



Maryland Underground Facilities Damage Prevention Authority
Authority Open Meeting Minutes
Wednesday, January 10, 2024

Agenda Item 1

Call to Order/ Welcome:

The meeting was called to order by Chair, David Gaines at 9:04 a.m. in the Miss Utility Conference Room at OCCInc. The meeting was then turned over to the Executive Director

Agenda Item 2 & 3

Introductions & Seat New Member:

There were no guests present at the Open Meeting. Ms. Inanloo, representing MACo was to be seated at this meeting after being absent from the December 13, 2023 meeting. However, Ms. Inanloo was excused for medical reasons.

Agenda Item 4

Roll Call Attendance/Establishment of a Quorum:

The Recording Secretary conducted a roll call attendance of the Authority members. In attendance were Authority members: David Gaines, Marc Haines, Jennifer Arroyo, Jimmy Jennings, James Dudley & Keith Dill. Mickey Beall, Bahareh Inanloo & David Wilkins were absent. The Executive Director, Jim Barron and Susan Stroud, the Recording secretary was also present. The Recording Secretary informed the Chairman that there was a quorum.

Agenda Item 5

2024 Election of Officers:

The election of the 2024 Authority officers was delayed until the February 14, 2024 meeting.

Agenda Item 6

Approval of Minutes:

The Authority reviewed the minutes from the December 13, 2023 open meeting. There were no amendments made to the minutes. Member Dudley made a motion to approve the minutes. Member Jennings seconded the motion. The motion carried by acclamation.

Agenda Item 7

Approval of Quarterly Financial Reports:

The Executive Director provided the combined financial statements for October, November & December 2023. He reported that the October Operating Account had a balance of \$264,620.48 and the same month's Education and Outreach Account had a balance of \$1116,125.75. The November Operating Account had a balance of \$245,658.38 and the Education and Outreach Account had a balance of \$111,785.07. There were no filing fees or fines for November. The December Operating Account had a balance of \$259,875.38, and the Education & Outreach Fund had a balance of \$113,343.88 There were \$200 in filings fees collected and no fines received.

In addition, year-to-date (November 2023) revenue from the 5 Cent per outgoing ticket surcharge is \$115,055.25, which is \$2,426.40 less than the same period in 2022. The year-to-date legal expenditures total \$1,698.50, which were primarily for general matters and legislative issues. The 3-year to-date legal fee totals total is \$41,908.00. Chairman Gaines made a motion to accept the October, November, December 2023 (4th Quarter) financial reports, which was seconded by member Dudley. The motion carried by acclamation.

Agenda Items 8, 9 & 11 (See Item 10 after chart)

# 8	Old NPV's- Move to formal hearing on March 13, 2023 by the Authority
NPV 29916	<p>(These hearings were rescheduled from February 14, 2024)</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>
NPV 30088	<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 & Wendy Court, Trotter Chase, Ellicott City MD on December 19, 2020, the date of the incident</p>
(Page Break)	

# 9	New NPV's for Research & Review = 19
	<p>Categories of Probable Violations:</p> <ul style="list-style-type: none"> 7 Marking 7 No ticket 1 Repeat Notification 4 Due Care <i>2 under the Post 3/11/22 Statute</i> <i>17 under the Post 6/01/22 Statute</i>
#11	New NPV's for Review in Closed Executive Session
NPV# 32319	<p>Gaines & Company v. BGE Location: Evening Star & Jumpers Hole & Longhill & Spring Gate, Pasadena, MD 21122</p> <p>Marking Violations:</p> <ul style="list-style-type: none"> §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 mark within 2 business days §12-126 (c) (1) – Failure to report “Marked” in the Information Exchange System §12-126 (c) (2) – Failure to report “Clear/No conflict” in the Information Exchange System
NPV# 32320	<p>Gaines & Company v. Verizon Location: Evening Star & Jumpers Hole & Longhill & Spring Gate, Pasadena, MD 21122</p> <p>Marking Violations:</p> <ul style="list-style-type: none"> §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 mark within 2 business days §12-126 (c) (1) – Failure to report “Marked” in the Information Exchange System §12-126 (c) (2) – Failure to report “Clear/No conflict” in the Information Exchange System
NPV# 32327	<p>Washington Gas v. Martinez Construction Location: 5502 Greystone Street, Chevy Chase, MD 20815</p> <p>No ticket Violation:</p> <ul style="list-style-type: none"> §12-124 (a) – NO Miss Utility Ticket – 1st Offense
NPV# 32331	<p>Washington Gas v. Kings Plumbing, LLC Location: 14608 Woonsocket Dr., Silver Spring, MD 20905</p> <p>No ticket Violation:</p> <ul style="list-style-type: none"> §12-124 (a) – NO Miss Utility Ticket – 1st Offense

NBPV# 32340	Schagrin Gas V. FRADA Hardscaping & Landscaping Location: 552 Claiborne Rd., North East, MD 21901 §12-124 (a) – NO Miss Utility Ticket – 1 st Offense
----------------	--

Agenda Item 10:

New Member Orientation:

The Executive Director asked if any Authority members had questions regarding the new member orientation held during the December 13, 2023 meeting and if they received copies of the Title 12 statute via email as requested? There was no further discussion regarding this agenda item.

Agenda Item 12

Warning Letter Request:

The Authority has been asked to issue a warning letter to a company operating in Havre de Grace, MD. The matter will be taken up in closed executive session.

Agenda Item 13

Old Business:

2024 Legislation – The Executive Director discussed the possibility of introducing two (2) initiatives during this year’s legislative session. The first would seek to increase the 0.05 cent surcharge on each outgoing ticket to 0.10 cents. The other legislative action would alter the terms of Authority member to start and end on different months so as not to coincide with delays caused in “lame duck” governor years. The matters will be discussed in more detail in closed executive session.

Agenda Item 14

New Business:

CGA Membership Renewal – It is time to renew the Authority’s CGA membership, the dues are \$1,000 per year for a limited membership. The current Authority members are Jim Barron, Susan Stroud, Amber Brengel & Kelly Ruddo. Members Keith Dill and James Dudley will be replacing Kelly Ruddo and Amber Brengel who are no longer on the Authority.

Agenda Item 15

Adjournment and Move to Executive Session

A motion was made to adjourn the January 10, 2024 Open meeting was made by Chairman Gaines and seconded by member Jennings. The motion was approved and recorded. The meeting adjourned at 9:53 a.m., the Authority immediately went into Closed Executive Session.

Agenda Item 14

Next Meeting Date:

The next meeting will take place on Wednesday, February 14, 2024 at 9:00 a.m. The Executive Director stated that this meeting will be an Open Meeting followed by Closed Executive Session.

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