



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING
Minutes

Wednesday, July 10, 2019

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, Miss Utility; Ken Smith, BGE; Tom Hastings, OCCLS

Agenda Item 3:

Attendance Roll Call:

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

Agenda Item 4: (Handout)

Approval of Minutes:

Chairman Phillips continued the meeting, calling for the review and approval of the June 5, 2019 Open Session minutes. A motion to accept the minutes as written was made by member Shreves and seconded by Vice Chairman Brooks. The motion carried and the minutes were approved.

Agenda Item 5:

Hearing(s) Scheduled for Today:

There were no formal hearings scheduled.

Agenda Item 6:

Authority Financial Reports:

The Executive Director provided financial statements for June 2019. He reported that the April Operating Account had a balance of \$211,413.40. The June Education and Outreach Account had a balance of \$40,087.97. There were \$5776.00 in fines paid during this period and \$200.00 in filing fees. In addition, the Authority received the second half of the PHMSA 2018 SDP grant in the amount of \$28,500. The April 2019 revenue from the Miss Utility surcharge was \$118,648.20; which was \$1967.95 more than the previous April. Revenues from the 5 cent ticket fees continue to increase, but are still substantially lower than 2017. There were no legal fees for the month of April. Treasurer Gainer made a motion to accept the June financial reports, which was seconded by member Shreves. The motion was approved by acclamation.

Agenda Item 7 & 8:

Request for Hearing and Move to Hearing(s):

1. Request for Hearing on September 4, 2019 for Closed Executive Session
NPV# 26878 – Washington Gas vs. Matters Plumbing
Alleged Violation: §12-124 (a) – No Ticket – 1st Offense
2. Move to Hearing on September 4, 2019 for Closed Executive Session
NPV# 19577 – Gaines and Company vs. MCI/Verizon Business
Alleged Violation: §12-126 (a) (1) – Failure to mark within 5 feet of

Agenda Item 9:

NPV's for Additional Review:

1. NPV # 26246 – Washington Gas vs. TF Construction, LLC
Alleged Violation: 12-124 (a) – Notice to one-call system – 2nd Offense
Decision: \$4,000 fine assessed. Reduced by SFM to \$3,720.00 with a 20% discount of \$744.00 for Damage Prevention Training leaving a \$2,796.00 net fine. Requesting a payment schedule of 6 payments of \$466.00
2. NPV # 26796 – Washington Gas vs. TF Construction, LLC
Alleged Violation: 12-124 (a) – Notice to one-call system – 3rd Offense
Decision: \$4,000 fine assessed. Reduced by SFM to \$3,720.00 with a \$0.00 reduction for Damage Prevention Training leaving a \$3,720.00 net fine. Requesting the \$3,720.00 net fine be reduced to \$2,796.00 (the same as NPV 26246) with a request for a payment schedule of 6 payments of \$466.00.

Agenda Item 10: (Handouts)

Open NPV Spreadsheet and Closed/Incomplete Spreadsheets

Please see 07/10/19 handout for updates

Agenda Item 11: (Handout)

New NPV's for Research and Review:

Please see 07/10/19 handout for updates on these cases. There are currently 10 NPV's awaiting review.

Agenda Item 11:

NPV's for Authority Review:

Note: All reviews will be conducted in closed Executive Session

NPVs for Further Review	Case There are none at this time.
NPV's Post Hearing Review	Case There are none at this time.
New NPV's for Review	Case
NPV# 27046	Washington Gas vs. Shawn Clemmons §12-124 (a) – No Ticket – 1 st Offense
NPV# 27728	Washington Gas vs. R B Hinkle Construction, Inc §12-127 (c)(2)(3) – No test pit/mech equipment w/in 18” §12-127 (e) – Clear Evidence
NPV# 27729	Washington Gas v. Rivers Construction Group §12-127 (c)(2)(3) – No test pit/mech equipment w/in 18” §12-127 (e) – Clear Evidence
NPV# 27731	Washington Gas vs. New York Concrete §12-124 (a) – No Ticket – 1 st Offense
NPV# 27733	Washington Gas vs. Utility Systems Const. & Engineering §12-127 (c)(2)(3) – No test pit/mech equipment w/in 18” §12-127 (e) – Clear Evidence

NPV# 27734	Washington Gas vs. Sunrun §12-124 (a) – No Ticket – 1 st Offense
NPV# 27736	Gaines and Company vs. Fiberlight §12-126(a)(1) – Failure to mark w/in 5’ §12-126 (b)(1) – Failure to mark w/in 18” §12-126 (c) – Failure to marks w.in 2 business days.
NPV# 28150	Washington Gas vs. Castaneda Fences §12-124 (c)(3) – 12-day life of ticket §12-125 (a) (1) – repeat notification

Agenda Item 13

Old Business:

- Term Expirations (9/30/19) – letters were sent to the respective organizations on June 13, 2019 regarding term renewals and expirations.
 - Joyce Brooks – Public member is completing her first 2-year term and is eligible for a second term. Ms. Brooks was nominated by member Levine to be selected for another term as the public member on the Authority. The nomination was seconded by member Neal. The nomination passed unanimously.
 - Doug Levine – MACo member – will complete his 1st 2-year term and is eligible for a second term.
 - Tamara Neal – Subscriber member – is completing Charlie McCadden’s (BGE) the second term and is now eligible for a first full 2-year term.
 - Erik Phillips – Contract Locator member – is completing his first 2-year term and is eligible for his second term.
 - George Taylor – PWCA member – is completing his final 2-year term. The PWCA will have to appoint a replacement for him.

- Meeting with Bruce Bereano – The Executive Director plans to schedule a meeting with Bruce in August to begin plans for the January 2020 introduction of the Title XII re-write bill.

- The Executive Director informed the members that the Authority was asked to participate at a MML Public Works Committee meeting during the 2019 conference in Ocean City. Miss Utility also participated. Materials were provided to the committee members and a number of good questions were asked by those present.

Agenda Item 14:

New Business:

- The Authority received its “Adequacy“ letter from PHMSA on June 21, 2019. A copy of the letter was provided to the members in their board books.
- The Executive Director and Deputy will be participating in the 2019 MACO summer conference in Ocean City. The Authority will once again share a 20’ booth with Miss Utility and the Delmarva 811 Group.
- The Executive Director informed th members that the Authority office would be closed from July 17th through August 5th.

Agenda Item 15:

Next Meeting Date:

- September 4, 2019 @ 9:00 a.m. – there will be an Open and a Closed Executive Session and hearings.

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 9:40 a.m. A motion was made by treasurer Gainer and was seconded by member Neal. The motion was approved and recorded via roll-call vote.

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