



Maryland Underground Facilities Damage Prevention Authority

AUTHORITY OPEN MEETING & 2nd QUARTER BUSINESS MEETING

Minutes

Wednesday, April 13, 2022

Meeting Held Via Zoom

Agenda Items 1

Call to Order/ Welcome:

The meeting was called to order by Chair, Michael Jewell at 9:01 a.m. via Zoom. Sandra Kwiatkowski, Owner of S. E. Fields Construction Company, and sister of Authority Member Paul Kwiatkowski joined the meeting. Introductions of all on the call were made.

Agenda Item 2

Attendance Roll Call:

The Recording Secretary was absent, so the Executive Director conducted a roll call of the Authority members. A quorum was present. In attendance were Authority members: Michael Jewell, Paul Kwiatkowski, David Gaines, James Dudley, Jimmy Jennings, Dereck Shreves and Kelly Ruddo. Amber Brengel joined the meeting later around 9:30. Tamara Neal was absent. Jim Barron was also present, but Susan Stroud was absent. All members participated remotely.

Agenda Item 3

Authority Financial Reports:

The Executive Director provided the combined financial statements for February and March 2022. He reported that the February Operating Account had a balance of \$268,422.24 and, the February Education and Outreach Account had a balance of \$55,274.97. In addition, there were no filings fees and \$2,220.00 in fines were collected in February. He also reported that the March Operating Account had a balance of \$268,433.23 and, the March Education and Outreach Account had a balance of \$56,797.97. There were \$2,889.50 in fines paid during this period and \$400.00 in filing fees in March. In addition, revenues from the 5 Cent ticket surcharge for the month of January was \$15,432.65 and for February was \$15,143.20. OCC Inc. used to issue the 5 Cent ticket surcharge on the 10th of the month, 2 months in the rears but will now issue the 5 Cent ticket surcharge on the 25th of the month only 1 month in the rears. Additionally, the Subscriber's Committed paid a \$10,000.00 Grant to cover future Subscriber

Committee Member NPV filing fees. There was also a combined expenditure of \$1,461.50 for legal fees for the months of January & February. Member Gaines made a motion to accept the February & March financial reports, which was seconded by Member Shreves. The motion was approved by acclamation.

Agenda Items 4, & 5 & 6:

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| #4 | Old NPV's for Review by the Authority |
| | None at this time |
| #5 | New NPV's for Research & Review = 43 with another 5 not logged in yet. |
| | <ul style="list-style-type: none"> 9 – Marking Violations 14 – No ticket 16 – No test pit 4 – Mech EQ within 18" 25 – Under Old Statute 18 – Under New Statute |
| #6 | New NPV's for Review in Closed Executive Session |
| NPV# 32148 Old Statute | <p>Wash Gas vs. Lee D Home Repairs, LLC 18568 Cape Jasmine Way, Gaithersburg, MD 20879</p> <ul style="list-style-type: none"> 1. §12-124 (a) – No Ticket 1st Offense No Response from Probable Violator \$960.00 Fine Recommended |
| NPV# 32191 Old Statute | <p>Wash Gas vs. One On One Construction Corporation 3815 Holloway Circle, Upper Marlboro, MD 20772</p> <ul style="list-style-type: none"> 1. §12-124 (a) – No Ticket 1st Offense No Response from Probable Violator \$1,044.00 Fine Recommended |
| NPV# 32212 Old Statute | <p>Wash Gas vs. Metro Renovations and Builders 12105 Chesterton Drive, Kettering, MD 20774</p> <ul style="list-style-type: none"> 1. §12-124 (a) – No Ticket 1st Offense No Response from Probable Violator \$960.00 Fine Recommended |
| NPV# 32233 Old Statute | <p>Wash Gas vs. Shine Electric Group 7106 Geoffrey Way, Frederick, MD 21704</p> <ul style="list-style-type: none"> 1. §12-124 (a) – No Ticket 1st Offense No Response from Probable Violator \$1,026.00 Fine Recommended |

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| NPV# 32234 Old Statute | Wash Gas vs. Site Preparations, LLC 2705 Felter Lane, Bowie, MD 20715 1. §12-124 (a) – No Ticket 1 st Offense No Response from Probable Violator \$1,044.00 Fine Recommended |
| NPV# 32211 Old Statute | Wash Gas vs. Luey’s Excavation and Plumbing, LLC 7617 Poppyseed Court, White Plains, MD 20695 1. §12-124 (a) – No Ticket 1 st Offense, they had a ticket that expired No Response from Probable Violator \$1,026.00 Fine Recommended |
| NPV# 32235 Old Statute | Wash Gas vs. Luey’s Excavation and Plumbing, LLC 7379 Tottenham Drive, White Plains, MD 20695 1. §12-124 (a) – No Ticket 2 nd Offense No Response from Probable Violator \$1,488.00 Fine Recommended |
| NPV# 32237 Old Statute | Wash Gas vs. Luey’s Excavation and Plumbing, LLC 7347 Tottenham Drive, White Plains, MD 20695 1. §12-124 (a) – No Ticket 3 rd Offense No Response from Probable Violator \$3,720.00 Fine Recommended |
| NPV# 32192 Old Statute | Wash Gas vs. V. Fernandes Construction Co., Inc. 111 Central Avenue, Gaithersburg, MD 20877 1. §12-127 (c) (2) – Failure to Test Pit Probable Violator did Respond \$942.00 Fine Recommended |
| NPV# 32193 Old Statute | Wash Gas vs. Ground Moles, LLC 4428 Arbor Wood Court, Burtonsville, MD 20866 1. §12-127 (c) (2) – Failure to Test Pit Probable Violator did not Respond \$1,026.00 Fine Recommended |
| NPV# 32196 Old Statute | Wash Gas vs. D & F Construction 6605 Dulin Drive, Oxon Hill, MD 20745 1. §12-127 (c) (2) – Failure to Test Pit Probable Violator did not Respond \$1,720.00 Fine Recommended |
| NPV# 32215 Old Statute | Wash Gas vs. Green Future Construction 2021 Hanover Street, Silver Spring, MD 20910 1. §12-127 (c) (2) – Failure to Test Pit Probable Violator did Respond \$942.00 Fine Recommended |
| NPV# 32147 Old Statute | Wash Gas vs. D & F Construction 8722 23 rd Avenue, Hyattsville, MD 20783 1. §12-127 (c) (2) – Failure to Test Pit Probable Violator did Respond \$0.00 Fine Recommended, to be determined in Review |

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| NPV# 32153 Old Statute | Wash Gas vs. Romano Concrete Construction, Inc. 4721 Powder Mill Road, Beltsville, MD 20705 1. §12-127 (c) (2) – Failure to Test Pit Probable Violator did Respond \$0.00 Fine Recommended, to be determined in Review |
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Agenda Item 7

Old Business:

The Executive Director reported that:

2020 Drafting Error – Emergency Legislation, HB 350 & SB 464 has passed and is on the Governor’s desk to be signed. It will be back in the law 30 days after he signs it.

2022 Select Start Work Date Legislation, HB 994 & SB 789 has passed. Once it is signed by the Governor it will become law on June 1, 2022.

NPV’s 32119, 32139 & 32162, all Gaines and Company vs. WSSC/Pinpoint Underground have received a request for a Formal Hearing and a PIA public information request, both from Pinpoint UG’s Lawyer, Anthony Gorski.

We have sent letters to all seven (7) Probable Violators that have requested a formal hearing to see if they still want to proceed with the hearings.

There were no additional Old Business items discussed.

Agenda Item 8

New Business:

The Executive Director reported that:

Jim Barron and Paul Kwiatkowski will be doing a presentation to the County Engineers Association of Maryland on April 14, 2022, at the Hyatt Chesapeake Bay Resort in Cambridge, Maryland

We have been contacted about doing a Gold Sponsorship of \$3,500 for the 2022 Greater Chesapeake Damage Prevention Training Conference, October 25 – 28, 2022 in Ocean City. Member Ruddo made a motion to do the \$3,500 sponsorship, 2nd by Member Brengel and was passed unanimously.

Deputy Director Susan Stroud is working on submitted a PHMSA 2023 State Damage Prevention Grant which is due on April 27, 2022.

Deputy Director Susan Stroud will be preparing the 2021 PHMSA State Damage Enforcement Evaluation that is due on June 30, 2022.

There were no additional New Business items discussed.

Agenda Item 9

Adjournment and Move to Executive Session

- Chairman Jewell made a motion to adjourn the open meeting and go into closed Executive Session. Seconded by Member Brengel. The meeting ended at 9:41 a.m. The motion was approved and recorded via recorded roll-call vote.

Agenda Item 11

Next Meeting Date:

The next meeting will take place on May 4, 2022, and scheduled to be a Zoom Meeting This meeting will be a Closed Executive Session only.

Respectfully Submitted By:
James A. Barron
Executive Director