



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING Minutes

Wednesday, March 6, 2019

Agenda Items 1 & 2:

Call to Order, Welcome:

The meeting was called to order by Secretary, Erik Phillips at 9:03 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 with Washington Gas.

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, Doug Levine, Charlie McCadden, Bucky Taylor and Walt Gainer. Jim Barron and Susan Stroud were also present.

Agenda Item 4: (Handout)

Approval of Minutes:

Newly elected Chairman Erik Phillips continued the meeting, calling for the review and approval of the February 6, 2019 Open Session minutes. A motion to accept the minutes as written was made by member Shreve and seconded by member Brooks. The motion carried and the minutes were approved.

Agenda Item 5: (Handout)

Authority Financial Reports:

The Executive Director provided financial statements as of February 28, 2019. He reported that the Operating Account has a balance of \$143,276. The Education and Outreach Account has a balance of \$60,277.71. Expenditures from the E&O account included the booth registration fee and a two-night hotel stay for the MACo Conference in Ocean City in August and materials for the production of the 8th Annual report to the Governor and Maryland General Assembly. There was \$3,334.00 in fines paid in this period.

The December revenue from the Miss Utility surcharge was \$13,547.80; which was \$904.95 more than the previous December. 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 January. Member Brooks made a motion to accept the February financial report, which was seconded by Chairman Phillips. The motion was approved by acclamation.

Agenda Item 6:

Scheduled Hearings:

There were two (2) hearings scheduled for the March meeting, which were subsequently cancelled.

- a. NPV# 20824 – Gaines & Company vs. Praxair
 - i. §12-126 (a) (1) – Failure to mark within 5 feet of underground facility
 - ii. \$2,000 Fine reduced to \$1,740 with \$696 discount for training netting a \$1,044 Fine
 1. Fine has been paid and training completed
 - iii. Requested by Complainant, Gaines and Company
 - iv. **Cancelled**
 - v. The complainant is satisfied that Praxair has committed to the proper steps for identifying their underground facilities and are utilizing the damage prevention resources offered by Miss Utility.

- b. NPV# 20606 – Washington Gas vs. Denchfield Landscaping, LLC
 - i. §12-124 (a) – No Locate Request – 1st Offense
 - ii. \$2,000 Fine reduced to \$1,430 with \$1,000 discount for training netting a \$430 Fine
 - iii. Requested by Probable Violator, Denchfield Landscaping, LLC
 - iv. **Cancelled**
 - v. The defendant asked to cancel the hearing and will be preparing a settlement offer for the Authority to review at the April meeting.

Agenda Item 7:

Request for Hearing:

There were no requests for hearings at this time.

Agenda Item 8:

April 3, 2019 Scheduled hearings:

There are no hearings scheduled for the month of April.

Agenda Item 9:

May 1, 2019 Hearing Requests:

- a. NPV# 8581 – Washington Gas vs. Wire Wizards
 - vi. Alleged Violations
 - 1. §12-124 (a) – Notice to one-call system – 1st Offense
 - a. \$2,000 fine assessed. Reduced by SFM to \$1,550 with a \$775 reduction for Damage Prevention Training leaving a \$775 net fine
 - 2. \$775 fine paid by Lamberts on 11/30/17. Training not completed
 - 3. Fine Reinstatement Letter sent 5/1/18
 - a. Promise made to schedule training on 8/23/18
 - 4. Training never scheduled or completed
 - 5. **Approved**
- b. NPV# 15468 – Gaines and Company, Inc. vs. Comcast
 - vii. Alleged Violations
 - 1. §12-126 (e) – Marking Requirements
 - a. \$2,000 fine assessed. Reduced by SFM to \$1,200 with a \$600 reduction for Damage Prevention Training leaving a \$600 net fine
 - 2. Recommendation Letter sent on 11/20/17 to Linda Durbin
 - a. No response
 - 3. Second Notice Letter sent to Sean Looney (lobbyist for Comcast) and copied to Linda Durbin
 - a. No response
 - 4. **Approved**

Agenda Item 10 & 11: (handouts)

Open NPV Spreadsheet and Closed/Incomplete Spreadsheets

Agenda Items 12:

New NPV's for Research and Review:

Please see 03/06/19 handout for updates on these issues. There are currently 16 NPV's awaiting review.

Agenda Item 13:

NPV's for Authority Review & Hearing Schedule:

Note: All reviews will be conducted in closed Executive Session

NPVs for Further Review	Case
NPV#	There are no NPV's for further action to discuss.
New NPV's for Review	Case
NPV# 26843	BGE vs. AWS Fencing §12-124 (a) – No Ticket – 1 st Offense
NPV# 26845	BGE vs. S & J Service, Inc. §12-127 (c) (1) – Contractor Did Not Exercise Due Care
NPV# 26860	BGE vs. Armstrong Construction §12-127 (c) (3) – Use of Mechanical EQ within 18” §12-127 (d) (2) – Did not call 911

NPV#26861	BGE vs. Chesapeake Foundation Solutions, LLC §12-127 (c) (1) – Contractor Did Not Exercise Due Care
NPV# 26862	BGE vs. RMA Home Services, Inc. §12-124 (a) – No Ticket – 1 st Offense
NPV# 26863	BGE vs. Tutor Perini/Cherry Hill Construction §12-124 (c) (2) – Contractor Did Not Test Pit
NPV# 26867	Washington Gas vs. RWH Associates, LLC §12-124 (a) – No Ticket – 1 st Offense
NPV# 26870	Washington Gas vs. Crown Construction Services, Inc. §12-124 (a) – No Ticket – 1 st Offense

Agenda Item 14

Old Business:

- The Deputy Director reported that the 8th Annual report to the Maryland Legislature and Governor Hogan had been completed in-house and delivered to the two (2) presiding officers Speaker Busch and Senate President Miller), as well as members of the Senate Finance Committee and the House Economic matters committee. In addition, five (5) copies were forward to the Department of Legislative Services for archiving as well as a digital copy for their use. The Report is already available on the Authority website.

Agenda Item 15:

New Business:

- 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 Miss Utility Media Campaign (see handout). The Executive Director presented the breakdown of previous contributions from the Education and Outreach Fund to assist in underwriting the Baltimore/Washington metro areas, 811 awareness campaign which begins in March of this year. The Authority approved by acclamation, to donate \$7,500 for March and \$7,500 for the April campaign. The months of May and June will be discussed at the April Authority meeting. The Executive Director will arrange for the March and April payments to be forwarded to MGH, the firm that coordinates the media campaign for Miss Utility.

- 2019 Preakness Balloon Festival Sponsorship – Cox Communications is once again bringing their hot air balloon to Maryland for the pre-Preakness activities. The balloon will be on display on May 10th through the 12th. The Authority discussed the various sponsorship options and decided to sponsor at the \$1000 Silver level providing the two (2) banners made for the balloon basket would be given to the Authority for future use. Member Brooks made the motion to sponsor at the Silver level, which was seconded by Member Jewell. The event will be once again held at the Howard County Fair Grounds. The executive Director will contact Cox Communication to make arrangement for the sponsorship.
- The Executive Director announced that Vice Chairman Charlie McCadden will officially retire from BGE on April 1, 2019 and will therefore have to relinquish his seat on the Authority. The Subscribers Committee has already submitted Tamara Neal's name to the Governor as the replacement for Mr. McCadden. Ms. Neal currently worked for Washington Gas in their Damage prevention unit. The Executive Director stated that he hopes Ms. Neal will be able to be seated for the April 3, 2019 meeting.

Agenda Item 16:

Next Meeting Date:

- April 3, 2019 @ 9:00 a.m. – there will be an Open and a Closed Executive Session.

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 10:25 a.m. A motion was made by Vice-Chairman McCadden 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