

File of the Council of the City of Easton, Pa.

Ordinance No.

SESSION 2015

Bill No. 31

Introduced by: James Edinger – July 22, 2015

Enacted by Council:

AN ORDINANCE Amending Sections contained in Chapter 531, Tax Abatements, of the Code of the City of Easton, Pa.

THE CITY OF EASTON HEREBY ORDAINS:

SECTION 1. Section 531-5, be and it is hereby amended to read as follows:

A copy of the request for exemption shall be forwarded by the City of Easton to the appropriate county administrative agency responsible for the assessment and valuation of real property for tax purposes. Upon completion of the improvement, the taxpayer shall notify the City of Easton and the appropriate county agency so that the agency may assess the improvements separately for the purpose of calculating the amount of assessment eligible for tax exemption in accordance with the limits established in this article. The City of Easton will then obtain from the appropriate county agency the amount of the assessment eligible for exemption and will notify the taxpayer. The ~~Treasurer~~ Director of Finance or their designee is authorized to make refunds, if applicable, only after the appropriate county agency has notified the ~~Treasurer~~ Director of Finance or their designee of its separate assessment upon the improvement for which an exemption is requested. Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer or the City of Easton as provided by law.

SECTION 2. Section 531-7, be and it is hereby amended to read as follows:

A Tax Abatement hearing Board shall consist of the ~~City-Administrator~~ Director of Finance or their designee of the City of Easton, the Director of the Department of Community and Economic development of the City of Easton, the Director of Fiscal Affairs of the County of Northampton, and the Chief Operating Officer of the Easton Area School District for resolution of differences between the approving authority and the owner-taxpayer of the improved property on matters concerning interpretation and execution of the provisions of the Resolution. The Hearing Board shall have the following powers:

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 4. This Ordinance shall become effective 30 days following adoption by Council.

File of the Council of the City of Easton, Pa.

Ordinance No.

SESSION 2015

Bill No. 33

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Introduced by: Elinor Warner – August 12, 2015
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Enacted by Council:
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AN ORDINANCE of the City of Easton Pa. adopting the 2009 edition of the International Property Maintenance Code and Amending Sections contained in Chapter 435, Property Maintenance and Housing Standards

THE CITY OF EASTON HEREBY ORDAINS:

SECTION 1. Article I, Existing Structure Code, be and it is hereby amended to read as follows:

Article I: Property Maintenance Code

SECTION 2. Section 435-1 Adoption, be and it is hereby amended to read as follows:

The 2009 edition of the International Property Maintenance Code is adopted as the Property Maintenance Code of the City, subject, however, to the further provisions of this article.

SECTION 3. Section 435-2, be and it is hereby amended to read as follows:

The 2009 edition of the International Property Maintenance Code, adopted herein, is hereby amended and changed in the following respects.

SECTION 4. Section 435-2 A, be and it is hereby amended to read as follows:

A. IPMC 101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Easton, hereinafter referred as “this Code”.

SECTION 5. Section 435.2 B, be and it is hereby amended to read as follows:

B. IPMC 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in such amounts as established from time to time by Ordinance of City Council.

SECTION 6. Section 435.2 C be and it is hereby amended to read as follows:

C. IPMC 106.4 Violation penalties. Any person, firm or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine not exceeding \$1,000 and costs, or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. Each day that a violation continues after due notice

has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

SECTION 7. Section 435.2 D, be and it is hereby amended to read as follows:

- D. IPMC 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within ten (10 days) after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

SECTION 8. Section 435.2 E, be and it is hereby amended to read as follows:

- E. IPMC 111.3 Notice of meeting. The board shall meet upon notice from the chairman, within forty (40) days of the filing of an appeal, or at stated periodic meetings.

SECTION 9. Section 435.2 F, be and it is hereby amended to read as follows:

- F. IPMC 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine not exceeding \$1,000 or imprisonment for a term not to exceed ninety (90) days or both, at the discretion of the Court.

SECTION 9. Section 435.2 G, be and it is hereby amended to read as follows:

G. IPMC 202 General Definitions.

ADD definition

Family. An individual or married couple and the children thereof, including adopted and/or foster children over whom such individual or married couple stands in loco parentis, together with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than three unrelated persons living together as a single housekeeping unit in a dwelling unit.

SECTION 10. Section 435.2 H, be and it is hereby amended to read as follows:

- H. IPMC 302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. An approved system of Stormwater disposal shall be provided and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises.

Exception: Approved retention areas and reservoirs.

SECTION 11. Section 435.2 I, be and it is hereby amended to read as follows:

- I. IPMC 302.4 Weeds. All premises and exterior property shall be maintained free

from weeds or plant growth in excess of ten inches (10"). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. The provisions of Chapter 444, Article XXVI, Noxious Weeds or Bushes, of the Code of the City of Easton may be used in conjunction with this code.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon,. And the costs of such removal shall be paid by the owner or agent responsible for the property.

SECTION 12. Section 435.2 J, be and it is hereby amended to read as follows:

- J. IPMC 302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exceptions

1. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
2. One currently unregistered and/or uninspected motor vehicle shall be permitted to be parked, kept or stored on any property in a residential district, and such vehicle shall not at any time be in a state of disassembly or disrepair nor shall it be in the process of being stripped or dismantled.

SECTION 13. Section 435.2 K, be and it is hereby amended to read as follows:

- K. IPMC 302.10 Storage areas. All approved open salvage yards and open storage areas shall be completely obscured from surrounding property by a solid screen not less than eight (8) ft. (2,438 mm) in height. Storage of debris, junk or construction materials, which are not associated with an approved use or permitted construction at that site, shall be prohibited.

SECTION 14. Section 435.2 L, be and it is hereby amended to read as follows:

- L. IPMC 302.11 Storefronts. All storefronts shall be kept in good repair, painted where required and shall not constitute a safety hazard or nuisance. Display windows or storefronts constructed of plate glass shall be kept maintained, clean and free of cracks. No storage shall be permitted in the show window area unless shielded from the public view.

SECTION 15. Section 435.2 M, be and it is hereby amended to read as follows:

M. IPMC 304.14 Insect screens. During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food or human consumption are processed, manufactured, packaged or stored shall be supplied with tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

SECTION 16. Section 435.2 N, be and it is hereby amended to read as follows:

N. IPMC 305.7 Free from dampness. In every building, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure. The floors and walls shall be impervious to leakage of underground or surface runoff water and protected against dampness in an approved manner. The floors shall be constructed of material which conforms to the provisions of the Building Code in effect.

SECTION 17. Section 435.2 O, be and it is hereby amended to read as follows:

O. IPMC 308.0.1 General. The provisions of this article shall govern the responsibilities of persons for the maintenance of structures, and the equipment and premises thereof. In addition to this article, all City ordinances as contained in Chapter 500, Solid Waste; Recycling, shall apply as such relates to Section ES-801.0 entitled Sanitary Condition.

SECTION 18, Section 435.2 P, be and it is hereby amended to read as follows:

P. IPMC 402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight (8) percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exceptions:

1. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet (2.33m²). The exterior glazing area shall be based on the total floor area being served.
2. Dwellings in a neighborhood with dimensional deviations from this section that are common and due to the character of the original construction.

SECTION 19, Section 435.2 Q, be and it is hereby amended to read as follows:

Q. IPMC 403.1 Habitable spaces. Every habitable space shall have at least one

window which can be easily opened. The total openable window area in every room shall be equal to at least 45% of the minimum window area size required in Section 402.1

Exceptions:

1. Where rooms and spaces without opening to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight (8) percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet (2.33m²). The ventilation opening to the outdoors shall be based on a total floor area being ventilated.
2. Dwellings in a neighborhood with percent deviations from this section that are common and due to the character of the original construction.

SECTION 20, Section 435.2 R, be and it is hereby amended to read as follows:

- R. IPMC 403.3 Cooking Facilities. Unless approved through the Certificate of Occupancy, cooking shall not be permitted in any sleeping room, dormitory unit, hotel room or motel room, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit, hotel room or motel room.

SECTION 21. Section 435.2 S, be and it is hereby amended to read as follows:

- S. IPMC 503.4 Floor Surface. Every toilet room, kitchen and bathroom floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 22. Section 435.2 T, be and it is hereby amended to read as follows:

- T. IPMC 602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C), in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

SECTION 23, Section 435.2 U, be and it is hereby amended to read as follows:

- U. IPMC 602.3 Heat supply. Every tenant-occupied unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C), at a point three feet above the floor and three feet from an exterior wall in all habitable rooms, bathrooms and toilet rooms. During the normal heating period of October 1 to May 15, when the outside temperature is less than 68°F (20°C), the interior must be maintained at a minimum of 68°F (20°C). The provisions of this section shall not apply where the failure to maintain minimum requirements is caused by a malicious act of the occupant.

EXCEPTIONS:

1. When the outdoor temperature is below the winter outdoor design temperature for the City of Easton, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the City of Easton shall be as indicated in Appendix D of the International Plumbing Code.

SECTION 24, Section 435.2 V, be and it is hereby amended to read as follows:

- V. IPMC 602.4 Occupiable work spaces. Every owner of any structure who rents, leases or lets the structure or any part thereof on terms, either express or implied, to furnish heat to the occupant thereof; and every occupant of any structure or part thereof who rents or leases such structure or part thereof on terms, either expressed or implied, to supply its own heat, shall supply sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C) during all working hours in all enclosed spaces or rooms where persons are employed and working.

EXCEPTIONS:

1. Approved processing, storage and operation areas that require cooling or special temperature conditions.
2. Approved areas in which persons are primarily engaged in vigorous physical activities.

SECTION 24, Section 435.2 W, be and it is hereby amended to read as follows:

- W. IPMC 602.6 Portable heating equipment. Portable heating equipment using liquids, gaseous or solid fuel shall not be permitted. Electric portable heating equipment shall be permitted, provided that such portable heating equipment is auxiliary to the structure's primary system, that such heating equipment is listed and labeled for the application in which they are installed and used and provided further that such portable heating equipment is approved by Code Official.

SECTION 25, Section 435.2 X, be and it is hereby amended to read as follows:

- X. IPMC 603.7 Abandonment and status of tanks. Tanks taken out of service or not used for the approved purpose shall be removed in accordance with the 2009 International Fire Code Section 3404.2.14, or safeguarded in accordance with Sections 3404.2.13.1 through 3404.2.13.2.3 and API 1604.

SECTION 26, Section 435.2 Y, be and it is hereby amended to read as follows:

- Y. IPMC 604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Electrical Code in effect in the City. Ungrounded service conductors shall have an ampacity of not less than the load served. One- and two-family dwellings shall be served by a minimum three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 100 amperes for each dwelling. For other than one- and two-family dwellings, the ampacity of the electrical service shall be sized and installed in accordance with the Electrical Code in effect in the City.

SECTION 27, Section 435.2 Z, be and it is hereby amended to read as follows:

- Z. IPMC 605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. In a kitchen, there shall be three separate and remote wall-type electric convenience outlets. Outlets serving kitchen countertops shall be receptacles with ground fault circuit interrupter protection. Every laundry area shall contain at least one grounded –type receptacle or a

receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle, all bathroom receptacles shall have ground fault circuit interrupter protection. Receptacles installed outside, within six feet of any sink or water source shall have ground fault circuit interrupter protection.

SECTION 26, Section 435.2 AA, be and it is hereby amended to read as follows:

AA. IPMC 701.3 Alternative methods and systems. The provisions of this article are not intended to exclude the acceptance and approval of alternative methods and systems if such alternative methods and systems provide equivalent safety to the occupant of the existing buildings. Consideration to alternative methods and systems shall be submitted to the Building Code Official, in writing and as prescribed, by the owner or his designated agent.

SECTION 27, Section 435.2 BB, be and it is hereby amended to read as follows:

BB. IPMC 702.5 Information signs. A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels in buildings more than 75 feet (22860 mm) above the lowest level of fire department access shall be marked with approved signs reading as follows: USE STAIRWAYS IN CASE OF FIRE - DO NOT USE ELEVATORS.

SECTION 28, Section 435.2 CC, be and it is hereby amended to read as follows:

CC. IPMC 703.1 Fire-resistance-rated assemblies. The required fire resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained and comply with the International Code.

SECTION 29, Section 435.2 DD be and it is hereby amended to read as follows:

DD. IPMC 704.1.2 Fire standpipe. All buildings having floors used for human occupancy located four stories or more above grade shall be provided with standpipes according to the Building Code listed in Appendix A of this code. The standpipes shall have an approved Fire Department connection with hose connections at each floor level.

SECTION 30, Section 435.2 EE, be and it is hereby amended to read as follows:

EE. IPMC 704.1.3 Commercial kitchen exhaust systems. Commercial kitchen exhaust hood and duct systems, other than steam tables, completely enclosed ovens, cooking appliances located with a dwelling unit and not used for commercial purposes and auxiliary cooking equipment that does not produce grease-laden vapors, shall be equipped with an approved automatic fire suppression system.

SECTION 31, Section 435.2 FF, be and it is hereby amended to read as follows:

FF. IPMC 704.5 Smoke and heat detection. Each recirculating air or exhaust system which serves more than one floor in buildings which exceed four stories in height shall be equipped with approved smoke and heat detection devices in accordance with the Mechanical Code. The devices shall stop the fan(s)

File of the
Council of the City of Easton, Pa.

Ordinance No.

SESSION 2015

Bill No. 34

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Introduced by: Kenneth Brown - August 12, 2015
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Enacted by Council:

AN ORDINANCE:

TO AUTHORIZE AND DIRECT THE INCURRING OF NON-ELECTORAL DEBT THROUGH THE ISSUANCE OF A GENERAL OBLIGATION BOND, SERIES OF 2015 (THE "BOND") IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,000,000 OF THE CITY OF EASTON, NORTHAMPTON COUNTY, PENNSYLVANIA (THE "CITY") FOR THE PURPOSE OF PROVIDING FUNDS: (A) TO CURRENTLY REFUND THE OUTSTANDING AMOUNT OF THE CITY'S GENERAL OBLIGATION NOTE, SERIES OF 2013, (B) TO UNDERTAKE CERTAIN CAPITAL PROJECTS INCLUDING THE COMPLETION OF THE 13TH STREET SILK MILL PROJECT AND THE COMPLETION OF THE NEW CITY HALL AND INTERMODAL TRANSPORTATION CENTER PROJECT; AND (C) TO PAY THE COST OF ISSUING THE BOND OR ANY OR ALL OF THE SAME; STATING THE PURPOSE OF THE REFUNDING; STATING THAT REALISTIC COST ESTIMATES HAVE BEEN MADE FOR THE CAPITAL PROJECTS; DESCRIBING CERTAIN PRIOR PROJECTS AND RATIFYING AND CONFIRMING THE PREVIOUSLY ESTIMATED REALISTIC USEFUL LIVES THEREOF AND STATING THE REMAINING USEFUL LIVES THEREOF; DIRECTING THE PROPER OFFICERS OF THE CITY TO PREPARE, CERTIFY AND FILE THE REQUIRED DEBT STATEMENT AND BORROWING BASE CERTIFICATE; COVENANTING THAT THE CITY SHALL INCLUDE THE AMOUNT OF ANNUAL DEBT SERVICE IN ITS BUDGET FOR EACH FISCAL YEAR; SETTING FORTH THE SUBSTANTIAL FORM OF THE BOND; APPOINTING A SINKING FUND DEPOSITORY; PROVIDING FOR THE EXECUTION, DELIVERY AND AUTHENTICATION OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AWARDING SUCH BOND AT PRIVATE SALE

BY NEGOTIATION AND STATING THAT SUCH SALE IS IN THE BEST FINANCIAL INTEREST OF THE CITY; CREATING A SINKING FUND AND APPROPRIATING ANNUAL AMOUNTS FOR THE PAYMENT OF DEBT SERVICE ON THE BOND; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE CITY TO CERTIFY AND TO FILE WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT CERTIFIED COPIES OF THE NECESSARY PROCEEDINGS; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE CITY TO DO ALL THINGS NECESSARY TO CARRY OUT THE ORDINANCE; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE CITY TO PAY ISSUANCE COSTS; AUTHORIZING INCIDENTAL ACTIONS; RESCINDING INCONSISTENT ORDINANCES; AND STATING THE EFFECTIVE DATE.

WHEREAS, the City of Easton, Northampton County, Pennsylvania (the "City") is a political subdivision of the Commonwealth of Pennsylvania, is governed by the City Council (the "Governing Body"), and is a "local government unit" within the meaning of the Pennsylvania Local Government Unit Debt Act, 53 Pa. Cons. Stat. § 8001 *et seq.*, as amended (the "Act"); and

WHEREAS, the Governing Body of the City has determined to issue its "General Obligation Bond, Series of 2015" in the maximum principal amount of \$6,000,000 (the "Bond") with the proceeds to be applied for and toward a project, consisting of (i) the current refunding (the "Refunding Project") of the City's General Obligation Note, Series of 2013 (the "2013 Note") (DCED Approval No. GON-13092701, September 27, 2013) issued pursuant to Ordinance No. 5429, enacted on August 28, 2013 (the "2013 Note Ordinance"); (ii) the the completion of the 13th Street Silk Mill Project and the completion of the new City Hall and Intermodal Transportation Center Project (collectively, the "Capital Project"); and (iii) the payment of the costs of issuance related to the issuance of the Bond ((i), (ii) and (iii) collectively, the "Project"), all in accordance with the applicable and appropriate provisions of the Act; and

WHEREAS, the Governing Body of the City, after due deliberation and investigation, and finding that a private negotiated sale is in the best financial interest of the City, intends to award the Bond via a private negotiated sale to Lafayette Ambassador Bank, having offices in Easton, Pennsylvania (the "Bank").

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF EASTON, NORTHAMPTON COUNTY, PENNSYLVANIA, AS FOLLOWS:

Section 1. Incurrence of Debt; Amount and Purpose of Bond; Estimated Project Completion Date. The Governing Body of the City hereby authorizes and directs the incurring of non-electoral debt through the issuance of its General Obligation Bond, Series of

2015 (Federally Taxable) of the City, in the maximum principal amount of Six Million Dollars (\$6,000,000) to provide funds for and toward the Project.

The Refunding Project is being undertaken by the City for the purpose of replacing a note with a bond, in compliance with Section 8241(b)(5) of the Act.

Realistic cost estimates have been obtained for the Capital Project through estimates made by qualified persons, as required by Section 8006 of the Act.

The City hereby reserves the right to undertake components of the Project in such order and at such time or times as it shall determine and to allocate the proceeds of the Bond and other available moneys to the final costs of the Project in such amounts and order of priority as it shall determine; but the proceeds of the Bond shall be used solely to pay the "costs," as defined in the Act, of the Project described herein or, upon appropriate amendment hereto, to pay the costs of other projects for which the City is authorized to incur indebtedness.

The estimated completion date of the Refunding Project is September 29, 2015. The estimated completion date of the Capital Project is _____, ____.

Section 2. Realistic Estimated Useful Life. The 2013 Note was issued to provide funds for certain capital projects (the "2013 Note Prior Projects") consisting of: (i) the completion of the Karl Stimer Arts Trail/Bushkill Creek Trail; (ii) the 13th Street Silk Mill Project; (iii) the 118-120 Northampton Street Project; and (iv) the new City Hall and Intermodal Transportation Center Project, and (v) the payment of related costs, including the costs of issuing the 2013 Note, all as described in the 2013 Note Ordinance. The realistic estimated useful lives of the 2013 Note Prior Projects were determined at the time of issuance of the 2013 Note. Such determination is hereby ratified and confirmed and the principal amount of the 2015 Bond equal to the cost of the 2013 Note Prior Projects has been scheduled to mature prior to the unexpired useful life thereof.

The realistic estimated useful life of the Capital Project is estimated to be in excess of thirty (30) years and the principal amount of the Bond has been scheduled to mature prior to the end of such useful life.

Section 3. Debt Statement and Borrowing Base Certificate. The Mayor and City Clerk of this Governing Body or the Vice Mayor or Assistant City Clerk, in the absence of the Mayor or City Clerk, respectively, or any duly appointed successors, as the case may be, are hereby authorized and directed to prepare and certify a debt statement required by Section 8110 of the Act and a Borrowing Base Certificate.

Section 4. Covenant to Pay Bond. It is covenanted with the holder of the Bond that the City shall (i) include the amount of the debt service for the Bond for each fiscal year in which the sums are payable in its budget for that year; (ii) appropriate those amounts from its general revenues for the payment of the debt service; and (iii) duly and punctually pay, or cause to be paid, from its sinking fund or any other of its revenues or funds the principal of, and the interest on, the Bond at the dates and places and in the manner stated in the Bond according to the true intent and meaning thereof. For such budgeting, appropriation and payment, the City

pledges its full faith, credit and taxing power. The covenant contained in this Section 4 shall be specifically enforceable.

Section 5. Form of Bond; Description of Bond. The Bond is substantially in the form set forth in Exhibit A hereto. The Bond shall be in registered form, without coupon, and shall be numbered in such manner as may be satisfactory to the City and the Bank. So long as the Bond is held by the Bank and its participating bank or banks, if any, the Bond shall not require numbering as recommended by the Committee on Uniform Security Identification Procedures (“CUSIP”).

The Bond shall be issued in the maximum principal amount of \$6,000,000, shall be dated the date of its issuance, and shall bear interest from the date of the Bond on the outstanding balance of principal, payable semiannually on March 29 and September 29 of each year, commencing March 29, 2016, and at maturity or earlier payment, at a variable rate of interest equal to (A) 30-day LIBOR plus (B) Ninety-three (93) basis points, all as defined and described in the Note; provided, however, that the interest rate on the Note shall not exceed Nine Percent (9.0%) per annum.

The principal amount of the Bond shall be advanced by the Bank in advances (each, an "Advance") from time to time during the Advance Period (as defined herein) upon presentation of requisitions of the City satisfactory to the Bank, together with such supporting information or documentation related thereto as the Bank may require; provided, that the aggregate amount of all Advances shall not exceed \$6,000,000. All Advances shall bear interest at the rate then in effect under the Bond and as described in the Bond and this Ordinance from the date of disbursement by Bank. The Advance Period shall commence on the date of issuance and delivery of the Bond and shall end thirty (30) days prior to the maturity date of the Bond. Advances shall be made no more frequently than monthly (unless the Bank shall permit more frequent draws) during the Advance Period. In no case shall an advance be more than one year after substantial completion of the Capital Project. The Bank shall maintain a record, either separately or by notation upon the back of the Bond, which shall set forth each such installment as the same shall be advanced.

The interest rate referred to in the Bond shall be computed on the basis of a year of 360 days, comprised of twelve (12) thirty (30) day months.

If the date for payment of the principal of, or interest on, the Bond is not a business day, then the date of such payment shall be the next succeeding day which is a business day. Payment on such subsequent business day shall have the same force and effect as if made on the nominal date of payment. A business day shall be any day in which the Bank is not authorized by law or under lawful authority to be closed.

The City shall have the right at its option to prepay the Bond, as a whole or in part at any time, without premium or penalty, provided that any prepayment in part shall be applied against those principal installments as designated by the City in writing at the time of such prepayment, or if no such designation is made, to principal installments in the inverse order of their maturities. The principal of and interest on the Bond shall be payable in lawful money of the United States of America at the offices of the Bank.

Section 6. Execution, Delivery and Authentication of Bond; Disposition of Proceeds. The Bond shall be executed by the manual or facsimile signature of the Mayor or Vice Mayor and shall have the corporate seal of the City or a facsimile thereof impressed thereon, duly attested by the manual or facsimile signature of the City Clerk or Assistant City Clerk (or any City Clerk appointed for such purpose) of the Governing Body and such officers are hereby authorized and directed to execute the Bond in such manner. In case any official of the City whose manual or facsimile signature shall appear on the Bond shall cease to be such official before the authentication of the Bond such signature or the facsimile signature thereof shall nevertheless be valid and sufficient for all purposes the same as if such official had remained in office until authentication; and any Bond may be signed on behalf of the City, even though at the date of authentication of such Bond such person was not an official. The Mayor or Vice Mayor is authorized and directed to deliver, or cause to be delivered, the Bond to the purchaser thereof against the full balance of the purchase price therefor. On the date of issuance and delivery of the Bond, the proceeds of the Bond shall be disbursed, transferred or deposited by the Bank as directed in a closing receipt duly executed and delivered by an authorized officer of the City.

Section 7. Manner of Sale; Award of Bond. The Governing Body of the City after due deliberation and investigation has found that a private sale by negotiation is in the best financial interest of the City and based upon such finding the Governing Body of the City hereby awards the Bond, at a private negotiated sale, to the Bank, upon the terms set forth in its proposal dated as of June 18, 2015 (the "Bank Commitment"), a copy of which is attached hereto as Exhibit C and made a part hereof. As set forth in such Bank Commitment, the purchase price of the Bond is \$6,000,000. Such details are hereby approved.

Section 8. Appointment of Sinking Fund Depository; Sinking Fund; Appropriation of Annual Amounts for Payment of Debt Service. The proper officers of the City are hereby authorized and directed to contract with the Bank for its services as sinking fund depository, paying agent and registrar with respect to the Bond and such Bank is hereby appointed to act in such capacities with respect to the Bond. There is hereby established a separate sinking fund for the City designated as "Sinking Fund – City of Easton – Series of 2015 Bond (Federally Taxable)" (the "Bond Sinking Fund"). The maximum amount of debt service which the City hereby covenants to pay on or before March 29, 2016 and on or before March 29 and September 29 of each calendar year thereafter during the term of the Bond is set forth on Exhibit B attached hereto and made a part hereof. The Bank as sinking fund depository shall, as and when said payments are due, without further action by the City, withdraw available monies in the Bond Sinking Fund and apply said monies to the payment of the principal of and interest on the Bond.

The amounts set forth in Exhibit B attached hereto and made a part hereof shall be pledged in each of the fiscal years shown in Exhibit B to pay the debt service on the Bond, and such amounts are annually hereby appropriated to the appropriate Bond Sinking Fund for the payment thereof.

Section 9. Debt Proceedings. The City Clerk or Assistant City Clerk (or any acting City Clerk appointed for such purpose) of the Governing Body is hereby authorized and directed to certify to and file with the Pennsylvania Department of Community and Economic

Development, in accordance with the Act, a complete and accurate copy of the proceedings taken in connection with the increase of debt authorized hereunder, including the debt statement and borrowing base certificate referred to hereinabove, and any certificate excluding such debt as subsidized debt of the City and to pay the filing fees necessary in connection therewith.

Section 10. Bond Register, Registrations and Transfer. The City shall cause to be kept at the aforementioned office of the Bank, as paying agent, a register (the "Bond Register") in which, subject to such reasonable regulations as it may prescribe, the City shall provide for the registration of the Bond and the registration of transfers and exchanges of the Bond. No transfer or exchange of the Bond shall be valid unless made at such office and registered in the Bond Register. So long as the Bond is evidenced by a single certificate, the Bond Register shall be attached to the certificate as part of the Bond.

In the event the Bond has been issued in multiple certificates, and the Bond shall be exchangeable for another Bond or other Bonds, in any authorized denomination, in an aggregate principal amount equal to the principal amount of the Bond presented for exchange. Upon surrender of any Bond for exchange at the aforementioned office of the paying agent, the City shall execute and the paying agent shall authenticate and deliver in exchange therefor the Bond or Bonds which the owner making the exchange shall be entitled to receive. Upon surrender of a Bond at the aforementioned office of the paying agent for registration of transfer, the City shall execute and the paying agent shall authenticate and deliver in the name of the transferee or transferees, a new Bond or Bonds of any authorized denomination in the same aggregate principal amount as the Bond so surrendered.

Any Bond issued upon any registration of transfer or exchange shall be valid obligations of the City, evidencing the same debt and entitled to the same benefits under this Ordinance as the Bond surrendered for such registration of transfer or exchange.

Each Bond presented or surrendered for registration of transfer or exchange shall be duly endorsed, or be accompanied by a written instrument of transfer, in form and with guaranty of signature satisfactory to the City and the Bond Register, duly executed by the registered owner thereof or his duly authorized agent or legal representative.

No service charge shall be made for any transfer or exchange of any Bond, but the City may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of any Bond.

The City shall not be required to: (a) issue, or register the transfer or exchange of, any Bond during a period of fifteen (15) business days before any payment of principal or interest under any Bond or any date of selection for prepayment of any Bond, if applicable; or (b) register the transfer or exchange of any Bond after it has been selected for prepayment, in whole or in part.

Section 11. Current Refunding of the 2013 Note. Subject only to completion of delivery of, and settlement for, the Bond, the City hereby authorizes and directs the payment from the proceeds of the Bond of the amount which will be sufficient to effect the current refunding and redemption of the 2013 Note on September 29, 2015 (the "Redemption Date").

Subject only to completion of delivery of, and settlement for, the Bond, the City hereby calls for redemption and payment on the Redemption Date the outstanding 2013 Note. If unexpected events occur, the Mayor or Vice Mayor may approve a different date for the Redemption Date.

Section 12. Investments. Any moneys in the Sinking Fund and in any other account created hereunder not required for prompt expenditure may, at the direction of the City, be invested in obligations which are direct obligations of, or are guaranteed as to principal and interest by, the United States of America or may be deposited at interest in time accounts or certificates of deposit or other interest bearing accounts of any bank or bank and trust company, savings and loan association or building and loan association. To the extent that such deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency, they need not be secured. Otherwise, such deposits shall be secured as public deposits or as trust funds in accordance with the Act. Any such investments or deposits made from funds in the Sinking Fund shall mature or be subject to redemption at the option of the holder, or be subject to withdrawal at the option of the depositor, not later than the date upon which such moneys are required to be paid to the registered owner of the Bond.

Section 13. Incidental Actions. The Mayor and Vice Mayor, the City Controller, the Director of Finance and the City Clerk (or any Acting City Clerk or Assistant City Clerk appointed for such purpose), or any duly appointed successors, are hereby authorized, directed and empowered on behalf of the City to execute any and all agreements, instruments and documents and to do or cause to be done any and all acts and things necessary or proper for the carrying out of the provisions of this Ordinance, and the issuance and delivery of the Bond.

Section 14. Payment of Issuance Costs. The Mayor and Vice Mayor, the City Controller, the Director of Finance and the City Clerk (or any Acting City Clerk or Assistant City Clerk appointed for such purpose), or any duly appointed successors, are hereby authorized and directed to pay the costs of issuing the Bond at the time of delivery of the Bond to the Bank, such costs being estimated in the presentation to this meeting by Capital Markets Management, LLC, the City's financial advisor.

Section 15. Appointment of Bond Counsel. The City hereby appoints McNeese Wallace & Nurick LLC, Lancaster, Pennsylvania, as Bond Counsel for the Bond.

Section 16. Rescinding Inconsistent Ordinances. All ordinances or parts of ordinances inconsistent herewith be and the same hereby are rescinded, cancelled and annulled.

Section 17. Severability. In the case any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance and this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein.

Section 18. Effective Date. This Ordinance shall become effective on the earliest date permitted by the Act.

ENACTED this ____ day of August, 2015.

CITY OF EASTON

Attest: _____
(Assistant) City Clerk

BY: _____
(Vice) Mayor

[SEAL]

EXHIBIT A

FORM OF BOND

CITY OF EASTON
NORTHAMPTON COUNTY, PENNSYLVANIA

GENERAL OBLIGATION BOND, SERIES OF 2015 (FEDERALLY TAXABLE)

<u>Principal Amount</u>	<u>Date of Issuance</u>	<u>Maturity Date</u>
\$6,000,000	September 29, 2015	September 29, 2017

FOR VALUE RECEIVED, CITY OF EASTON, NORTHAMPTON COUNTY, PENNSYLVANIA (the "City"), existing under the laws of the Commonwealth of Pennsylvania, for value received, hereby acknowledges itself indebted and promises to pay to Lafayette Ambassador Bank (the "Bank"), with a business office in Easton, Pennsylvania, or registered assigns, the maximum principal sum of SIX MILLION DOLLARS (\$6,000,000), in lawful money of the United States of America in immediately available funds, or such lesser amount as may be advanced to or for the benefit of the City hereunder, together with interest accruing on the outstanding principal balance from the date hereof, all as provided below.

The Bond shall bear interest from the Date of Issuance of the Bond on the unpaid balance of principal, payable semiannually on March 29 and September 29 of each year, commencing March 29, 2016, and at maturity or earlier payment, at a variable rate of interest equal to (A) 30-day LIBOR plus ninety-three (93) basis points, from the Date of Issuance through and including September 29, 2017; provided, however, that such interest rate shall not exceed nine percent (9.0%) per annum. In no event will the rate of interest hereunder exceed the maximum rate allowed by law. The interest rate referred to in this Bond shall be computed on the basis of a year of 360 days, comprised of twelve (12) thirty (30) day months.

For the purposes hereof, "30-day LIBOR" shall mean the London Interbank Offered Rate for maturities of one month, expressed as an annual yield, as reported in the Wall Street Journal or a comparable source on the twenty-fifth day of the preceding calendar month. The rate of interest so established shall remain in effect until the first Business Day of the succeeding calendar month, at which time the rate of interest shall be re-established.

The principal of and interest on this Bond shall be paid in any coin or currency of the United States of America which, at the time of payment, shall be legal tender for payment of public and private debts, at the office of the Bank in Easton, Pennsylvania, or such other office as designated by the Bank, as paying agent (which term shall include any duly appointed alternate or successor paying agent). If the Bank shall be the registered owner of this Bond, payment of any part of the principal of and interest on this Bond by or in behalf of the City shall be valid and effective to satisfy and discharge fully the obligations of the City or its paying agent, with

respect to such payments of principal and interest. If the registered owner of this Bond shall not be the Bank, payment of any part of the principal of and interest on this Bond shall be made only upon surrender hereof by the registered owner at the principal office of the paying agent (or the designated office of any successor paying agent). Final payment of principal and interest appertaining hereto shall be made only upon complete surrender hereof to the paying agent.

If the date for payment of the principal of, or interest on, the Bond is not a business day, then the date of such payment shall be the next succeeding day which is a business day. Payment on such subsequent business day shall have the same force and effect as if made on the nominal date of payment. A business day shall be any day in which the Bank is not authorized by law or under lawful authority to be closed.

The City shall have the right at its option to prepay the Bond, as a whole or in part at any time, without premium or penalty, provided that any prepayment in part shall be applied against those principal installments as designated by the City in writing at the time of such prepayment, or if no such designation is made, to principal installments in the inverse order of their maturities.

On or before March 29, 2016, and on or before March 29 and September 29 of each calendar year thereafter during the term of this Bond, the City shall transfer to the Bank, as sinking fund depository and paying agent, for deposit in the Bond Sinking Fund, the maximum amount set forth for such date on Schedule A attached hereto and made a part hereof.

This Bond, immediately upon execution and delivery hereof by the City, shall be registered, both as to principal and interest, in the name of the owner, on records of the City to be kept for that purpose by the Bank, as paying agent, such registration to be noted hereon by a duly authorized representative of the paying agent. After such registration, no transfer hereof shall be valid unless made by the registered owner hereof in person, or by a duly authorized attorney, and similarly noted upon said records and hereon. Rights of any registered owner hereof, subsequent to the initial registered owner hereof, shall not exceed rights of the predecessor registered owner hereof.

This Bond is issued in accordance with the provisions of the Pennsylvania Local Government Unit Debt Act, 53 Pa. Cons. Stat. § 8001 *et seq.*, as amended (the "Act") and by virtue of an ordinance of the City duly enacted (the "Ordinance"), and the sworn statement of the duly authorized officers of the City as appears on record in the office of the Pennsylvania Department of Community and Economic Development, Harrisburg, Pennsylvania. It is hereby certified and recited that all conditions, acts, and things required to exist, to have been performed and to have happened precedent to and in connection with the issuance of this Bond do exist, have been performed and have happened and that this Bond is within every debt and other limitation prescribed by law.

It is covenanted with the holder of this Bond that the City shall (i) include the amount of the debt service for each fiscal year in which the sums are payable in its budget for that year, (ii) appropriate those amounts from its general revenues for the payment of debt service, and (iii) duly and punctually pay or cause to be paid from its sinking fund or any other of its revenues or funds the principal hereof and the interest on this Bond at the dates and places and

in the manner stated in this Bond, according to the true intent and meaning thereof. For such budgeting, appropriation and payment, the City pledges its full faith, credit and taxing power. As provided in the Act, this covenant shall be specifically enforceable; subject, however, as to the enforceability of remedies to any applicable bankruptcy, insolvency, moratorium or other laws or equitable principles affecting the enforcement of creditors' rights generally.

The City hereby covenants, so long as the Bond is outstanding, to furnish to the Bank, within 275 days of the end of each of fiscal year of the City, complete financial statements of the City in reasonable detail, and certified by independent certified public accountants.

In the event that for any reason one or more of the provisions of this Bond or its or their application to any person or circumstance shall be held to be invalid, illegal or unenforceable in any respect or to any extent, such provisions shall nevertheless remain valid, legal and enforceable in all such other respects and to such extent as may be permissible. In addition, any such invalidity, illegality or unenforceability shall not affect any other provisions of this Bond, but this Bond shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

No recourse shall be had for the payment of the principal of, or interest on, this Bond, or for any claim based hereon or on the Ordinance, against any member, officer or employee, past, present, or future, of the City or of any successor body, either directly or through the City or any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the execution and issuance of this Bond.

This Bond may be transferred only in accordance with the provisions of the Ordinance.

IN WITNESS WHEREOF, the City has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signature of its Mayor or Vice Mayor and its corporate seal (or a facsimile thereof) to be affixed, imprinted, engraved or otherwise reproduced hereon, and attested by the manual or facsimile signature of its City Clerk or Assistant City Clerk, all as of the Date of Issuance.

ATTEST:

CITY OF EASTON

(Assistant) City Clerk

By: _____
(Vice) Mayor

(City Seal)

SCHEDULE A

MAXIMUM ANNUAL AMOUNTS APPROPRIATED TO SINKING FUND

<u>Date</u>	<u>Maximum Amount</u>
March 29, 2016	\$270,000
September 29, 2016	\$270,000
March 29, 2017	\$270,000
September 29, 2017 ¹	\$6,270,000

¹ Includes \$6,000,000 maximum principal amount due at maturity.

EXHIBIT B

MAXIMUM ANNUAL AMOUNTS APPROPRIATED TO SINKING FUND

<u>Date</u>	<u>Maximum Amount</u>
March 29, 2016	\$270,000
September 29, 2016	\$270,000
March 29, 2017	\$270,000
September 29, 2017 ¹	\$6,270,000

¹ Includes \$6,000,000 maximum principal amount due at maturity.

EXHIBIT C
BANK COMMITMENT

CERTIFICATE OF CITY CLERK

I, the undersigned, the City Clerk of the City of Easton, Northampton County, Pennsylvania (the "City"), hereby certify that:

The foregoing is a true and correct copy of an Ordinance which was duly enacted by affirmative vote of a majority of all members of the Council of the City at a meeting duly held on the 26th day of August, 2015; said Ordinance duly has been recorded in the Minute Book of the Council of the City; notices with respect to enactment (both before and after enactment) of said Ordinance have been published (or will be published) as required by law; and said Ordinance has not been amended, altered, modified, or repealed as of the date of this certificate.

I further certify that:

The total number of members of the Council of the City is seven (7); the vote of the members of the Council upon said Ordinance was called and duly was recorded upon the Minutes of said meeting; and members of the Council voted upon said Ordinance in the following manner:

<u>Name</u>	<u>Vote</u>
Salvatore J. Panto, Jr., Mayor	
Ken Brown	
James Edinger	
Melanie Mauro	
Roger Ruggles	
Sandra Vulcano	
Elinor Warner	

and that such Ordinance and the votes thereon have been duly recorded in the Minutes.

WITNESS my hand and seal of the City of Easton this 26th day of August, 2015.

Secretary/Treasurer

[SEAL]

Resolution
Of the
City of Easton, Pennsylvania

No. -2015

Date: August 12, 2015

Introduced by Roger Ruggles

RESOLVED, that the Council of the City of Easton has reviewed and approves an Intergovernmental Agreement, copy attached hereto, between the City of Easton and the Pennsylvania Department of Conservation and Natural Resources to begin treatment and suppression activities for the emerald Ash Borer.

This is to certify that the above Resolution was adopted by the City Council on the above date.

Attest: _____
 City Clerk

Signed: _____
 Mayor

Resolution
Of the
City of Easton, Pennsylvania

No. -2015

Date: August 12, 2015

Introduced by Roger Ruggles

RESOLVED, that the Council of the City of Easton authorizes the Department of Public Works to apply for a Pennsylvania Department of Conservation and Natural Resources grant in the amount of \$20,000.00 for maintaining street trees.

This is to certify that the above Resolution was adopted by the City Council on the above date.

Attest: _____
 City Clerk

Signed: _____
 Mayor

Resolution
of the
City of Easton, Pennsylvania

No. 2015

Date: August 12, 2015

Introduced by: Melanie Mauro

RESOLVED that the Council of the City of Easton, PA authorizes the Easton Police Department to apply for a grant and to enter into an Agreement with the Commonwealth of Pennsylvania acting through the Department of Transportation on a project known as the City of Easton Sobriety Checkpoint and Expanded DUI Enforcement Program in the amount of \$20,000.00

BE IT FURTHER RESOLVED that Council authorizes the Mayor and City Controller to sign said Grant Agreement and the City Clerk to attest to same.

This is to certify that the above Resolution was adopted by the City Council on the above date.

Attest: _____
 City Clerk

Signed: _____
 Mayor

