



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING
Minutes

Wednesday, January 8, 2020

Agenda Items 1, 2:

Call to Order/ Welcome:

The meeting was called to order by Chair, Erik Phillips at 9:06 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 and Matt Ruddo, Miss Utility.

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, Kelly Ruddo, Amber Brengel, Tamara Neal, Michael Jewel, Joyce Brooks and Walt Gainer were present. Derek Shreves was absent. The MACo seat has a pending appointment, Paul Kwiatkowski, Howard County DPW; which is awaiting the Governor's signature. Jim Barron, Susan Stroud and Deena Madore were also present.

Agenda Item 4:

Election of Officers:

The current slate of officers agreed to a to serve another year in their positions. A motion was made and seconded; and was passed by acclamation.

- Chair – Eric Phillips – Locator Representative
- Vice-Chair – Joyce Phillips – Public member
- Treasurer – Walt Gainer – Contractor Representative - AUC
- Secretary – Kelly Ruddo – Call Center Representative

Agenda Item 5: (Handout)

Approval of Minutes:

Chairman Phillips continued the meeting, calling for the review and approval of the December 4, 2019 Open Session minutes. A motion to accept the minutes as written was made by Secretary Ruddo and seconded by member Neal. The motion carried and the minutes were approved.

Agenda Item 6:

Hearing(s) Scheduled for Today:

- NPV# 18306** – Washington Gas vs. Arundel Excavation §12-124 (a) – Notice to one-call system – 1st Offense
- NPV# 27366** – Washington Gas vs. Arundel Excavation §12-124 (a) – Notice to one-call system – 2nd Offense

Note: Both hearings were deferred. The violator wishes to come to an agreement with the Authority without going to a hearing.

Agenda Item 7:

Authority Financial Reports:

The Executive Director provided financial statements for December 2019. He reported that the Operating Account had a balance of \$158,637.52. And, the December Education and Outreach Account had a balance of \$61,859.68. There were \$3771.50 in fines and \$200.00 in filing fees during this period. There no legal fees for the month of October. In addition, revenues from the 5 Cent ticket surcharge continues to improve. Mr. Barron stated that for the month of October, \$19939.85 was received, which is a \$1529.40 increase over October of 2018. Chairman Phillips made a motion to accept the December financial reports, which was seconded by member Brengel. The motion was approved by acclamation.

Agenda Item 8:

Future Scheduled Hearings:

Scheduled Hearing for February 5, 2020:

NPV# 27051 – Wash Gas vs. Rivers Construction Group: Submitted 01/11/19;
 Alleged Violations – 01/31/18 - §12-127 (c) (3)– Use of Mechanical EQ within 18”.

Agenda Item 9, 10 & 12:

NPVs to Move to Hearing	February 5, 2019
NPV# 18232	Verizon v. Solid Brick Contracting, LLC §12-124 (a) – No Miss Utility Ticket – 1st Offense §12-127 (d) (1) – Did not notify facility owner of damage
NPVs for Further Review	Case
	None at this time
NPV's Post Hearing Review	
	There were no hearings to review
New NPV's for Review	
NPV# 29085	Gaines & Company v. SHA §12-126 (a) (1) – Failure to mark within 5 feet §12-126 (b) (1) – Failure to mark within 18 inches §12-126 (b) (2) (i) – Failure to mark with correct color codes §12-126 (b) (2) (ii) – Failure to identify utility owner §12-126 (c) (1) – Failure to report “Marked” to ITIC
NPV# 29477	Gaines & Company v. AA Broadband/Broadstripe §12-126 (a) (1) – Failure to mark within 5 feet §12-126 (b) (1) – Failure to mark within 18 inches §12-126 (c) – Failure to mark within 2 business days §12-126 (c) (1) – Failure to report to ITIC §12-126 (c) (2) (i) – Failure to mark with proper color §12-126 (c) (2) (ii) – Failure to identify facility

NPV# 29544	<p>Gaines & Company v. AACo DPW</p> <p>§12-126 (a)(1) – Failure to mark within 5 feet</p> <p>§12-126 (b)(1) – Failure to mark within 18 inches</p> <p>§12-126 (c) – Failure to mark within 2 business days</p> <p>§12-126 (c)(1) – Failure to report “Marked” to ITIC</p> <p>§12-126 (c)(2) – Failure to report “Clear” to ITIC</p> <p>§12-126 (d)(1) – Failure to mark because of Work Scope</p> <p>§12-126 (d)(1)(i) – Failure to contact ITIC and Contractor</p> <p>§12-126 (d)(1)(ii) – Failure to create a marking schedule</p> <p>§12-126 (d)(2) – Failure to reach a mutually agreeable schedule</p> <p>§12-126 (d)(3) – Failure to mark after 48-hour delay</p>
NPV# 29571	<p>Wash. Gas v. L.S. Lee, Inc.</p> <p>§12-127(c)(2) – No test pit</p>

Agenda Item 11:

New NPV’s for Research and Review (please see Handout)

Please see 01/08/19 handout for updates on these cases. There are currently 7 NPV’s awaiting review. The Executive Director noted that neither BGE nor Washington Gas have been submitting NPVs for some time. Currently complaints from contractors are the leading category of NPVs.

Agenda Item 13:

Old Business:

- Term Expirations (9/30/19) – Everyone has submitted to the Governor’s Appointment Office for Re-Appointment. The Authority received acknowledgement letters for Tamara Neal, Joyce Brooke & Amber Brengel. Doug Levine has resigned from the Authority. MACo has been in touch and has a replacement sent to the Governor for approval, Paul Kwiatkowski with the Howard County DPW. Letter for Erik Phillips is still pending.
- The Title 12 re-write draft document has been given to Legislative Services for Drafting. The Deputy Director has prepared a revised White Paper to be distributed to lawmakers and other interested parties.

Agenda Item 14:

New Business:

- Warning Letter Recommendations – There are none at this time
- CGA Membership - The Executive Director presented the board with the bill for renewing the Authority’s CGA Membership (\$1,000) for approval. The current names under the membership are Jim Barron, Susan Stroud, Joyce Brooks & Kelly Ruddo. Jim Barron and Susan Stroud as well as Kelly Ruddo will remain members and Tamara Neal will replace Joyce Brooks.
- Website Videos – Those present were shown the latest drafts of the videos being prepared for the Authority’s new website. These videos will be instructive but not part of the Training module. The Authority is in contract negotiations with Flywheel for the production of the training component if the new website. The Deputy Director is currently reviewing similar programs in other states for ideas.
- Case Management System Update – The Executive Director stated that a temporary staff person (Deena Madore) has been hired to cross check the current data base with the paper files in preparation for another download into the CMS by Lufburrow & Associates. Once this is completed, the CMS will have to be checked for downloading errors.

Agenda Item 15:

Next Meeting Date:

- February 5, 2020 @ 9:00 a.m. – There will be an Open meeting, a Closed Executive Session and hearings.

Agenda Item 15:

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 and seconded. The motion was approved and recorded via roll-call vote.

Respectfully Submitted By:
Susan A. M. Stroud
Recording Secretary/Deputy Director