (a) Notice to One Call – 2nd offense |
| NPV# 18273 | Wash Gas v. Master General Construction §12-124 (a) Notice to One Call – 1st offense |
| NPV# 18302 | Wash Gas v. Rivers Construction Group §12-124 (a) Notice to One Call – 4th offense |

Agenda Item 11

Old Business:

- Title XII Re-write Meeting – the next meetings for the Title XII re-write have been scheduled for Thursday, 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 is scheduled for Wednesday, 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. Del. Mike Busch, and Del. Dereck Davis have been invited along with Senators Mike Miller, Mac Middleton & John Astle. Ms. Stroud will prepare a program for the proceedings as well as a script for the Chairman.

- PHMSA --The Executive Director mentioned that the mid-term report for the 2017 PHMSA grant has been filed and accepted, he can now invoice for the \$49,950.00 due from PHMSA. There is still not date certain for the 2018 grant advertisement. He also stated that we have still not received our letter from PHMSA regarding the last evaluation.

Agenda Item 12:

New Business:

- Media Buy --The Executive Director presented the media buy request for June of this year. The request is for \$10,000, the same as last year. Vice Chairman McCadden made a motion to approved the June distribution, which was seconded by Treasurer, Matt Ruddo. The motion carried by acclamation.
- Long Range Planning – The Executive Director stated that he would like to create a business plan for the Authority that would look at a 5-year operating window. We have contacted a professor at the Loyola School of Business to ask for assistance with the project. There is a strong possibility that the project will be taken up by one of the graduate classes. Part of the plan will examine future funding needs for the Authority's next steps. Vice-Chairman Charlie McCadden made a motion to proceed with the project which was seconded by Chairman Healy. The motion carried by acclamation.
- MACo Seat -- The Authority members instructed the Executive Director to write a letter to the MACo Executive Director regarding the vacant seat. The letter will go out under the Chairman's signature, urging strongly that MACo move quickly to fill the seat that has been empty since November of 2017. Vice-Chairman McCadden motion to proceed with member Brooks seconding the motion. The motion carried by acclamation.
- Reporting Contractors --Members Gainer and Taylor introduced the idea of informing contractors bonding and insurance companies if they persisted in violating Title XII. The executive Director felt that this matter should be reviewed by the Authority's attorney to see if there are any liability issues associated with this type of action. He did state that the plan for the new website is to highlight those companies who are not in good standing with the Authority, which could be viewed by the public.
- Statute of Limitations -- Member Gainer, mentioned that the AUC board would like to see a limit on how long a violation would count against a contractor. The Authority was not inclined to support that change in the re-write; but proposed it would be taken into account through the new Standardized Fining Matrix (SFM).
- Terms – MML member, Jeff Garner, Facility member, Vince Healy and One-Call member Matt Ruddo will all term out in September. The Executive Director urged them to contact their respective organization to begin the recruitment process ahead of the June letters. Member Gainer is eligible for one more term representing the AUC of Maryland.

Agenda Item 13:

Next Meeting Date:

- June 6, 2018 @ 9:00 a.m. – There are 4 hearings scheduled for the meeting. (See chart above)

Agenda Item 14:

Adjournment and Move to Executive Session

- The Chairman called for a motion to adjourn and go into closed Executive session the meeting at 11:00 a.m. There was motion to go into Closed Executive Session was made and seconded and recorded via roll-call vote at 11:10 p.m.

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