

## **ANIZDA Board Meeting Minutes**

**January 2, 2019**

**Allentown Art Museum**

**31 N. 5<sup>th</sup> Street, Allentown, PA**

**Attendees:** Seymour Traub, Esq., Oldrich Foucek III, Esq., John Williams, Esq., Pedro Torres, Gregory Dudkin, John Stanley, Esq., David Mickenberg and Nelson Diaz

**Board Staff:** Jerome Frank (Solicitor), Steve Bamford (Executive Director), and Michelle Reid (Executive Assistant)

**Presenters:** Tom Williams (Operations Manager, Community and Economic Development, City of Allentown)

**Members of the media and public were present.**

### **1. Call to Order**

The meeting was called to order by Sy Traub, Chairperson, at 5:00 p.m. A quorum was met and the meeting proceeded accordingly.

### **2. Approval of December 5, 2018 Meeting Minutes**

A motion to approve the December 5th meeting minutes was made by G. Dudkin, seconded by J. Williams and unanimously approved.

**3. Public Comment on all Matters to be Acted Upon**—Members of the public were present but comments were deferred until matters were to be acted upon. Members of the media were present.

### **4. City of Allentown Streetscape Improvements to Hamilton Street area -Resolution R2018-180**

- a. On December 19, 2018 the City of Allentown appeared before the Public Improvement Committee to request public improvement project funding for streetscape improvements to the Hamilton Street area. The project received a nonbinding confirmation of interest from the Public Improvement Committee at the Qualification Stage. The committee recommended the project proceed to the board for consideration with the understanding that the City address or clarify issues related to ongoing maintenance and repair costs and responsibilities; building owner responsibilities; and how this request may relate to future streetscape improvements planned for other areas.
- b. Tom Williams from the City of Allentown described the project which includes installation of street trees and pedestrian-scale streetlights and replacement of sidewalks, curbs, and ramps for ADA compliance on sections of Hamilton Street between Church Street and 5<sup>th</sup> Street and a small portion of the east side of South 6<sup>th</sup> Street from Hamilton Street to Type Street. The project is expected to provide residents, office and store employees, and visitors an increased perception of safety along with a more appealing pedestrian environment and

downtown connectivity and accessibility at a total cost including installation estimated to not exceed \$1,468,774.

- c. Board members asked for assurances that the project will be low maintenance and coordinated with the Allentown Parking Authority parking kiosk project. The board also requested the time frame for implementation of other approved public improvement projects and encouraged the City to focus on advancing the Center Square project in particular during 2019. Future applications are to include a timeline for implementation.
- d. After opportunities for comment from the public present, a motion to approve Resolution R2019-180 was made by J. Stanley, seconded by G. Dudkin and was unanimously approved.

**5. Executive Director Report**

- a. S. Bamford reported that ANIZDA closed on the Subordinate Tax Revenue Bonds, Series 2018 issue (City Center Project) on December 27.
- b. Location of our board meetings are expected to be at America On Wheels for the rest of the year. All meetings are the 1<sup>st</sup> Wednesday of the month except for July which is July 11<sup>th</sup> because of the July 4<sup>th</sup> holiday.

O. Foucek announced that his term ends 12/31/2018 and he is resigning from the ANIZDA Board effective immediately. Board members thanked him for his service.

A motion to adjourn the meeting was made, seconded and approved.

**Next ANIZDA Board Meeting:** Wednesday, February 6, 2019 at 5:00 PM at the America On Wheels Museum at 5 N. Front Street, Allentown PA 18102.

Respectfully Submitted,



Pedro Torres

Secretary

**ALLENTOWN NEIGHBORHOOD IMPROVEMENT ZONE  
DEVELOPMENT AUTHORITY**

**RESOLUTION NO. R-2019-180**

WHEREAS, the Allentown Neighborhood Improvement Zone Development Authority (the "Authority") is a public instrumentality of the Commonwealth of Pennsylvania and a body politic and corporate, and is authorized and empowered by the provisions of the Economic Development Financing Law of the Commonwealth of Pennsylvania, 73 P.S. 371 *et seq.*, as amended (the "Act") as an industrial development authority to acquire, hold, construct, improve, maintain, own, finance and lease projects and, among other things, to make loans to project applicants or project users and to provide alternative types of financing, including, but not limited to, standby loan commitments, guarantees, letters of credit and grants; and

WHEREAS, Article XIX-B of Pennsylvania's Fiscal Code, 72 P.S. Section 8901-B *et seq.* (the "NIZ Act") authorizes a contracting authority such as the Authority to create a Neighborhood Improvement Zone (defined below); and

WHEREAS, the City of Allentown, Lehigh County, Pennsylvania (the "City") qualifies as a "city" under the NIZ Act; and

WHEREAS, pursuant to a resolution adopted by the Authority on August 30, 2012, the Authority designated a Neighborhood Improvement Zone within the City (the "NIZ"); and

WHEREAS, the Authority has found that the development of the aforesaid NIZ promotes the public purposes of both the Act and the NIZ Act and is in the best interest of the people of the City; and

WHEREAS, the Authority has the power to finance projects for development and improvement within the NIZ in accordance with the Act and the NIZ Act; and

WHEREAS the Authority anticipates that excess NIZ Tax Revenues will be generated from within the NIZ over and above the amount required for debt service on the 2012 Arena Bonds and the amount contractually committed to the Commonwealth of Pennsylvania; and

WHEREAS the Authority desires to utilize a portion of the excess NIZ Tax Revenues for payment of debt service utilized for public improvements within the NIZ; and

WHEREAS the Authority, by Resolution R2017-130 and Resolution R2018-175, has entered into a Credit Facility with Peoples Security Bank and Trust to finance Authority approved public improvement projects in the City; and

WHEREAS the Authority, by Resolution R2018-160, adopted Process Guidelines for Public Improvement Investments in the City's NIZ (the "Process Guidelines") (replacing the initially approved Project Plan for Public Improvement Investments) to fulfill the purposes of the Act and the NIZ Act,

NOW, THEREFORE, BE IT RESOLVED by the Authority, as follows that:

- A. Having received non-binding confirmation of interest as a Public Improvement Project proposed under and meeting the Qualification Stage criteria of the Process Guidelines, from the Public Improvement Committee at its public meeting on December 19, 2018, and after a full review of the Application Stage materials, the Authority hereby approves and agrees to provide financing for the following Public Improvement Project:

The City of Allentown shall install pedestrian-scale streetlights and replace sidewalks, curbs and curb ramps for ADA compliance on unimproved sections of Hamilton Street between Church Street and 5<sup>th</sup> Street and a small portion of the east side of South 6<sup>th</sup> Street to Type Street within the NIZ, thus providing residents, office and store employees and visitors an increased perception of safety along with a more appealing pedestrian environment and downtown connectivity within the NIZ, ("the Project"), at a total cost including installation estimated to not exceed \$1,468,774.00, subject to review, approval and entry into of any Agreement by the Authority and the City, as required, with all related stakeholders such as the Commonwealth of Pennsylvania and the County of Lehigh.

- B. The Whereas clauses above are incorporated as part of this Resolution and the Project.
- C. The Chairperson or Vice Chairperson, Executive Director and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to execute and attest, where deemed necessary, respectively, any related agreement and documents, and other documents to amend or correct any documents, and to take any and all such actions necessary, in the opinion of the Executive Director with the advice of counsel, to implement fulfillment of the purposes of this Resolution and to consummate the transactions contemplated herein.
- D. The liability of the Authority under any and all of the documents relating to and executed to implement fulfillment of the purposes of this Resolution shall not constitute the general obligation of the Authority other than as a pass

through financing from specifically designated funds, and where appropriate, the documents, shall provide for other parties, to indemnify and hold harmless the Authority, and each member, officer, and employee of the Authority, from and against any and all claims, losses, damages or liabilities, joint and several, to which the Authority or any member, officer or employee of the Authority may become subject, insofar as such loss, claim, damage, or liability, or action in respect thereof, arises out of implementation of the purposes of this Resolution, or is based upon any other alleged act or omission in connection with any document related thereto.

- E. All actions previously taken in furtherance of the purposes of this Resolution are hereby ratified. The officers of the Authority are hereby authorized to take such further actions to carry out the purposes of this Resolution.
- F. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed and this Resolution shall be in immediate effect from and after its adoption.

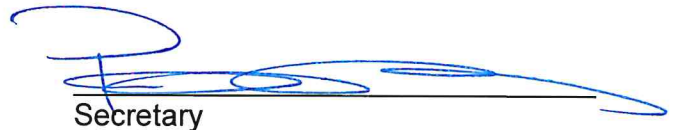
**END OF RESOLUTION**

**CERTIFICATION**

I, Pedro L Torres, Jr., Secretary of the Allentown Neighborhood Improvement Zone Development Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution R-2019-180 of the Board of Directors of the Authority passed at a duly convened meeting of said Board on the 2nd day of January, 2019. Authority members present and voting were as follows:

<u>Vote</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Seymour Traub, Esq.	✓		
Nelson A. Diaz	✓		
Gregory N. Dudkin	✓		
Oldrich Foucek, III, Esq.	✓		
David Mickenberg	✓		
Tiffany Polek	<i>absent</i>		
John Stanley, Esq.	✓		
Pedro L. Torres, Jr.	✓		
John Williams, Jr., Esq.	✓		

IN WITNESS WHEREOF, I hereunto set my hand and seal on this 2nd day of January, 2019.

  
Secretary