



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING Minutes

Wednesday, April 3, 2019

Agenda Items 1 & 2:

Call to Order/ Welcome:

The meeting was called to order by Chair, 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: Scott Brown and Tamara Neal, Washington Gas; Dora Parks, Miss Utility; Chris Ratliff, Lambert Cable.

Agenda Item 3:

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, Derek Shreves, Bucky Taylor and Walt Gainer. Doug Levine was absent. Jim Barron and Susan Stroud were also present.

Agenda Item 4:

Elections:

The Executive Director announced that with the departure of stakeholder member, Charlie McCadden, the position of Vice-Chairman is now vacant. Mr. Barron asked for nominations from the floor for a replacement. Member Mike Jewell, nominated member Joyce Brooks, which was seconded by Chairman Erik Phillips. Being no further nominations, the nomination of Ms. Brooks was put to a vote by acclamation. The nomination of Ms. Brooks was approved unanimously.

Agenda Item 5: (Handout)

Approval of Minutes:

Chair Erik Phillips continued the meeting, calling for the review and approval of the March 6, 2019 Open Session minutes. It was noted that the date was incorrect on the minutes. The date should read 2019 not 2018. A motion to accept the minutes with correction was made by member Jewell and seconded by Vice-Chair Brooks. The motion carried and the minutes were approved.

Agenda Item 6: (Handouts)

Authority Financial Reports:

The Executive Director provided financial statements as of March 31, 2019. He reported that the Operating Account has a balance of \$189,765.47. The Education and Outreach Account has a balance of \$68,708.53. There was \$8,665.50 in fines paid during this period and \$400.00 in filing fees.

The January 2019 revenue from the Miss Utility surcharge was \$14,984.40; which was \$843.30 more than the previous January. The cumulative total for 2018 is \$190,261.55, showing a shortfall of \$43,367.00 over December of last year. The surcharge fund showed a \$40,078.38 loss for 2018. There were no legal fees for the month of March. Treasurer Gainer made a motion to accept the March financial report, which was seconded by member Jewell. The motion was approved by acclamation.

Agenda Item 7:

Hearing(s) Scheduled for Today:

There were none scheduled.

Agenda Item 8:

Proposed Hearing(s):

There are four (4) hearings proposed for the May 1 meeting. Two (2) were settled and two (2) will go forward if approved.

- a. NPV# 8581 – Washington Gas vs. Wire Wizards
 - i. Alleged Violations
 - 1. §12-124 (a) – Notice to one-call system – 1st Offense
 - 2. **Settled**
- b. NPV# 15468 – Gaines and Company, Inc. vs. Comcast
 - i. Alleged Violations
 - 1. §12-126 (e) – Marking Requirements
 - 2. **Settled**

- c. NPV# 19628 – Schagrin Gas Company vs. D.E. Harris & Co., Inc.
 - i. Submitted 05/11/18
 - ii. Alleged Violations – 05/11/18
 - 1. §12-124 (a) – Notice to one-call system – 1st Offense
- d. NPV# 26692 – Schagrin Gas Company vs. D. E. Harris & Co., Inc.
 - i. Submitted 11/20/18
 - ii. Alleged Violation 11/20/18
 - 1. §12-124 (a) – Notice to one-call system – 2nd Offense

The Authority, unanimously approved scheduling these probable violations for hearings at the May 1, 2019 meeting.

Agenda Item 9:

Request for Hearing(s):

There were two (2) requests for hearings at the June 5, 2019 meeting.

- 1. NPV # 26246 – Washington Gas vs. TF Construction, LLC
Alleged Violation - 12-124 (a) – Notice to one-call system – 2nd Offense
- 2. NPV # 26796 – Washington Gas vs. TF Construction, LLC
Alleged Violation -12-124 (a) – Notice to one-call system – 3rd Offense

Agenda Item 10: (see table below)

Agenda Item 11: (Handouts)

Open NPV Spreadsheet and Closed/Incomplete Spreadsheets

Agenda Item 12: (Handout)

New NPV's for Research and Review:

Please see 04/04/19 handout for updates on these issues. There are currently 13 NPV's awaiting review.

Agenda Item 13:

NPV's for Authority Review:

Note: All reviews will be conducted in closed Executive Session

NPVs for Further Review	Case
NPV# 26862	BGE v. RMA Home Services §12-124 (a) – No Ticket – 1 st Offense <i>Note: Possible incorrect violator</i>
NPV# 20606	Washington Gas v. Denchfield Landscaping §12-124 (a) – No Ticket – 1 st Offense <i>Note: Currently on hold for review of settlement offer.</i>
NPV# 16183	Washington Gas v. K.C. Builders §12-124 (a) – No Ticket – 1 st Offense §12-127 (e) – Clear evidence. <i>Note: No longer doing business in Maryland</i>
New NPV's for Review	Case
NPV# 26245	Washington Gas vs. Haynes Plumbing & Heating, Inc. §12-124 (a) – Notice to one-call system – 1 st Offense
NPV# 26871	Washington Gas vs. F.C.C. Services, Inc. §12-127 (c) (1) – Did Not Exercise Due Care §12-127 (c) (2) – Did Not Test Pit
NPV# 26876	Washington Gas vs. D. A. Foster Company §12-127 (c) (1) – Did Not Exercise Due Care §12-127 (c) (2) – Did Not Test Pit
NPV# 26878	Washington Gas vs. Matters Plumbing §12-124 (a) – No Ticket – 1 st Offense
NPV# 26946	BGE vs. Concrete General, Inc. §12-124 (a) – No Ticket – 1 st Offense

NPV# 27044	Wash Gas vs. Freddy's Lawn Service & Landscaping, Inc. §12-124 (a) – No Ticket – 1 st Offense
NPV# 27045	Wash Gas vs. A D and C Management Company §12-127 (c) (3)– Use of Mechanical EQ within 18"
NPV# 27050	Wash Gas vs. All State Plumbing §12-127 (c) (3)– Use of Mechanical EQ within 18"

Agenda Item 14

Old Business:

- PHMSA Grant Update - The Executive Director announced that the Authority has received the first half of the \$57,000 PHMSA State Damage Prevention program grant for 2108 (\$28,500). These funds will offset the amount paid to Flywheel for the website revamp project.
The Mid-term report to PHMSA for the 2018 SDP Grant is due on April 15, 2019. The Deputy Director will be preparing the report for submission.
- Authority Appointments - The Authority was notified by the Governor's Appointments office that the applications for new appointee Tamara Neal & Treasurer Walter Gainer have been received and accepted. Mr. Gainer's appointment has been signed by the Governor and forwarded to the Howard County Clerk of the Court. Ms. Neal's application is still being processed. The Executive Director noted that he didn't expect to see it completed until after the close the current legislative session.
- Name tags - An inquiry was made at the January meeting regarding name tags for Authority members. The Executive Director asked if the members were still interested in obtaining names tags. The Chairman motioned to go ahead with the ordering the tags, member Jewell seconded the motion, which carried by acclamation. The Deputy Director will get in touch with the vendor and will make arrangements for the new tags to be made.

Agenda Item 15:

New Business:

- Ethics Reports - The Executive Director once again reminded the Authority members that the 2018 Ethics forms must be submitted by April 30, 2019. The forms must be submitted on line at <http://efds.ethics.maryland.gov> . this only applies to members who served during 2018.

- 2019 811 Media Campaign - The Executive Director presented the 2019 Miss Utility Media Campaign (see handout). The Authority had made the request to revisit the campaign funding request in April. In previous years \$10,000 had been approved for the May portion of the campaign. Member Taylor suggested that the Authority contribute a total of \$20,000.00 for May and June, the remaining months of the 811 Awareness campaign. Members of the Authority approved by acclamation the \$20,000 contribution, which will close out the total request of \$35,000 for 2019.
- Balloon Fest Sponsorship - The Authority will be sponsoring the Cox Communications' 2019 Preakness Balloon Festival appearance at the Silver level this year. The cost of participation is \$1000 and will include two (2) banners made for the balloon basket. The Deputy Director created artwork for the banners which were sent to Cox for processing. The two banners will be given back to the Authority for future use. The event will be held at the Howard County Fair Grounds.
- Title XII - The Executive Director plans to set up a meeting with the Authority lobbyist, in order to discuss next steps for the introduction of the Title XII re-write legislation during the 2020 legislative session. The draft document was completed with the addition of "Revisors Notes" to aide in putting the bill together in the proper format. The Executive Director will let the Authority know when the meeting is scheduled in case any of the members wish to attend.
- CGA Highlights - At the CGA Conference in Tampa PHMSA representatives announced that the 2019 State Damage Prevention Grant has opened on March 15th and deadline for submission is May 1, 2019. The Deputy Director will begin preparations on the grant.

The Executive Director also presented some of the high lights if the CGA meeting, which included the adoption of new cross-bore language by the Best Practices Committee, which is Co-Chaired by Scott Brown with Washington Gas. There will also be a working group (TR) formed to look at creating a best practice for Abandoned Facilities.

In addition, it was proposed by a member of the excavation community, that language be developed by the group regarding depth standards for facility installation. The Deputy Director has signed up to be a member of this committee. Currently, Mr. Barron serves on the Stakeholder Advocacy committee, which has now changed its title to Stakeholder Outreach. Kevin Woolbright, formerly with WSSC, currently sits on the Regional Partners Committee as Co-Chair.

The Executive Director informed the members that he had the distinct honor to introduce OCC Inc. founder and president Tom Hoff, prior to his receiving the CGA "Hall of Fame" award.

- Delmarva Safety Conference – The Executive Director stated that he had been asked to make a presentation at the 2019 conference in Ocean City on Monday, October 8th. He will be giving an update on the status of the Maryland Title XII re-write.

Agenda Item 16:

Next Meeting Date:

- May 1, 2019 @ 9:00 a.m. – there will be an Open and a Closed Executive Session and two (2) hearings.

Agenda Item 17:

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 10:15 a.m. A motion was made by member Jewell to go into closed executive session and seconded by Vice Chairman Brooks. The motion was approved and recorded via roll-call vote.

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