

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

Ordinance No.

SESSION 2010

Bill No. 25

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Introduced by: Kenneth Brown – August 25, 2010

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Enacted by Council:

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AN ORDINANCE: Authorizing the Issuance of the City of Easton’s Tax and Revenue Anticipation Note, Series B of 2010.

AUTHORIZING THE ISSUANCE OF THE CITY OF EASTON’S TAX AND REVENUE ANTICIPATION NOTE, SERIES B OF 2010; PROVIDING FOR THE FORM OF NOTE; AWARDING THE NOTE AT A NEGOTIATED SALE; PROVIDING SECURITY FOR THE NOTE; APPROVING A CERTIFICATE OF AUTHORIZED OFFICERS; AUTHORIZING THE EXECUTION AND DELIVERY OF THE NOTE, THE FILING REQUIRED BY LAW AND OTHER NECESSARY ACTIONS; PROVIDING FOR REPRESENTATIONS AND COVENANTS REGARDING FEDERAL INCOME TAX MATTERS; DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AND REPEALING INCONSISTENT ORDINANCES.

WHEREAS the City of Easton, Pennsylvania (the “Issuer”) anticipates current taxes and revenues not yet collected; and

WHEREAS the Issuer has inadequate funds for current expenditures; and

WHEREAS the Local Government Unit Debt Act, constituting Title 53, Subpart B, Part VII of the Pennsylvania Consolidated Statutes (the “Act”), empowers and authorizes a local government unit to borrow money from time to time in any fiscal year in anticipation of the receipt of current taxes or current revenues, or both, and to evidence said indebtedness by one or more tax and revenue anticipation notes; and

WHEREAS the Issuer had determined that it is necessary to borrow for the purpose of meeting current expenses by issuing its Tax and Revenue Anticipation Note, Series B of 2010, in the stated principal amount of \$1,900,000 (the “Note”), to be repaid from said anticipated revenues; and

WHEREAS, PNC Bank, National Association (the “Bank”) has submitted to the Issuer a proposal to purchase the Issuer’s Note and the Issuer desires, by the enactment of this Ordinance, to accept such proposal and award and authorize the issuance and sale of its Note as hereinafter provided:

THE CITY OF EASTON HEREBY ORDAINS:

SECTION 1. Authorization; Terms of the Notes. The governing body of the Issuer hereby authorizes the borrowing of the principal sum of \$1,900,000 in anticipation of the receipt of current taxes and current revenues, said borrowing to be evidenced by its Tax and Revenue Anticipation Note , Series B of 2010 (the "Note") in the aforesaid principal sum. The Note shall be dated the date of issuance, shall be in fully registered form, shall mature on December 31, 2010, shall bear interest for each day from the date thereof on the unpaid principal balance thereof at a fluctuating rate per annum (computed on the basis of a year of 365 or 366 days, as the case may be, and the actual number of days elapsed) for each day equal to the "Prime Rate" as published from time to time in the Wall Street Journal as the "Prime Rate" minus one percent (1.00%), payable at maturity, and shall be substantially in the form of Note annexed hereto as Annex A. Notwithstanding the foregoing, in no event shall the interest rate payable with respect to the Note exceed the lesser of the maximum rate permitted by law or 15% per annum.

The governing body of the Issuer further authorizes the payment of the following issuance costs as follows: other bank fees not to exceed \$1,000.00 and City bond counsel fees with the City's bond counsel King Spry.

The principal of and interest on the Note shall be payable to the Bank or its order at the Bank's office in Easton, Pennsylvania, in any coin or currency of the United States of America which, at the respective times of payment, is legal tender for the payment of public and private debts.

The Note shall be redeemable at any time at the option of the Issuer without premium or penalty.

SECTION 2. Award of the Note. The Issuer hereby finds that a private sale of the Note by negotiation is in the best financial interest of the Issuer. The proposal to purchase the Note submitted by the Bank to the Issuer and attached hereto as Annex B (the "Proposal") is hereby approved and accepted. The Note is approved and shall be awarded, issued and sold upon a negotiated sale to the Bank at the principal amount thereof in accordance with said Proposal.

SECTION 3. Security for the Notes. The Note shall be equally and ratably-secured with any and all other tax and revenue anticipation notes issued by the Issuer in the current fiscal year by the pledge of, security interest in, and a first lien and charge on, the taxes and revenues of the Issuer to be received during the period when the Note will be outstanding. Such pledge, lien and charge shall be fully perfected as against the Issuer, all its creditors and all third parties from and after the filing of one or more Financing Statements with the Secretary of the Commonwealth of Pennsylvania.

Issuer does hereby make such pledge and create such security interest in and lien and charge upon its taxes and revenues to and for the benefit of the holder of the Note.

The Issuer hereby covenants to pay the full amount of principle and interest accrued at the time of the repayment of the Note.

SECTION 4. Approval of Certification. The Certificate as to Taxes and Revenues To Be Collected, dated no more than 30 days prior to the date of this Ordinance, prepared by the proper officers of the Issuer and heretofore submitted to governing body of the Issuer in accordance with Section 8126 of the Act, is hereby approved, and the said officers are hereby authorized, empowered and directed to deliver to the Bank a signed counterpart of such Certificate (or of a revised subsequently dated Certificate as may be necessary to comply with the Act) in connection with the issuance and delivery of the Note.

SECTION 5. Filing: Execution of Note; Other Action. The Mayor, the City Controller, City Administrator, City Finance Director, and the other proper officers of the Issuer are hereby authorized, empowered and directed (i) to cause certified copies of the proceedings and documents in connection with the authorization, issue and sale of the Note to be filed with the Pennsylvania Department of Community and Economic Development as required by the Act, (ii) to execute and deliver the Note to the Bank against receipt of the proceeds thereof, and (iii) to take all such other actions and execute all such other documents as may be necessary or desirable to effect the issue and sale of the Note in conformity with the aforesaid Proposal and the Act.

SECTION 6. Non-Arbitrage Covenant. The Issuer hereby covenants with the holders of the Note that it will make no use of the proceeds of the Note which will cause the Note to be an "arbitrage bond" or "private activity bond" within the meaning of Sections 103, 141 and 148 of the Internal Revenue Code of 1986, as amended, (the "Code") and the regulations thereunder or applicable thereto and that it will comply with the requirements of said Sections and such regulations throughout the term of the Note. In addition, the Issuer will comply with all other requirements of the Code and the regulations promulgated or proposed thereunder applicable to the Note.

SECTION 7. Rebate Covenant. If the gross proceeds of the Note are invested at a yield greater than the applicable yield on the Note and are not expended within six months from the date of issuance, or within eighteen (18) months therefrom if Section 1.148-7(d) of the Regulations shall be applicable, or within two (2) years therefrom if Section 148(f)(4)(B)(iv)(11) of the Code shall be applicable, the City covenants that it will "Rebate" to the U.S. Treasury, at the time and in the manner required by the Code, all investment income derived from investing the proceeds of the Note in an amount which exceeds the amount which would have been derived from the investment of the proceeds of the Note at a yield not in excess of the yield on the Note. Provided, however, that the Mayor and the City Controller are hereby authorized on behalf of the City to make an election to pay, in lieu of Rebate, a penalty pursuant to Section 148(f)(B)(iv)(V) of the Code, which election, if made in their discretion, shall be contained in the City's Non-Arbitrage Certificate with respect to the Note issued at closing thereon, and shall thereupon become binding upon the City, in which case, the City shall pay the appropriate penalties, as applicable, as and when due, in lieu of Rebate.

SECTION 8. Qualified Tax-Exempt Obligation(s). The Issuer hereby designates the Note under Section 265(b)(3)(B)(ii) of the Code as a "qualified tax-exempt obligation", as that term is defined in Section 265(b)(3)(B) of the Code. The aggregate amount of tax-exempt obligations which are not "private activity bonds" (as defined in Section 141 of the Code), other than "qualified 501(c)(3) bonds" (as defined in Section 145 of the Code)

**CITY OF EASTON, NORTHAMPTON COUNTY,
PENNSYLVANIA**

**TAX AND REVENUE ANTICIPATION NOTE, SERIES
B OF 2010**

Principal Amount: \$1,900,000 Dated: _____, 2010
Maturity Date: December 31, 2010

CITY OF EASTON, PENNSYLVANIA (the "Issuer") hereby promises to pay to the order of PNC Bank, National Association (the "Bank") or assigns, the Principal Amount set forth above on the Maturity Date set forth above, and to pay interest on the unpaid balance of principal from the date hereof at a fluctuating rate per annum (computed on the basis of a year of 365 or 366 days, as the case may be, and the actual number of days elapsed) for each day equal to the difference between (a) the "Prime Rate" as published from time to time in the The Wall Street Journal, minus (b) 1.00%, payable on the Maturity Date. Notwithstanding the foregoing, in no event shall the interest rate payable with respect to the Note exceed the lesser of the maximum rate permitted by law or 15% per annum.

The principal of and interest on this Note shall be payable at the Bank's office in Easton, Pennsylvania in any coin or currency of the United States of America which, at the respective times of payment, is legal tender for the payment of public and private debts.

The Issuer shall have the right at its option to prepay this Note, as a whole at any time or in part from time to time, without premium or penalty.

This Note is secured by the pledge of, and a first lien and charge on the taxes and revenues of the Issuer to be received during the period when this Note will be outstanding and is issued under the authority of the Pennsylvania Local Government Unit Debt Act, constituting Title 53, Subpart B, Part VII of the Pennsylvania Consolidated Statutes (the "Act"), and pursuant to a Tax and Revenue Anticipation Note Ordinance (the "Ordinance"), heretofore duly enacted by the governing body of the Issuer on _____, 2010. Proceedings with respect to the issuance of this Note were filed with the Pennsylvania Department of Community and Economic Development prior to the issuance of this Note and it is hereby certified and recited that all conditions, acts and things required by law to exist, to have been performed and to have happened precedent to and in connection with the issuance of this Note do exist, have been performed and have happened and that this Note is within every debt and other limitation prescribed by law.

No recourse shall be had for the payment of the principal of or interest on this Note, or for any claim based hereon or on the Ordinance, against any member, officer or employee, past, present or future, of the Issuer or of any successor body, either directly or through the Issuer 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 Note.

This Note is designated as a "qualified tax-exempt obligation," as such term is defined in Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

This Note shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania. To the extent permitted by law, the Issuer hereby waives trial by jury in connection with the enforcement hereof and consents to the jurisdiction of the courts of the Commonwealth of Pennsylvania in connection with any action seeking enforcement hereof against the Issuer.

WITNESS the due execution hereof by the officers of the Issuer thereunto duly authorized.

CITY OF EASTON, PENNSYLVANIA

ATTEST:

City Clerk

BY: _____
Mayor

BY: _____
City Controller

INTRODUCED BY KENNETH BROWN – AUGUST 11, 2010

Bill 24, Amending Ordinance No. 5229, 2010 General Fund Budget

SECTION 1. The 2010 General Fund Budget be and it is hereby amended as follows:

Account No.	Account Name	Budgeted	Proposed Change	Proposed Budget
101-1000-38012	Misc. Revenue	10,000	1,900,000	\$1,910,000
TOTAL REVENUE AMENDMENT				\$1,900,000
101-1000-4410	Judgments & Damages	0	1,900,000	\$1,900,000
TOTAL EXPENDITURE AMENDMENT				\$1,900,000

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 3. This Ordinance shall become effective immediately following adoption by Council.

Resolution

Introduced by: Salvatore J Panto, Jr. – August 25, 2010

WHEREAS the Bushkill Creek Corridor Steering Committee is responsible for the development and management of a series of critical community and economic development projects along the Bushkill Creek, including the redevelopment and revitalization of the Simon Silk Mill; and

WHEREAS the Redevelopment Authority of Easton is an officially authorized authority of the City of Easton; and

WHEREAS the City of Easton is a project partner with the Redevelopment Authority of Easton, Lafayette College, Arts Community of Easton, Northampton County and Delaware and Lehigh Heritage Corridor in the Bushkill Creek Corridor Revitalization Project; and

WHEREAS the Bushkill Creek Corridor Steering Committee intends to hold an event, with the City, in keeping with mission and intent of the Bushkill Creek Corridor Revitalization Plan; and

WHEREAS the Bushkill Creek Corridor Steering Committee and the City of Easton Administration respectfully request authorization to execute and file a Special Occasion Permit Application and other required paperwork to the Pennsylvania Liquor Control Board for the inclusion of alcoholic beverages at the Simon Silk Mill.

NOW THEREFORE BE IT RESOLVED that the City of Easton, Pennsylvania, Council authorizes the Mayor and Administration to execute and file a Special Occasion Permit Application and any other required paperwork to the Pennsylvania Liquor Control Board for the inclusion of alcoholic beverages at an event to be held at the Simon Silk Mill.

Resolution
of the
City of Easton, Pennsylvania

No. -2010

Date: August 25, 2010

Introduced by: Elinor Warner

RESOLVED that the Council of the City of Easton, Pa., has reviewed and approves an Agreement, copy attached hereto, between the City of Easton, Pa. and Corey's Country Landscape, to provide trees and landscaping for Riverside Park at a cost not to exceed \$28,960.

BE IT FURTHER RESOLVED that Council authorizes the Mayor and City Controller to sign said agreement on behalf of the City 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

Resolution
of the
City of Easton, Pennsylvania

No. -2010

Date: August 25, 2010

Introduced by: Roger Ruggles

WHEREAS the Easton Historic District Commission at its August 9, 2010 meeting reviewed the plans and specifications of Mary Sorrenti, owner of the building at 22 N. 3rd Street, for installation of a sign at 22 N. 3rd Street, Easton, Pa.; and

WHEREAS the Commission recommended approval of the Certificate of Appropriateness; and

WHEREAS the report has been submitted to the Council of the City of Easton, Pa., for review and approval of the Certificate of Appropriateness.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Easton, Pa., accepts and approves the Certificate of Appropriateness Report dated August 9, 2010, and hereby authorizes the issuance of a Certificate of Appropriateness commensurate with report of the Commission for 22 N. 3rd Street, Easton, Pa.

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. -2010

Date: August 25, 2010

Introduced by: Elinor Warner

WHEREAS the City of Easton has been awarded a \$41,500 grant from the Pennsylvania Department of Community and Economic Development.

NOW THEREFORE BE IT RESOLVED that Council authorizes the City's Finance Department to establish of a budget for the above mentioned funds.

- \$16,500 – Police Software
- \$15,000 – City Wide Tree Plantings
- \$ 5,000 – Mc Keen Park Upgrades
- \$ 5,000 – Cottingham School Building Evaluation

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. 175-2010

Date: August 25, 2010

Introduced by: Kenneth Brown

RESOLUTION DECLARING THE INTENTION OF THE CITY OF EASTON TO INCUR DEBT IN CONNECTION WITH THE PAYMENT OF THE COST OF VARIOUS CITY CAPITAL PROJECTS, AND TO REIMBURSE VARIOUS CITY FUNDS OR ACCOUNTS FOR EXPENDITURES MADE TOWARDS THE COST OF THE PROJECTS

WHEREAS the City of Easton ("City") has determined to undertake certain capital projects consisting of a (i) a public nature trail park, (ii) the creation or improvements to a waterfront park next to the Delaware River, and (iii) a certain street-related improvements along North and South Third Street (PCTI Project) and Snyder St. (DRJTBC) (the "Capital Projects" or "Projects"); and,

WHEREAS the City intends to pay the cost of the Capital Projects from its general fund or other City accounts and to reimburse such expenditure of funds from tax exempt financing to be undertaken in the future by the City.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Easton that:

1. As of the date hereof, the City reasonably expects to reimburse its various City funds and accounts for expenditures made and to be made for the cost of the Projects with proceeds of debt to be incurred by the City. This Resolution is intended to comply with Treasury Regulation Sec. 1.150-2.
2. The maximum principal amount of debt expected to be issued for the purposes of reimbursing the City for the cost of the Projects is \$9,000,000.
3. Any Resolution or part of a Resolution conflicting with provisions of this Resolution is hereby repealed insofar as the same affects this Resolution.

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. 176-2010

Date: August 25, 2010

Introduced by: Kenneth Brown

RESOLUTION DELCARING THE INTENTION OF THE CITY OF EASTON TO INCUR DEBT IN CONNECTION WITH THE PAYMENT OF A LEGAL SETTLEMENT, AND TO REIMBURSE VARIOUS CITY FUNDS OR ACCOUNTS FOR EXPENDITURES MADE TOWARDS THE COST OF THE LEGAL SETTLEMENT

WHEREAS the City of Easton ("City") has entered into a monetary settlement ("Legal Settlement") in connection with a personal injury lawsuit captioned Carin E. Sollman, Individually and as Administratrix of the Estate of Jesse Sollman vs. Officer Matthew Renninger, et al., U.S.D.C. for the Eastern District of Pennsylvania, Civil Action No. 07-CV-01183; and,

WHEREAS the City's financial liability under the Legal Settlement represents an extraordinary, non-reoccurring item that is not customarily payable from current revenues of the City, and for which there is no insurance coverage for; and

WHEREAS pursuant to the Legal Settlement, the City is required to make a third settlement installment payment ("Settlement Payment") to the Plaintiff in the amount of \$1,900,000; and,

WHEREAS the City intends to pay the cost of the Settlement Payment from its general fund or other City accounts and to reimburse such expenditure of funds from tax exempt financing to be undertaken in the future by the City.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Easton that:

1. As of the date hereof, the City reasonably expects to reimburse its various City funds and accounts for expenditures made and to be made for the cost of the Settlement Payment with proceeds of debt to be incurred by the City. This Resolution is intended to comply with Treasury Regulation Sec. 1.150-2.
2. The maximum principal amount of debt expected to be issued for the purposes of reimbursing the City for the cost of the Third Installment of the Legal Settlement is \$1,900,000.

3. Any Resolution or part of a Resolution conflicting with provisions of this Resolution is hereby repealed insofar as the same affects this Resolution.

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

Attest: _____
City Clerk

Signed: _____
Mayor