



Maryland Underground Facilities Damage Prevention Authority
Open Meeting Minutes
Wednesday November 13, 2024

Agenda Item 1

Call to Order/ Welcome:

The meeting was called to order by Chair, Jimmy Jennings at 9:30 a.m. The meeting was held Via Zoom. There were no guests present. The Executive Director was asked to proceed with the Agenda for the November 13, 2024 3rd quarter Business meeting.

Agenda Item 2 & 3

Introductions & Roll Call Attendance

The Recording Secretary conducted a roll call attendance of the Authority members. In attendance were Authority members: Marc Haines, Jennifer Arroyo, Jimmy Jennings, Bahareh Inanloo, Keith Dill, Mickey Beall, David Gaines, David Wilkins. Member James Dudley was absent. The Executive Director, Jim Barron and Susan Stroud, the Deputy Director were 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 September 11, 2024 open meeting. There were no amendments made to the minutes. Vice Chairman Wilkins made a motion to approve the minutes. Chairman Jennings seconded the motion. The motion carried by acclamation.

Agenda Item 5

Approval of the 3rd Quarter Financials:

The Executive Director provided the combined financial statements for July, August & September 2024. He reported that the July Operating Account had a balance of \$179,818.06 and the same month's Education and Outreach Account had a balance of \$99,033.84. There were no fines collected in July and no filing fees were made that month. The August Operating Account had a balance of \$211,970. The Education and Outreach Account had a balance of \$94,962.65. There were no filing fees or fines collected in August. The September Operating Account had a balance of \$192,808.64. The Education & Outreach Fund had a balance of \$94,941.46. There were no filing fees or fines collected in September.

In addition, year-to-date (2024) revenue from the 5 Cent per outgoing ticket surcharge is \$148,382.20, which is \$1,518.10 ahead of the same period in 2023. The year-to-date legal expenditures total \$158.00, which were primarily for general matters. Chairman Jennings made a motion to accept the 3rd Quarter Financials, which was seconded by member Inanloo. The motion carried by acclamation.

Agenda Item 6

Formal Hearings

NPV's 29916 – DXI (Old Dixie) vs. BGE & 30088 – Gaines and Company vs. BGE, are tentatively on hold, as well as all other NPV's that have had a Formal Hearing requests. We are anticipating resuming Formal Hearings in 2025.

Agenda Item 7

NPV's for Investigation and Review (37)

- a. 15 Marking
- b. 8 No ticket
- c. 13 Due Care
- d. 1 Abuse of Emergency Ticket

Agenda Item 8

New NPV's for review in Closed Executive session:

#8	New NPV's for Authority Review (closed executive session)
NPV# 32349	BGE v. Puhl Construction Location: Severna Park, AACo, MD Violation: §12-124)a) – No Ticket – 1 st offense

	Intentionally left blank.
NPV# 32345	Wash Gas v. True Deck/DeckMasters, Inc. Location: Rockville, MOCO, MD Violation: §12-124)a) – No Ticket – 1 st offense
NPV# 32368	Wash Gas. V. Marty Mows, Inc. Location: Rockville, MOCO, MD Violation: §12-124)a) – No Ticket – 1 st offense
NPV# 32337	Gaines v Comcast Location: Brandywine, Prince Georges Co., MD Violations: §12-126 (a) (1) – Failure to mark within 5 feet §12-126 (b) (1) – Failure to mark within 18 inches §12-126 (b) (2) (i) – Failure to use correct APWA color codes §12-126 (c) (2) – Failure to report “Clear/No conflict” in the Information Exchange System
NPV# 32347	Gaines v. Toro Energy of MD Location: Glenn Dale. Prince Georges Co., MD Violations: §12-126 (d) (1)(i) – Failure to notify the person that intends to perform the excavation. §12-126 (d) (1)(ii) – Failure to develop a documented agreement. §12-126 (d) (2) – Failure to mark portion of the site where excavation will first occur.
NPV# 32359	Gaines v. Delmarva Power Location: Stevensville, Kent Co., MD Violations: §12-126 (a) (1) – Failure to mark within 5 feet §12-126 (b) (1) – Failure to mark within 18 inches §12-126 (b) (2) (i) – Failure to use correct APWA color codes §12-126 (c) – Failure to mark within 2 business days §12-126 (c) (2) – Failure to report “Clear/No conflict” in the Information Exchange System

Agenda Item 9

Old Business:

PHMSA Adequacy Evaluation – the Authority has once again received a full score on their annual evaluation (258) for CY 2023.

Agenda Item 10

New Business:

Annual Report – The Deputy Director will begin preparing the required Annual report to the Governor and legislature which is due in February 2025.

New Appointments Status – The Deputy Director reported that the Governor's Appointments office is now requiring that at least two names be forwarded to them for the Governor's selection, even though one of the appointments is a reappointment (Treasurer Arroyo). The Authority is appealing this ruling on the grounds that 10 years' worth of appointments have gone forward with only one applicant per seat. Tim Kaptein with Comer Construction was selected by the AUC to replace David Gaines who is term limited. MML has still not produced any name(s), which means Member Beall will be asked to stay on until a replacement is found for him.

Agenda Item 11

Adjournment and Move to Executive Session

A motion was made to adjourn the September 11, 2024 open meeting was made by member Gaines and seconded by Treasurer Arroyo. The motion was approved and recorded. The meeting adjourned at 10:00 a.m. There was a motion introduced by Treasurer Arroyo to go into Executive Session, which was seconded by member Inanloo. The motion passed.

Agenda Item 12

Next Meeting Date:

The next meeting will take place on Wednesday, December 11, 2024 at 9:00 a.m. The Executive Director stated that this meeting will be an in person Open Meeting followed by Closed Executive Session. With a holiday lunch served to the members and staff.

Respectfully Submitted By:

Susan A. M. Stroud

Recording Secretary