

Minutes of the Council of the City of Easton, Pa.
October 12, 2011

Easton, Pa
Wednesday
October 12, 2011
6:00 p.m.

City Council met in stated session at the above date and time in Council Chambers, City Hall, One South Third Street to consider any business that may lawfully be brought before the body, and to conduct a Public Hearing on the 2012 CDBG Program.

The invocation was given by Mayor Panto followed by the Pledge of Allegiance.

Roll Call

Present: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)
Absent: None (0)

Also in attendance were Thomas A. Hess, City Clerk, Rita Messa, Assistant City Clerk, William Murphy, City Solicitor, Beth Knickerbocker, Assistant City Solicitor and W. Glenn Steckman, City Administrator. There were approximately forty other persons present.

APPROVAL OF AGENDA

On motion of Mr. Fleck and Dr. Warner the agenda was approved by the following vote:

Yeas: Panto, Warren, Warner, Vulcano, Ruggles, Fleck, Brown (7)
Nays: None (0)

ACTION ON MINUTES

On motion of Dr. Ruggles and Mr. Warren the September 27, 2011 Council Meeting minutes and the September 29, 2011 Special Council Meeting minutes were approved, as submitted, by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto, (7)
Nays: None (0)

PUBLIC HEARING
2012 CDBG Program

At 6:08 p.m., Mayor Panto called the Public Hearing regarding the 2012 CDBG Program to order and turned the hearing over to Mrs. Vulcano, Chairperson of the Economic Development Committee:

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Mrs. Vulcano read the following:

“The purpose of this evening’s hearing is to obtain public comment on the draft Consolidated Plan for the City of Easton and to provide Council the opportunity to discuss the current recommended allocation of Community Development Block grant funding available for 2012.

Applications for 2012 CDBG funding were due on September 2, 2011.

The first public hearing was held on September 14th which allowed applicants to address City Council with regard to their application

Prior to tonight’s hearing, each Council Member submitted a recommended 2012 CDBG funding allocation to the City Staff. The Council Members’ suggested allocations were reviewed, combined, and taken into consideration and the current recommended allocation was formed. Council may alter the recommended allocation tonight provided that they adhere to the 15% public service cap and 20% administration cap.

The Consolidated Plan, which includes the draft recommended allocation of CDBG funding, has been available for public inspection at the County Government Center, Easton Neighborhood Center, Easton Public Library, City Clerk’s Office and the Redevelopment Authority Office since September 23, 2011. Comments will be received until final action is taken by Council on a finalized allocation on October 26, 2011”

Mrs. Vulcano asked for any comments or questions from Council members.

Council members requested a copy of the “2012 CDBG Request Summary” that was e-mailed to Mrs. Vulcano, which they were given.

Gretchen Longenbach, Director of Economic Development said that what Council members had received, showed the average by line item of everyone’s recommendation for allocation and the final staff recommendations. She said that she was asking Council members to concur with the staff recommendations if they wanted to, or to make any changes that they wanted to, this evening, and then vote on the allocations at the October 26, 2011 Council meeting.

Mrs. Vulcano asked for any comments or questions from the audience.

There were no comments or questions from the audience.

Council members reviewed the 2012 CDBG Request Summary.

Mr. Fleck said that the Fire Department had requested \$42,675 and the recommendation was \$8,954, and asked the Fire Chief if the recommendation was adequate enough for his department to accomplish something with the Carbon Monoxide Filters.

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Chief Bast said that it was.

Mr. Fleck said that he was happy that money was recommended for the Loan Capital.

Dr. Deborah Bird, 216 N. 7th Street, a representative of the Easton Area Neighborhood Center came forward and said that she would answer any questions that Council members may have on her Organization's request for \$40,897 of CDBG funding. There were no questions.

There were no other comments or questions from Council or the audience.

Mrs. Vulcan said that a vote to approve the Consolidated Plan would take place on October 26, 2011.

The Public Hearing was closed at 6:15 p.m.

CITIZENS RIGHT TO BE HEARD (Agenda Items Only)

There were no remarks from the audience.

REPORTS RECEIVED BY COUNCIL

There were no reports received by Council.

REPORTS OF COMMITTEES

Mr. Brown, Chairman of the Finance Committee spoke regarding legislation that he would have for later in the meeting, regarding authorizing the issuance of General Obligation Bonds, approving an Agreement with Crimson Fire Inc., and reported that the Administration Committee had met on October 11, 2011, and had discussed a Fire Truck purchase, proposed Pension Ordinance changes, and a proposed update to the EIT Ordinance.

Mr. Brown asked Gary Pullicini, Michael Gaul, and Chris Heagele to address Council regarding the Bond Auction, that was conducted today, and on the Bond Ordinance which they did, by informing Council that the Bond amount was changed from \$9,000,000.00 to \$7,715,000.00, going over the goals of the Bond, by going over the Debt Service Comparison after restructure which excluded the 2010 LOC and the 2011 Taxable LOC, amongst other items.

Mr. Steckman said that based on recommendations from Mr. Murphy and Councilman Ruggles, the Administration would be recommending that section numbers 7 & 8 in the proposed Agreement with Crimson Fire be struck as part of the Agreement. He said that the City was provided with a boiler plate agreement, and also urged the Council to consider that if

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Mr. Murphy needed to negotiate the actual terms of the Agreement he be authorized to do so, and encouraged Council to authorize the City to proceed with the purchase of the Fire Truck.

There was a short discussion, between Council members, Mr. Murphy and Mr. Steckman regarding the above matter.

The following proposed amendment to the proposed Resolution approving the Agreement with Crimson Fire was spoken about and would be forthcoming at the time the Resolution was introduced.

“To authorize approval of the Agreement without paragraphs 7 & 8 unless negotiated by the City Solicitor to his satisfaction.”

Mrs. Vulcano, Chairman of the Economic Development Committee said that Director Longenbach was very busy with Economic Development projects.

Dr. Ruggles, Chairman of the Planning Committee, had no report.

Mr. Warren, Chairman of the Public Safety Committee reported that the Public Safety Committee had met on October 11, 2011, and that the Feral Cats issue, Animals at Special Events and Vehicular Speeding was discussed.

Dr. Warner, Chairman of the Public Works Committee spoke regarding legislation that would be before Council later in the meeting regarding an Agreement with Insituform for Sewer Rehabilitation, a Right-of-Way Agreement with Nevin Park Associates, an Agreement with Urban Research for Heil Park Recreational Fields development, and a Developers Agreement with Lafayette College for parking lot development.

Dr. Warner also reported that she had been working with on a proposed Solar Ordinance with Will Dohe and Becky Bradley which she would present to Council and the Public Works Committee, for review, in the near future.

Mr. Fleck, Chairman of the Administration Committee spoke regarding legislation that he would have for later in the meeting regarding proposed Amendments to the City’s pension ordinances.

Mr. Murphy, City Solicitor, had no report.

Ms. Knickerbocker, Assistant City Solicitor, had no report.

Mayor Panto provided an update on the new Council Chambers, on the paving of streets throughout the City, spoke regarding the Garlic Festival and spoke regarding the following; milling and repaving of streets, and the new Council Chambers. He passed out an invitation to

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a seminar being put on by the Urban Land Institute regarding a charette of the north side of the 500 block of Northampton Street, at the Nurture Nature Center.

Mayor Panto presented two Certificates of Commendation to Joanne Moranville and Elizabeth Wyant the organizers of the Garlic Festival.

UNFINISHED BUSINESS

Bill No. 30, (Ordinance 5330), Authorizing and Directing the issuance of General Obligation Bonds, Series of 2011, in an Aggregate Principal Amount of \$9,000,000.00 was amended in the following way on motion of Mr. Brown and Mr. Fleck, by the following vote:

1. By changing the Aggregate Principal Amount from \$9,000,000.00 to \$7,715,000 throughout the Ordinance.
2. by deleting the words “or negotiation”
3. by deleting the word “approximately” and replacing it with “on November 1” in the fifth WHEREAS in the Ordinance.
4. by deleting the word “approximately” and replacing it with “on December 1” in the eighth WHEREAS in the Ordinance.
5. by adding the following at the end of the tenth WHEREAS in the Ordinance; “except that the November 1, 2011 debt service payment on the 2004 Notes will be made by the City as scheduled.”
6. by adding the following at the end of the thirteenth WHEREAS in the Ordinance; “or on about November 15, 2011.”
7. by deleting the words “ and” and “various”, placing the following words; “capital replacements” and making the words utility, roadway, park, and wall plural, and by adding the words “and other” in the fourteenth WHEREAS.
8. by adding the words ”Janney Montgomery Scott, LLC in the nineteenth WHEREAS.
9. by deleting the word “or negotiation” and “pursuant to the Financing Study prepared by the Financial Consultant from the fifteenth WHEREAS
10. by adding the following word “refunding” and the following “does not extend the term of outstanding debt to a maturity that could not have been included in the 2004 Notes or 2004A Note, as applicable, or any original issue refunded by them, in accordance with Section 8243 of the Act” and by adding the following: (c) The amounts of the stated maturities, or mandatory redemptions of the Bonds, as applicable, are fixed so that the debt service on the City’s outstanding debt, including lease rental debt, will be brought more nearly into an overall level annual debt service plan, in accordance with Section 8142(b) of the Act” to Section 2 of the Ordinance.
11. by deleting the following; “(not less than 90% and not more than 110% of par value”, and replacing it with \$7,650,988.40, and deleting “/minus and /discount” and replacing them with the word “net” and \$90,228.40, by adding the following amount \$154,300.00

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and deleting the following “The Financing Study as submitted by the Financial Advisor is hereby accepted and approved.” in Section 9 of the Ordinance.

12. by adding the following “estimated to be \$3,667,963.12 assuming prepayment on November 15, 2011” to Section 25 (c) of the Ordinance.
13. by adding the following “estimated to be \$2,765,368.50, assuming prepayment on November 15, 2011” to Section 25 (d) of the Ordinance.
14. By adding a \$7,715,000 City of Easton General Obligation Bonds, Series of 2011 Maturity Schedule, Schedule “A-1” to the Ordinance.
15. By deleting the words “MAXIMUM, PARAMETERS” and proforma maximum from the Debt Service Schedule of the Ordinance.
16. By deleting the Mandatory Redemption Schedule from the Ordinance.
17. By adding “November 15, 2017 and November 15, 2016 “ to the Options Redemption Schedule.
18. By adding the following “November 15, 2012”, “2026”, “Seven Million Seven Hundred Fifteen Thousand Dollars” “\$7,715,000” and “October 12” to the second paragraph of Schedule “D-1”-2
19. By adding “November 15, 2017, and “City” and deleting the word “Authority” from fifth paragraph of Schedule “D-1”-2
20. By removing all wording and inserting the following “The Bonds are not subject to mandatory redemption” for the sixth paragraph of Schedule “D-1”-3.
21. By adding the following “Assured Guaranty Municipal Corp”, AGM, New York, New York to the Statement of Insurance of the Ordinance, and to the Bond Insurance Page of the Ordinance. .

Yeas: Panto, Warren, Warner, Vulcano, Ruggles, Fleck, Brown (7)

Nays: None (0)

Amended Bill No. 30 (Ordinance 5330), was adopted on motion of Mr. Brown and Dr. Warner by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner,. Warren, Panto (7)

Nays: None (0)

Ordinance 5330 authorizes and directs the issuance of General Obligation Bonds, Series of 2011 in an aggregate principal amount of \$7,715,000.

CORRESPONDENCE

There was no correspondence received.

NEW BUSINESS

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Bill No. 33, Amending Sections in Chapter 110, Pensions, of the Code of the City of Easton, Pa., was introduced by Mr. Fleck and ordered processed for adoption.

This Bill would amend the Pension Ordinances by providing sections for Pension Coverage for Military Service.

Dr. Ruggles requested that the proposed Bill be reviewed and change all places that the word “his” is and make it “his/her”.

The next item on the Agenda was a proposed Resolution which would authorize the waiving of parking meter fees for November 25th and 26th and December 3rd, 10th, 17th, and 24th of 2011.

The following Resolutions were introduced by Mayor Panto:

133-2011

The above Resolution was adopted on motion of Mayor Panto and Mr. Warren by the following vote:

Yeas: Fleck, Ruggles, Vulcano, Warner, Warren, Panto, Brown (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve the appointment of Mr. Robert Walker to the Easton Suburban Water Authority.

The following Resolution was introduced by Mayor Panto::

134-2011

The above Resolution was adopted on motion of Mayor Panto and Dr. Warner by the following vote:

Yeas: Ruggles, Vulcano, Warner, Warren, Panto, Brown, Fleck (7)

Nays: None (0)

An October 6, 2011 memorandum, regarding a Fire Truck purchase and internal City lease was received from Chris Heagele, Director of Finance.

The next item on the Agenda was a proposed Resolution which would approve a Contract with Crimson Fire, for the purchase of a fire truck.

The following Resolution was introduced by Mr. Brown:

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135-2011

The above Resolution was amended by adding, “to authorize approval of the Agreement without paragraphs 7 & 8 unless negotiated by the City Solicitor to his satisfaction”, on motion of Mr. Brown and Dr. Warner by the following vote:

Yeas: Vulcano, Warner, Warren, Panto, Brown, Fleck, Ruggles (7)

Nays: None (0)

The above amended Resolution was adopted on motion of Mr. Brown and Mrs. Vulcano by the following vote:

Yeas: Ruggles, Fleck, Brown, Panto, Warren, Warner, Vulcano (7)

Nays: None (0)

An October 5, 2011 memorandum regarding Council Agenda Items was received from David Hopkins, Director of Public Works.

The next item on the Agenda was a proposed Resolution which would approve an Agreement with Insituform Technologies Inc. for the Northampton Street Sanitary Sewer Rehabilitation.

The following Resolution was introduced by Dr. Warner:

136-2011

The above Resolution was adopted on motion of Dr. Warner and Mr. Fleck by the following vote:

Yeas: Warner, Warren, Panto, Brown, Fleck, Ruggles, Vulcano (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve a Right-of-Way Encroachment Agreement for the construction of a retaining wall in front of 360 Taylor Avenue.

The following Resolution was introduced by Dr. Warner:

137-2011

The above Resolution was adopted on motion of Dr. Warner and Mrs. Vulcano by the following vote:

Yeas: Warren, Panto, Brown, Fleck Ruggles, Vulcano, Warner (7)

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Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve an Agreement for Professional Services with Urban Research & Development Corporation for the Heil Recreational Fields Development.

The following Resolution was introduced by Dr. Warner:

138-2011

The above resolution was adopted on motion of Dr. Warner and Mr. Warren, by the following vote:

Yeas: Panto, Brown, Fleck, Ruggles, Vulcano, Warner, Warren (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve a Developers Agreement with Lafayette College for parking lot development at Clinton Terrace and Cattell Street.

The following Resolution was introduced by Dr. Warner:

139-2011

The above Resolution was adopted on motion of Dr. Warner and Mr. Warren by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)

Nays: None (0)

CITIZENS RIGHT TO BE HEARD

Mr. Brown and Mayor Panto commended Mr. Bassil and his wife on the 80th anniversary of the Carmelcorn Store and its festivities over the last weekend.

The following former Elected Officials came forward and spoke regarding their time with the City:

Carol Harman
Pat Vulcano Jr.
Josie Smull
Joseph Grollman
Robert Willever

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Philip Mitman
William Kiefer
Michael McFadden
Rolland Paulus
Patricia Sportelli
Dan Corpora

ADJOURNMENT

With no further business, the meeting was adjourned at 7:32 p.m. on the motion of Dr. Warner and Mrs. Vulcano by the following vote:

Yeas: Panto, Warren, Warner, Vulcano, Ruggles, Fleck, Brown (6)

Nays: None (0)

Thomas A. Hess, City Clerk