



Maryland Underground Facilities Damage Prevention Authority  
Authority Open Meeting Minutes  
Wednesday, September 13, 2023

Agenda Items 1, 2 & 3

**Call to Order/ Welcome & Attendance Roll Call:**

The meeting was called to order by Chair, David Gaines at 9:05 a.m. in the Miss Utility Conference Room at OCCInc. The Recording Secretary conducted a roll call attendance of the Authority members. In attendance were Authority members: Paul Kwiatkowski, David Gaines, Tamara Neal, James Dudley, Michael Beal, Amber Brengel Jennifer Arroyo & David Wilkins. Jimmy Jennings was absent, and Michael Beall. Susan Stroud, the Recording secretary was also present. The Recording Secretary informed the Chairman that there was a quorum.

Agenda Item 4

**Approval of Minutes:**

The Authority reviewed the minutes from the August 9, 2023 open meeting. It should be noted that member Arroyo was not listed as present at August meeting. Ms. Arroyo was present for the entire meeting. Secretary Brengel made a motion to approve the minutes as corrected, Member Wilkins seconded the motion. The motion carried.

Agenda Items 5, 6, 7 & 8

#5	Old NPV's- Move to formal hearing on September 13, 2023 by the Authority
	<p>These NPVs were scheduled for a 9/13/23 hearing. Those hearing have been rescheduled to December 13, 2023.</p> <p>NPV# 29916 – DXI (Old Dixie) vs. BGE Location: 9250 Judicial Way, aka, 9250 Bendix Road, Columbia, MD Alleged Violation 11/19/19 1. §12-126 (b) (1) – Failure to mark within 18 inches</p>

	<p>NPV# 30088 – Gaines and Company vs. BGE  Location: Trotters Knoll @ Wendy Court, Trotter Chase, Ellicott City, MD  Alleged Violations 12/19/19 – That BGE failed to follow the appropriate marking guidelines set for in:  §12-126 (a) (1) – Failure to mark if facility is within 5 feet of the proposed excavation  §12-126 (b) (1) – Failure to mark within 18 inches of facility  §12-126 (c) (1) – Failure to report “Marked” to the Information Exchange System at Trotters Knoll &amp; Wendy Court, Trotter Chase, Ellicott City MD on December 19, 2020, the date of the incident</p>
#6	New NPV's for Research & Review = 19
	<p>Categories of Probable Violations:  9 Marking  6 No ticket  1 Repeat Notification  3 Due Care  1 No Test Pit  <i>2 under the Post 3/11/21 Statute</i>  <i>17 under the Post 6/01/22 Statute</i></p>
#7	New NPV's for Review in Closed Executive Session Group – 1 (2 NPV's) Violation: §12-124(a) – No ticket.
NPV# 32318	Washington Gas v. Jesus Herrera Martinez Location: 617 Balboa Ave., Capitol Heights, Prince Georges Co., MD
NPV# 32321	Washington Gas v. Adcock & Assoc., LLC Location: 7122 Mandalong Way, New Market, Frederick Co., MD
# 8	New NPV's for Reviewed Individually in Closed Executive Session (4 NPV's)
NPV# 32305	Gaines & Co. v. BGE Location: Cedar Hill Blvd @ Workers Dr., Brooklyn, AACo, MD §12-126(a) (b)(c)(d)– Marking Violations
NPV# 32306	Gaines & Co. v. Comcast Location: Cedar Hill Blvd @ Workers Dr., Brooklyn, AACo, MD §12-126(a) (b)(c)(d)– Marking Violations
NPV# 32307	Gaines and Company vs. Washington Gas Location: Vista Glen Lane @ Vista Green Lane, Lanham, Prince Georges Co., MD §12-126 (a),(b) – Marking Violations

NPV# 32316	Washington Gas v. Eastern Excavating & Grading, Inc. Location: 15509 New Hampshire Ave, Silver Spring, Montgomery Co., MD §112-127(c)(3) – Failure to test pit.
<b>NPV's for Further Review (1 NPV) - Fine Waiver Request</b>	
NPV# 32301	BGE v. Matko Lee Chullin Location: 109 Oella Ave., Catonsville, Howard Co., MD §12-124 (a) – No Miss Utility Ticket – 1 <sup>st</sup> offense.  Violator has requested reconsideration of the \$1044.00 fine citing financial hardship. He is the homeowner.

Agenda Item 9

**Old Business:**

- The Executive Director reported that the Construction Angels/Miss Utility Subscribers Board of Directors Golf Tournament Closest to the Pin Sponsorship for \$550.00 has been sent. In addition, 2023 Maryland Radio Campaign request for \$20,000 has been made.

Agenda Item 10

**New Business:**

- The Executive Director asked that the Authority members recognize and thank outgoing members: Amber Brengel, Tamara Neal, Paul Kwiatkowski. The outgoing members each received a commemorative item.
- The Executive Director stated that he expects the replacement members and returning members will be approved by the Governor's office in time for the November 8, 2023 meeting. They are:
  - Keith Dill (David A Bramble Contractors ) - PWCA Seat
  - Marc Haines (BGE) – Subscriber's Seat
  - Bahareh Inanloo (Montgomery Co. DPW) – MACo Seat
  - James Dudley (Public Member) – 2<sup>nd</sup> two year term
  - Jimmy Jennings (Locator Seat) – 2<sup>nd</sup> two year term

Agenda Item 11

**Adjournment and Move to Executive Session**

- A motion was made to adjourn the September 13, 2023 Open meeting was made by member Dudley and seconded by Treasurer Neal. The motion was approved and recorded. The meeting adjourned at 9:26 a.m., the Authority immediately went into Closed Executive Session.

Agenda Item 12

**Next Meeting Date:**

- The next meeting will take place on Wednesday, November 8, 2023 at 9:00 a.m. The Executive Director stated that this meeting will be an Open Meeting followed by Closed Executive Session.
- There will be no October meeting due to a conflict with the MD Subscribers meeting.

Respectfully Submitted By:  
Susan A. M. Stroud  
Recording Secretary