



Maryland Underground Facilities Damage Prevention Authority  
AUTHORITY MEETING Minutes

Wednesday, February 6, 2018

Agenda Items 1 & 2:

**Call to Order, Welcome:**

The meeting was called to order by Secretary, Erik Phillips at 9:10 a.m. in the Miss Utility Call Center, Conference Room, 7223 Parkway Drive, Suite 200, Hanover, MD 21076.

Mr. Phillips welcomed all present, made a few introductory remarks and introduced the guests which included: Dora Parks, Miss Utility; Brian Simmons, OCC, Inc.; Tom Hastings, OCCLS; and David Miller from BGE was also present.

Agenda Items 3 & 4:

The Executive Director thanked, MML representative Jeff Gainer for his two terms of service to the Authority. Unfortunately, Mr. Garner was not able to attend to receive the Authority's token of appreciation. Mr. Barron stated that he would hand deliver it to the Public Works Directors meeting at the MML conference in June.

Mr. Barron acknowledged and welcomed Mr. Derek Shreves, who is Public works Director from the town of Sykesville as the new MML representative on the Authority.

Agenda Item 5:

**Attendance Roll Call:**

Secretary Ruddo conducted a roll call of the Authority members. A quorum was present. In attendance were Authority members: Erik Phillips, Michael Jewell, Joyce Brooks, Kelly Ruddo and Derek Shreves. Doug Levine, Charlie McCadden, Bucky Taylor and Walt Gainer were absent. Jim Barron and Susan Stroud were also present.

Agenda Item 6: (Handout)

**Approval of Minutes:**

Newly elected Chairman Erik Phillips continued the meeting, calling for the review and approval of the January 9, 2019 Open Session minutes. A motion to accept the minutes as written was made by member Jewell and seconded by member Brooks. The motion carried and the minutes were approved.

Agenda Item 7: (Handout)

**Authority Financial Reports:**

The Executive Director provided financial statements as of January 31, 2019. He reported that the Operating Account has a balance of \$146,949.62, which reflects the final payment to Flywheel for the new website design. These expenses will be offset by the 2018 PHMSA grant. The Education and Outreach Account has a balance of \$59,630.63. Expenditures from the E&O account included the booth registration fee and a two-night hotel stay for the MML Conference in Ocean City in June. There was only \$290.00 in fines paid in this period. There was a continuing line item showing an amount of \$86.19 due from staff. Jim Barron stated that the bill had been paid and that item still needs to be zeroed out.

The November revenue from the Miss Utility surcharge was \$14,776.55; which was \$11.00 less than the previous November. The cumulative total for 2018 is \$176,713.75, showing a shortfall of \$44,271.95 over November of last year. The surcharge fund continues to show a \$45,000 loss for the year. There were no legal fees for the month of January. Chairman Phillips made a motion to accept the January financial report, which was seconded by member Jewell. The motion was approved by acclamation.

Agenda Item 8:

**Scheduled Hearings:**

There were no hearings scheduled for this meeting.

Agenda Item 9:

**Request for Hearing:**

There were no requests for hearings at this time.

Agenda Item 10:

**March 6, 2019 Scheduled Hearings:**

1. NPV# 20824 – Gaines & Company v. Praxair (at the request of the complainant) §12-126(a)(1) – Failure to mark w/in 5’ of an underground facility.
2. NPV# 20606 – Washington Gas v. Denchfield Landscaping, LLC (at the request of the violator) §12-124 (a) – No locate request.

Agenda Item 11: (see chart below)

Agenda Item 12: (handouts)

**Open NPV Spreadsheet and Closed/Incomplete Spreadsheets**

Agenda Item 13:

**New NPV’s for Research and Review:**

Please see 02/06/19 handout for updates on these issues. There are currently 18 NPV’s awaiting review.

Agenda Item 11,14 &15: (Handouts) and below:

**NPV’s for Authority Review & Hearing Schedule:**

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

<b>Hearing Request</b>	<b>Case</b>
NPV#	There are no new requests for hearings at this time.
<b>NPVs for Further Review</b>	<b>Case</b>
NPV#	There are no NPV’s for further action to discuss.
<b>Move to Hearing</b>	<b>Case</b>

NPV#	There are no NPV's being moved to hearing at this time.
<b>New NPV's for Review</b>	<b>Case</b>
NPV# 26794	Washington Gas v. Statewide Septic, Inc. §12-124 (a) – No ticket 1 <sup>st</sup> offense §12-124 (c)(3) – Life of ticket. §12-125 (a)(1) – Repeat notification.
NPV# 26794	Washington Gas v. Jenkins Enterprises §12-127 (c)(2) – Failure to test pit. §12-127 (c)(3) – Excavation w/in 18”
NPV# 26796	Washington Gas v. T.F. Construction, LLC §12-124 (a) – Notice to one-call system – 3rd Offense
NPV# 26797	Washington Gas v. R. M. Thornton, Inc. §12-124 (a) – Notice to one-call system – 1 <sup>st</sup> Offense
NPV# 26798	Washington Gas v. Pampas Garden Landscaping, LLC §12-124 (a) – Notice to one-call system – 1 <sup>st</sup> Offense
NPV# 26818	BGE v. Bosley Construction, Inc. §12-124 (a) – Notice to one-call system – 1 <sup>st</sup> Offense
NPV# 26819	BGE v. J. Villa Construction, Inc. §12-127 (c)(2) – Due care.
NPV# 26820	BGE v. Lisbon Concrete Corp. §12-124 (a) – Notice to one-call system – 1 <sup>st</sup> Offense
NPV# 26841	BGE v. Tobar Construction, Inc. §12-124 (a) – Notice to one-call system – 1 <sup>st</sup> Offense
NPV# 26842	BGE v. Empire Industrial Concepts, Inc. §12-124 (a) – Notice to one-call system – 1 <sup>st</sup> Offense

Agenda Item 16

**Old Business:**

- Title XII Re-write – The Title XII re-write legislation introduction has been postponed until 2020.
- September 30, 2018 Expiring Terms – The Executive Director stated that he has been in touch with the Governor's Appointments Office to check on the status of Walt Gainer's appointment to a second term. The Governor's office is still reviewing member Gainer's application.

Agenda Item 17:

**New Business:**

- The 2018 Ethics forms must be submitted by April 30, 2019. The forms must be submitted on line at <http://efds.ethics.maryland.gov>
- Name Badges – The Executive Director mentioned that name badges had not been ordered in some time. Has asked if the Authority was interested in having name badges this year. They would cost approximately \$25 per badge. The Chairman suggested that the board revisit the badge issue at the next meeting.

Agenda Item 18:

**Next Meeting Date:**

- March 6, 2019, 2019 @ 9:00 a.m. – there will be an Open Meeting, Hearings and a Closed Executive Session.

Agenda Item 16:

**Adjournment and Move to Executive Session**

- The Chairman asked for a motion to adjourn the open meeting and go into closed Executive session the meeting at 9:50 a.m. A motion was made by member Joyce Brooks and seconded by member Jewell to go into closed executive session. The motion was approved and recorded via roll-call vote.

Respectfully submitted by:

Susan A. M. Stroud  
Recording Secretary