



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING Minutes

Wednesday, January 9, 2019

Agenda Items 1 & 2:

Call to Order, Welcome:

The meeting was called to order by Secretary, Erik Phillips at 9:11 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; Tom Hastings, OCCLS; and David Miller from BGE was also present.

Agenda Item 3:

Attendance Roll Call:

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

Agenda Item 4:

Elections:

The Executive Director asked for nominations from the floor for the 2019 Authority offices of Chairman, Vice-chairman, Treasurer and Secretary. Member Brooks nominated Erik Phillips for Chairman, which was approved unanimously. Chairman Phillips nominated Charlie McCadden for the Vice-chairman position, which was also approved unanimously. Member Taylor nominated Walter Gainer for the position of Treasurer and member Levine nominated Kelly Ruddo for Secretary. Both positions were approved unanimously.

Agenda Item 5: (Handout)

Approval of Minutes:

Newly elected Chairman Erik Phillips continued the meeting, calling for the review and approval of the December 5, 2018 Open Session minutes. A motion to accept the minutes as written was made by member Taylor and seconded by member Brooks. The motion carried and the minutes were approved.

Agenda Item 6: (Handout)

Authority Financial Reports:

The Executive Director provided financial statements as of December 31, 2018. He reported that the Operating Account has a balance of \$158,637.52 and the Education and Outreach Account has a balance of \$61,859.68. 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 October revenue from the Miss Utility surcharge was \$18,410.45; which was a positive of \$1564.40 over October 2017. The cumulative total for 2018 is \$161,937.20, showing a shortfall of \$44,260.95 over this time last year. There were no legal fees for the month of December. The total legal expenses for 2018 amounted to \$325.00, with the cumulative total since 2014 of \$117,955.44. The Executive Director asked the members if he should continue reporting legal expenses each month. It was the general consensus that he should only submit the legal expenses report, when there is activity. Member Gainer made a motion to accept the December financial report, which was seconded by member Ruddo. The motion was approved by acclamation.

Agenda Item 7:

Scheduled Hearings:

There were no hearings scheduled for this meeting.

Agenda Item 8:

Open NPV Spreadsheet and Closed/Incomplete Spreadsheet

Please see 12/08/2018 handout for updates.

Agenda Item 10:

New NPV's for Research and Review:

Please see 01/09/18 handout for updates on these issues. There are currently 23 NPV's awaiting review.

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

NPV's for Authority Review & Hearing Schedule:

Note: All reviews will be conducted in closed Executive Session

Hearing Request	Case
NPV# 20824	Gaines & Co., Inc. v. Praxair The hearing has not yet been scheduled since Praxair has not accepted the Certified Recommendation letter. The letter was resent via process server on January 9, 2019. Probably hearing date is March 6, 2019
NPVs for Further Review	Case
NPV#	No NPV's for further action to discuss.
Move to Hearing	Case
NPV#	There are no NPV's being moved to hearing at this time.
New NPV's for Review	Case
NPV# 26224	Gaines & Company v. BGE §12-126(a)(1) – failure to mark w/in 5' of an underground facility §12-126(b)(2)(i) – failure to mark w/in 18" of an underground facility. §12-126(c) – failure to report win 2 business days §12-126 (cc)(1) – failure to report to the underground facilities exchange system as marked.
NPV# 26226	Gaines & Company v. BGE §12-126(a)(1) – failure to mark w/in 5' of an underground facility §12-126(b)(2)(i) – failure to mark w/in 18" of an underground facility. §12-126(c) – failure to report win 2 business days §12-126 (cc)(1) – failure to report to the underground facilities exchange system

	as marked.
NPV# 26247	Washington Gas vs. Marco Impact Corp §12-124 (a) – Notice to one-call system – 1 st Offense
NPV# 26604	Chesapeake Utilities vs. Prada Construction, Inc. §12-124 (a) – Notice to one-call system – 1 st Offense
NPV# 26611	Verizon vs. SMI Services, LLC §12-124 (a) – Notice to one-call system – 2nd Offense §12-127(c)(1) – Duties of Excavator §12-127 (e)(1) – Clear Evidence
NPV# 26692	Schagrin Gas Co. vs. D. E. Harris & Co., Inc. §12-124 (a) – Notice to one-call system – 2nd Offense
NPV# 26702	BGE vs. S. Cooper paving, LLC §12-124 (a) – Notice to one-call system – 1 st Offense

Agenda Item 13

Old Business:

- Title XII Re-write Meeting – the final meeting for the Title XII re-write was held on Friday, November 30, 2018 in the Miss Utility Conference Room at the One-Call Center. The Executive Director met with Bruce Bereano in late December. Bereano asked that Revisor’s notes be added to the draft, which was done by Susan. He is to submit the draft to legislatives services to be put in bill format as soon as possible. Today is the first day of the 2019 legislative session. There are forty-four (44) new members in the House of Delegates and seventeen (17) in the Senate, which constitutes a 42% turnover. There is also a new Senate Finance Chair and Vice-chair. It was noted that this much change could present some challenges for passage of the re-write.
- September 30, 2018 Expiring Terms – MML member, Jeff Garner. The Executive Director stated that he has been in touch with the Governor’s Appointments Office to check on the status of Mr. Garner’s replacement. MML has submitted the name of the Public Works Director from Sykesville to replace Jeff Garner. Walter Gainer is eligible for one more term as the AUC representative, but his submission is not complete.
- The Authority reviewed the proposed 2019 meeting schedule submitted by the Executive Director. The only substantial change was the July meeting, which was moved to the 10th to accommodate for the July 4th holiday.

- The PHMSA 2017 evaluation took place on December 17, 2018 via teleconference. Participating on the call were Dave Applebaum with PHMSA, Jim Barron and Susan Stroud representing the Authority. The evaluation was based of the PHMSA questionnaire which was submitted by the Authority at an earlier date. There were no substantial changes in the evaluation over 2016, however, Applebaum did comment on the lack of proportionality in the number of complaints against contractors versus facility owner/locators. He stated that typically 35% of all complaints should be for inaccurate marking or lack of owner response. He also stated that a subcommittee will be forming in the new year to look at this issue. The Executive Director also noted that he had applied for the first half of the 2018 PHMSA State Damage Prevention Program grant, but stated that the federal government shutdown could affect payment.

Agenda Item 14:

New Business:

- The Executive Director stated that the \$1000 membership fee for the CGA is due now. Current members listed with the CGA are Jim Barron, Susan Stroud, Joyce Brooks and Jeff Garner. Kelly Ruddo volunteered to replace Jeff Garner as a member. Member Jewell made a motion to approve paying the 2019 CGA membership dues, which was seconded by the Chairman. The motion carried by acclamation.

Agenda Item 15:

Next Meeting Date:

- February 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 10:20 a.m. Member Taylor made the motion which was seconded by member Levine. The motion was approved and recorded via roll-call vote.

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