



Maryland Underground Facilities Damage Prevention Authority

Wednesday, January 10, 2024
9:00 AM

The Miss Utility One Call Center
Lower-Level Conference Room 103
7223 Parkway Drive
Hanover, MD 21076

Open Meeting Agenda

1. Call to Order – Chair David Gaines
2. Introductions
3. Seat new member
 - a. Bahareh Inanloo, Montgomery County DPW, replacing Paul Kwiatkowski from Howard County in the MACo seat
4. Roll Call Attendance, Establish a Quorum – Susan Stroud
5. 2024 Election of Officers
 - a. Chair
 - b. Vice-Chair
 - c. Treasurer
 - d. Secretary
6. Approval of December 13, 2023, Open Meeting Minutes
7. Approval of Financial Reports
 - a. Combined 4th Qtr., October, November & December Financial Report
 - b. \$0.05 Revenue To-Date
 - c. 2022/23 Legal Expense Spreadsheet To-Date
8. Old NPV's – At Probable Violators request, Formal Hearings scheduled on February 14, 2023. reschedule for March 13, 2024.
 - a. NPV# 29916 – DXI (Old Dixie) vs. BGE
 - i. Submitted 11/25/19.
 - ii. Location: 9250 Judicial Way, aka, 9250 Bendix Road, Columbia, MD
 - iii. Alleged Violation 11/19/19
 1. §12-126 (b) (1) – Failure to mark within 18 inches

- iv. Recommendation Letter sent March 18, 2020, recommending a fine of \$1,032.00 and a policy statement outlining what change BGE will make so this doesn't happen again.
 - v. Requested a Formal Hearing on April 14, 2020
 - vi. Notice of Hearing sent on May 20, 2020, setting August 5, 2020, as the Formal Hearing Date.
 - vii. Due to COVID 19, the Formal Hearing was cancelled to be rescheduled at a later date.
 - viii. Another Hearing Inquiry letter was sent on April 1, 2022, to see if BGE still wanted to go forward with the Formal Hearing
 - 1. No response to date to that letter
 - ix. Notice of Hearing Letters were sent to BGE and DXI (Old Dixie) on August 1, 2023
- b. NPV# 30088 – Gaines and Company vs. BGE
- i. Submitted 12/20/19.
 - ii. Location: Trotters Knoll @ Wendy Court, Trotter Chase, Ellicott City, MD
 - iii. Alleged Violations 12/19/19 – That BGE failed to follow the appropriate marking guidelines set for in:
 - 1. §12-126 (a) (1) – Failure to mark if facility is within 5 feet of the proposed excavation
 - 2. §12-126 (b) (1) – Failure to mark within 18 inches of facility
 - 3. §12-126 (c) (1) – Failure to report "Marked" to the Information Exchange System at Trotters Knoll & Wendy Court, Trotter Chase, Ellicott City MD on December 19, 2020, the date of the incident
 - iv. Recommendation Letter sent March 18, 2020, recommending a fine of \$864.00 and a policy statement outlining what change BGE will make so this doesn't happen again.
 - v. Requested a Formal Hearing on April 17, 2020
 - vi. Notice of Hearing sent on May 20, 2020, setting August 5, 2020, as the Formal Hearing Date.
 - vii. Due to COVID 19, the Formal Hearing was cancelled to be rescheduled at a later date.
 - viii. A Hearing Inquiry letter was sent on April 1, 2022, to see if BGE still wanted to go forward with the Formal Hearing
 - 1. No response to date to that letter
 - ix. Notice of Hearing Letters were sent to BGE and Gaines and Company on August 1, 2023
9. New NPV's for investigation and review (19 each.
- a. 7 Marking
 - b. 7 No ticket
 - c. 1 Repeat Notification
 - d. 4 Due Care
 - e. 2 under the Post 3/11/21 Statute
 - f. 17 under the Post 6/01/22 Statute

10. New Board Orientation from December 13, 2023
 - a. Did anyone have any questions concerning Susan's review of the Authority Website?
 - b. Did everyone receive the copy of the (06/01/22) version of the Annotated Code of Maryland, Public Utilities Article Title XII, Underground Facilities Statute and were there any questions

11. New NPV's for Review by the Authority in Closed Executive Session.
 - a. NPV# 32319 – Gaines and Company vs. BGE
 - i. Location: Evening Star & Jumpers Hole & Longhill & Spring Gate, Pasadena, MD 21122
 - ii. Submitted 05/10/23
 - iii. Alleged Violations 05/10/23 (Under Post 6/01/22 Statute)
 1. §12-126 (a) (1) – Failure to mark within 5 feet
 2. §12-126 (b) (1) – Failure to mark within 18 inches
 3. §12-126 (c) – Failure to mark within 2 business days
 4. §12-126 (c) (1) – Failure to report "Marked" in the Information Exchange System
 5. §12-126 (c) (2) – Failure to report "Clear/No conflict" in the Information Exchange System

 - b. NPV# 32320 – Gaines and Company vs. Verizon
 - i. Location: Evening Star & Jumpers Hole & Longhill & Spring Gate, Pasadena, MD 21122
 - ii. Submitted 05/10/23
 - iii. Alleged Violations 05/10/23 (Under Post 6/01/22 Statute)
 1. §12-126 (a) (1) – Failure to mark within 5 feet
 2. §12-126 (b) (1) – Failure to mark within 18 inches
 3. §12-126 (c) – Failure to mark within 2 business days
 4. §12-126 (c) (1) – Failure to report "Marked" in the Information Exchange System
 5. §12-126 (c) (2) – Failure to report "Clear/No conflict" in the Information Exchange System

 - c. NPV# 32327 – Wash Gas vs. Martinez Construction
 - i. Location: 5502 Greystone Street, Chevy Chase, MD 20815
 - ii. Submitted 06/20/23
 - iii. Alleged Violations 08/13/22 (Under Post 6/01/22 Statute)
 1. §12-124 (a) – No Miss Utility Ticket – 1st Offense

 - d. NPV# 32331 – Wash Gas vs. Kings Plumbing LLC
 - i. Location: 14608 Woonsocket Drive, Silver Spring, MD 20905
 - ii. Submitted 06/23/23
 - iii. Alleged Violations 08/22/22 (Under Post 6/01/22 Statute)
 1. §12-124 (a) – No Miss Utility Ticket – 1st Offense

- e. NPV# 32340 – Schagrin Gas Co vs. FRADA Hardscaping & Landscaping
 - i. Location: 552 Claiborne Rd., North East MD 21901
 - ii. Submitted 07/19/23
 - iii. Alleged Violations 07/08 /22 (Under Post 6/01/22 Statute)
 - 1. §12-124 (a) – No Miss Utility Ticket – 1st Offense

12. Request for a Warning Letter to be reviewed in Closed Executive Session

- a. Request for Warning Letter from the Havre de Grace Director of Public Works, E J Millisor against Top Property Flippers LLC.

13. Old Business

- a. 2024 Legislation
 - i. \$0.05 \$0.10 on outgoing tickets
 - ii. Member Term Ending, September 30 to April 30. Effective 2025

14. New Business

- a. CGA Membership Renewal
 - i. \$1,000 per year
 - ii. Current Four (4) Members
 - 1. Jim Barron
 - 2. Susan Stroud
 - 3. Amber Brengel
 - 4. Kelly Ruddo

15. Motion to Adjourn and move into Closed Executive Session

16. Next Meeting Date

- a. February 14, 2024, In Person Open Meeting and a Closed Executive Session.