

**PROCEEDINGS OF LEGISLATIVE SESSION DAY 12-15
OF THE COUNTY COUNCIL OF HARFORD COUNTY, MARYLAND**

May 8, 2012

COUNCIL CHAMBERS

7:30 P.M.

CALL TO ORDER – Legislative Session Day 12-15 was called to order at 7:33 p.m. by Council President William K. Boniface with all Members present.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Council President Boniface.

OPENING PRAYER – The Opening Prayer was delivered by Council President Boniface.

PRESENTATION OF PROCLAMATIONS

A proclamation was presented by Council President Boniface and Councilman Woods, on behalf of the Council, to Richard Truitt, Deputy Director of the Department of Inspections, Licenses and Permits, recognizing May as “Building Safety Month”.

Upon general consent, the Rules of Procedure were suspended to move Item 15a and then return to the agenda.

NEW BUSINESS

Council Budget Advisory Board Report – Charles Ramsay, Chairman of the Citizens Budget Advisory Board, presented the FY 2013 Budget Advisory Board’s recommendations.

CITIZEN INPUT – None

SPECIAL PRESENTATIONS – None

APPROVAL OF MINUTES – The minutes of Public Hearing (May 1, 2012) and Legislative Session Day 12-14 (May 1 2012) were approved by general consent.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

Resolution No. 11-12 (Refunding and Refinancing – Board of Education Administration Building) was introduced by Council President Boniface at the request of the County Executive:

A RESOLUTION to approve the refunding and refinancing by the Board of Education of Harford County (the “Board”) of obligations incurred by the Board pursuant to a Conditional Purchase Agreement with respect to lease-lease back financing, of an administration building containing approximately 70,000 square feet (“Administration Building”) acquired by the Board on approximately .774 acres of land, more or less, at Hickory Avenue and Courtland Street, Bel Air, Maryland (“Property”); approving the use of alternative financing methods by the Board pursuant to Section 4-126(f) of the Education Article of the Annotated Code of Maryland; affirming that the approval of the refunding and refinancing and the alternative financing methods are intended to be without liability or obligation of Harford County, Maryland or the County Council of Harford County, Maryland.

Resolution No. 12-12 (Refunding and Refinancing – Board of Education Energy Equipment) was introduced by Council President Boniface at the request of the County Executive:

A RESOLUTION to approve the refunding and refinancing by the Board of Education of Harford County (the "Board") of obligations incurred by the Board with respect to two equipment lease purchase agreements dated December 7, 2001 and December 19, 2002, respectively, with respect to certain energy performance equipment acquired by SunTrust Bank from Johnson Controls, Inc. and leased to the Board in the original principal amounts of \$3,619,000 for the equipment lease purchase agreement dated December 7, 2001 (the "2001 Lease Purchase Agreement") and in the original principal amount of \$4,585,541, for the equipment lease purchase agreement dated December 19, 2002 (the "2002 Lease Purchase Agreement") providing financing of an HVAC System and an energy magnet system for Harford County Public Schools ("Energy Equipment"); approving the refunding and refinancing by the Board of the financial obligations required by the 2001 Lease Purchase Agreement and the 2002 Lease Purchase Agreement; affirming that the approval of the refunding of the 2001 Lease Purchase Agreement and the 2002 Lease Purchase Agreement are intended to be without liability or obligation of Harford County, Maryland or the County Council of Harford County, Maryland.

James Jewell, Assistant Superintendent of Business Services for Harford County Public Schools, and Stephen Winter, Esquire, Bond Counsel, explained Resolution No. 11-12 and 12-12. Following discussion, motion was made by Mr. Slutzky and seconded by Mr. McMahan, approving the Resolutions by unanimous consent (7-0).

Resolution No. 13-12 (Adoption of Capital Program) was introduced by Council President Boniface at the request of the County Executive:

A RESOLUTION to adopt the Capital Program for fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018.

INTRODUCTION OF BILLS - None

INTRODUCTION AND CONSIDERATION OF AMENDMENTS

Amendment Nos. 1 - 18 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance) were introduced by Council President Boniface at the request of the County Executive:

Amendment No. 1

On page 34, in line 11, strike "6,000,000" and substitute "6,400,000".
(To increase General Capital Project – Humane Society in the amount of \$400,000.)

Amendment No. 2

On page 33, in line 16, strike "1,957,583" and substitute "2,357,583".
(To increase Other funds in the amount of \$400,000 for the General Capital Project – Humane Society.)

Amendment No. 3

On page 34 between lines 18 and 19 insert the following:
"Stormwater Enhancement 200,000".
(To add the Water Resources Capital Project – Stormwater Enhancement in the amount of \$200,000.)

Amendment No. 4

On page 33, in line 16, strike "1,957,583" and substitute "2,157,583".
(To increase Other funds in the amount of \$200,000 for the Water Resources Capital Project- Stormwater Enhancement.)

Amendment No. 5

On page 34, in line 23, strike "700,000" and substitute "650,000".
(To decrease the Water Resources Capital Project – Woodland Run Stream Restoration in the amount of \$50,000.)

Amendment No. 6

On page 33, in line 9, strike "15,128,321" and substitute "15,078,321".
(To decrease Paygo funds in the amount of \$50,000 for the Water Resources Capital Project -Woodland Run Stream Restoration.)

Amendment No. 7

On page 34, in line 15, strike "150,000" and substitute "250,000".
(To increase the Water Resources Capital Project – Joppatowne Area Watershed Restoration in the amount of \$100,000.)

Amendment No. 8

On page 33, in line 12, strike "22,913,106" and substitute "23,013,106".
(To increase State funds in the amount of \$100,000 for the Water Resources Capital Project – Joppatowne Area Watershed Restoration.)

Amendment No. 9

On page 34, in line 15, strike "150,000" and substitute "200,000".
(To increase the Water Resources Capital Project – Joppatowne Area Watershed Restoration in the amount of \$50,000.)

Amendment No. 10

On page 33, in line 9, strike "15,128,321" and substitute "15,178,321".
(To increase Paygo funds in the amount of \$50,000 for the Water Resources Capital Project – Joppatowne Area Watershed Restoration.)

Amendment No. 11

On page 37 between lines 23 and 24 insert the following:
"Jericho Road Bridge #3 650,000".
(To add the Highways Capital Project - Jericho Road Bridge #3 in the amount of \$650,000.)

Amendment No. 12

On page 37, in line 4, strike "926,000" and substitute "1,576,000".
(To increase Federal funds in the amount of \$650,000 for the Highways Capital Project – Jericho Road Bridge #3.)

Amendment No. 13

On page 37, in line 23, strike "100,000" and substitute "200,000".
(To increase the Highways Capital Project – Hess Road Bridge #82 in the amount of \$100,000.)

Amendment No. 14

On page 37, in line 4, strike "926,000" and substitute "1,026,000".
(To increase Federal funds in the amount of \$100,000 for the Highways Capital Project – Hess Road Bridge #82.)

Amendment No. 15

On page 38, in line 23, strike "350,000" and substitute "150,000".
(To decrease the Highways Capital Project – Traffic Calming and Road Safety Improvements in the amount of \$200,000.)

Amendment No. 16

On page 37, in line 5, strike "363,865" and substitute "163,865".
(To decrease Reappropriated funds in the amount of \$200,000 for the Highways Capital Project – Traffic Calming and Road Safety Improvements.)

Amendment No. 17

On page 38, in line 17, strike "100,000" and substitute "300,000".
(To increase the Highways Capital Project – Intersection Improvements in the amount of \$200,000.)

Amendment No. 18

On page 37, in line 5, strike "363,865" and substitute "563,865".
(To increase Reappropriated funds in the amount of \$200,000 for the Highways Capital Project – Intersection Improvements.)

Amendment Nos. 1 & 2 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance)

were approved on motion made by Mr. McMahan, seconded by Mr. Guthrie, and unanimously approved (7-0).

Amendment Nos. 3 & 4 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance)

were approved on motion made by Mr. McMahan, seconded by Mr. Guthrie, and unanimously approved (7-0).

Amendment Nos. 5 - 10 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance)

were approved on motion made by Mr. McMahan, seconded by Mr. Slutzky, and unanimously approved (7-0).

Amendment Nos. 11 – 18 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance) were approved on motion made by Mr. McMahan, seconded by Mr. Slutzky, and unanimously approved (7-0).

Memorandums of Change Nos. 1 - 14 to Resolution No. 13-12 (Adoption of Capital Program) were introduced by Council President Boniface at the request of the County Executive:

MEMORANDUM OF CHANGE #1

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: General

PROJECT: Humane Society

This memorandum of change revises the Humane Society Capital Project to correct the estimated annual debt service cost to \$515,830.

MEMORANDUM OF CHANGE #2

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: Water Resources

PROJECT: Joppatowne Area Watershed Restoration

This memorandum of change revises the Joppatowne Area Watershed Restoration Capital Project to correct the Council District to District A.

MEMORANDUM OF CHANGE #3

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: Tax Increment Financing

PROJECT: Beachtree TIF Improvements

This memorandum of change revises the Beechtree TIF Improvements Capital Project to correct the Prior Appropriations - Prior Bonds to reflect \$11,100,000.

MEMORANDUM OF CHANGE #4

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: Harford Community College

PROJECT: New Nursing and Allied Health Building

This memorandum of change revises the New Nursing and Allied Health Building Capital Project to correct Prior Appropriations - Prior Bonds to reflect \$485,000.

MEMORANDUM OF CHANGE #5

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: Harford Community College

PROJECT: Susquehanna Center Addition/Renovations

This memorandum of change revises the Susquehanna Center Addition/Renovations Capital Project to correct Prior Appropriations – Prior Bonds to reflect \$11,815,600.

MEMORANDUM OF CHANGE #6

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: Harford County Public Libraries

PROJECT: Havre de Grace Branch – Expansion

This memorandum of change revises the Havre de Grace Branch – Expansion Capital Project to correct Prior Appropriations – Prior Bonds to reflect \$535,000.

MEMORANDUM OF CHANGE #7

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: Board of Education

PROJECT: Stormwater Management, Erosion, Sediment Control

This memorandum of change revises the Stormwater Management, Erosion, Sediment Control Capital Project to correct Prior Appropriations – Paygo to reflect \$150,000.

MEMORANDUM OF CHANGE #8

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: Parks and Recreation

PROJECT: Bleacher Renovations

This memorandum of change revises the Bleacher Renovations Capital Project to correct Prior Appropriations – Recordation Tax to reflect \$110,000.

MEMORANDUM OF CHANGE #9

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: DPW - Highways

PROJECT: Ruffs Mill Road Bridge #190

This memorandum of change revises the Ruffs Mill Road Bridge #190 Capital Project to correct Prior Appropriations – Federal TEA-21 to reflect \$780,000.

MEMORANDUM OF CHANGE #10

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: DPW - Highways

PROJECT: Perryman Access – Mitchell Lane

This memorandum of change revises the Perryman Access – Mitchel Lane Capital Project by eliminating out-year funding of \$10,000,000 in Paygo for Fiscal Year 2015.

MEMORANDUM OF CHANGE #11

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: DPW - Highways

PROJECT: Guardrails

This memorandum of change is to add the Guardrails Capital Project H104511 as an open project to the Capital Program with Prior Appropriations – Paygo in the amount of \$300,000.

MEMORANDUM OF CHANGE #12

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: DW - Water

PROJECT: Route 1 Hickory By-Pass Transmission

This memorandum of change revises the Route 1 Hickory By-Pass Transmission Capital Project to eliminate Prior Appropriations – Paygo in the amount of \$436.

MEMORANDUM OF CHANGE #13

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: DPW – Sewer General

PROJECT: ENR Refinement at Sod Run

This memorandum of change revises the ENR Refinement at Sod Run Capital Project to correct Prior Appropriations – Prior Bonds to reflect \$11,100,000.

MEMORANDUM OF CHANGE #14

DATE: 8 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: DPW - Sewer

PROJECT: ENR at Joppatowne

This memorandum of change revises the ENR at Joppatowne Capital Project to add Prior Appropriations - Prior Bonds in the amount \$500,000.

Memorandums of Change Nos. 1 to 14 to the Capital Program were approved on motion made by Mr. McMahan, seconded by Mr. Slutzky, and carried with unanimous votes of aye (7-0).

CALL FOR FINAL READING OF BILLS

Bill No. 12-20 (County Agricultural Preservation Appropriation) was unanimously approved on motion made by Mr. McMahan and seconded by Mr. Slutzky (7-0).

ENROLLMENT OF BILLS - **Bill No. 12-20 (County Agricultural Preservation Appropriation)** was certified and accepted for enrollment.

UNFINISHED BUSINESS – None

NEW BUSINESS**Executive Appointments**

Library Board of Trustees, Student Representative – A motion to approve the appointment of **John Swab**, was made by Mr. McMahan, seconded by Mr. Slutzky, and unanimously approved (7-0).

Youth Commission – A motion to approve the appointment of **O’Meilia V. James, Jennifer Andrychowski, Jeanne Colopietro, Michael Dinicola, Angelique Kopa and Linda D. Siegel**, was made by Mr. McMahan, seconded by Mr. Slutzky, and unanimously approved (7-0).

BUSINESS FROM THE PRESIDENT

President Boniface offered remarks.

BUSINESS FROM COUNCIL MEMBERS

Remarks were offered by Council Members Guthrie, Woods, McMahan, Shrodes, Slutzky and Lisanti.

COMMENTS FROM ATTENDING CITIZENS - None

ADJOURNMENT

The Legislative Session Day was adjourned at 8:27 p.m. by general consent.

APPROVED Billy Boniface 5/29/12
President Date