



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING
Minutes

Wednesday, January 6, 2021
Meeting Held Via Zoom

Agenda Items 1 & 2:

Call to Order/ Welcome:

The meeting was called to order by Chair, Erik Phillips at 9:01 a.m. via Zoom. The Chairman recognized Michael Sanderson, Executive Director of MACo who was visiting the meeting and those members present introduced themselves.

Agenda Item 3:

Attendance Roll Call:

The Recording Secretary conducted a roll call of the Authority members. A quorum was present. In attendance were Authority members: Erik Phillips, Amber Brengel, Tamara Neal, Michael Jewel, Joyce Brooks, Paul Kwiatkowski, Kelly Ruddo and Dereck Shreves were present. David Gaines was absent. Jim Barron and Susan Stroud were also present. All members and guests participated remotely.

Agenda Item 4:

Election of Officers:

The Chairman turned the meeting over to the Executive Director and asked him to conduct the 2021 election of the Authority's officers. The Executive Director asked for nominations from the floor for Chairman. Vice-Chair Brooks was nominated by Member Jewel, she declined citing her term limitation. The Chair nominated Member Jewel, which was seconded by Member Neal. Member Jewel accepted the nomination. His name was added to the slate to be voted on later.

The Executive Director then asked for nominations from the floor for the position of Vice-Chair. Member Shreves nominated Member Kwiatkowski, which was seconded by the Chair. Member Kwiatkowski accepted the nomination and was added to the slate.

The Executive Director next asked for nominations for Treasurer. Vice-Chair Brooks nominated Member Neal, which was seconded by Member Shreves. Member Neal accepted the nomination and was added to the slate.

Finally, the Executive Director asked for nominations for Secretary. Member Jewell nominated Secretary Ruddo, which was seconded by Member Neal. Member Ruddo accepted the nomination which was also added to the 2021 slate for voting.

A formal roll call vote was conducted for the following officers: Chairman – Michael I. Jewell; Vice-Chairman – Paul Kwiatkowski; Treasurer – Tamara Neal; and Secretary – Kellyn H. Ruddo. The vote was conducted, and the slate was accepted by an 8-1 vote (Member Gaines was absent). The new Chair took over the gavel and made a few remarks after the outgoing Chair thanked the Authority members for their support during his tenure. The regular meeting resumed.

Agenda Item 5:

Scheduled Hearings:

There are hearings scheduled at this time.

Agenda Item 6:

Authority Financial Reports:

The Executive Director provided financial statements for November 30, 2020. He reported that the Operating Account had a balance of \$189,496.06; and, the November Education and Outreach Account had a balance of \$59,461.37. There were \$3,360.00 in fines paid during this period and \$200.00 in filing fees. In addition, revenues from the 5 Cent ticket surcharge continues to improve. Mr. Barron stated that for the month of September, \$22,389.13 was received, which is a \$4,569.98 increase over September of 2019. The Executive Director also presented financial statements for December 31, 2020. He reported that the Operating Account had a balance of \$194,826.18; and, the December Education and Outreach Account had a balance of \$64,448.79. There were \$5,096.00 in fines paid during this period and \$200.00 in filing fees. In addition, revenues from the 5 Cent ticket surcharge continues to improve. Mr. Barron stated that for the month of October, \$23,802.60 was received, which is a \$3,862.75 increase over October of 2019. Chairman Jewell made a motion to accept the November and December financial reports, which was seconded by member Brengel. The motion was approved by acclamation.

Agenda Items 7, 8, & 9:

	NPVs to Move to Hearing
	None at this time
	New NPV's for Research & Review. 8
	NPVs for Further Review
	None at this time
	NPV's Post Hearing Review
	There were no hearings to review
	New NPV's for Review
NPV# 31698	Gaines & Company v. PEPCO §12-126 (a) (1) – Failure to mark within 5 feet §12-126 (b) (1) – Failure to mark within 18 inches §12-126 (b) (2)(ii) – Failure to mark with proper color § 12-126 (c) – Failure to with/in 2 business days §12-126 (c)(1) – Failure to report marked or clear/no conflict
NPV# 31985	Gaines & Company v. BGE §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 with/in 2 business days § 12-126(c)(1) - Failure to status exchange system as “Marked” §12-126 (c)(2) – Failure to report marked or clear/no conflict
NPV# 32069	Gaines & Company v. BGE §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 with/in 2 business days § 12-126(c)(1) - Failure to status exchange system as “Marked” §12-126 (c)(2) – Failure to report marked or clear/no conflict §12-126 (d) (1) (i) – Failure to notify Exchange System and person performing the excavation §12-126 (d) (1) (ii) – Failure to develop a mutually agreeable schedule for marking §12-126 (d) (2) – Failure to mark after a mutually agreeable schedule can't be reached §12-126 (d) (4) – No agreement for extension or contiguous excavation

Agenda Item 10

Old Business:

- Title XII Update - SB877 Veto over-ride. The Executive Director stated that the Authority lobbyist had the veto override under control, and he does not need any assistance from the Authority. He said that the 2021 Legislative Session will convene on January 13th in Annapolis, however the accessibility to the House and Senate chambers, offices and meeting rooms will be limited to some members of the press and staff.

Agenda Item 11:

New Business:

- 2021 CGA Membership renewal – The Executive Director asked if the Authority would agree to renewing our corporate membership (\$1000). After limited discussion, Secretary Ruddo made the motion to renew, which was seconded by Treasurer Neal. The members agreed by acclamation to renew the membership. The Executive Director and the Deputy, along with the Chair and Secretary will be the designated members for the Authority.
- Annual Report to the Governor – The Deputy Director told the members that the 2021 Annual Report to the Governor and General Assembly is due this month. The report will be considerably smaller this time, due to the decrease in activities and number of NPV's filed in calendar year 2020. In addition, the Authority will not be producing large quantities of the report for distribution. This is a result of a memo received from the Department of Legislative Services regarding the rules for submitting reports.

Agenda Item 12:

Next Meeting Date:

- February 3, 2021 @ 9:00 a.m. – Tentatively there will be a Closed Executive Session. It is anticipated that the meetings will continue to be conducted via Zoom.

Agenda Item 13:

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 ended at 9:50 a.m. A motion was made by member Brooks to go into Executive Session, which was seconded by Treasurer Neal. The motion was approved and recorded via roll-call vote.

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