

ANIZDA Board Meeting

Agenda

July 1, 2020

5:00 pm

This is a virtual meeting due to COVID-19. Instructions on how to view the virtual meeting and provide public written comment can be found at <https://allentownniz.com/virtual>.

1. Call to Order – Chairperson
2. Approval of June 3, 2020 meeting minutes
3. Public Comment on all matters to be acted upon
4. Old Business
5. New Business
 - A. PPL Center Lease Year 6 Capital Repairs Budget Modification – Resolution R2020-224
 - B. First Quarter 2020 Statement of Operational Revenues and Expenses
 - C. Executive Directors Report

Adjournment

ALLENTOWN NEIGHBORHOOD IMPROVEMENT ZONE
DEVELOPMENT AUTHORITY

RESOLUTION R-2020-224
amending
RESOLUTION R-2019-204

WHEREAS, the Allentown Neighborhood Improvement Zone Development Authority (the "Authority"), assumed by assignment the Lease Agreement by and between the Allentown Commercial and Industrial Development Authority and BDH Development, LLC, dated December 9, 2011, as amended, (the "Lease") for lease of what is now known as the PPL Center including integrated restaurants (the "Arena"); and

WHEREAS, Arena construction was substantially completed on or about August 31, 2014 and the first Lease Year commenced September 1, 2014; and

WHEREAS, under the terms of the Lease, commencing thirty (30) days after the end of each Lease Year, BDH Development, LLC, referred to as the "Operator", covenants to annually deposit into the Capital Reserve Fund the sum of Five Hundred Thousand and 00/100 (\$500,000.00) Dollars to be utilized on Capital Repairs and Capital Improvements; and

WHEREAS, for the sixth (6th) Lease Year commencing as of September 1, 2019, the Authority approved Resolution R 2019-204 authorizing the Operator to make certain Capital Repairs to the Arena; and

WHEREAS, due to unforeseen issues and challenges arising from the COVID-19 pandemic, the Authority and the Operator have had discussions and reached concurrence that there was a need to modify the list of capital repairs to the Arena for the sixth (6th) Lease Year;

NOW, THEREFORE, be it resolved by the Authority as follows that:

1. For and during the current sixth (6th) Lease Year commencing as of September 1, 2019, the Authority hereby authorizes the Operator to expend for Capital Repairs to the Arena an additional Ninety-Seven Thousand Five Hundred Thirty Eight and 72/100 (\$97,538.72) Dollars for a total of no more

than Two Hundred Fifty-Two Thousand Five Hundred Thirty Eight and 72/100 (\$252,538.72) Dollars for the following:

- a) Exterior Security (Ballards/Planters) ML#21-revised est. \$15,000.00
- b) Ice Floor Slab and Equipment (Zamboni) ML#93-est. \$40,000.00
- c) Dasher Board System retrofit ML#95-revised est. \$47,000.00
- d) Touchless soap/towel/sanitizer equipment and thermal scanners
COVID est. \$8,130.16
- e) Electrostatic sprayers COVID est. \$5,194.00
- f) Self-service ticket scanners COVID \$108,851.40
- g) Plexiglass Shields COVID \$13,992.74
- h) Distancing Stanchions and signs COVID \$14,370.42
and defer previously approved
Precast Concrete (seating Bowl) ML #23- est. \$20,000.00
Retractable Seating ML#91-est \$15,000.00

and to take a credit from the Capital Reserve Fund annual deposit due on or before September 30, 2020 on condition (i) that Operator provides to the Authority adequate evidence such as checks and invoices that the expenses incurred were made to Capital Repairs of the Arena and (ii) that Operator shall pay into the Capital Reserve Fund the balance of the annual deposit due of not less than Two Hundred Forty Seven Thousand Four Hundred Sixty One and 28/100 (\$247,461.28) Dollars on or before September 30, 2020.

2. The Chairperson, Vice Chairperson or 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 agreement and/or documents to complete this transaction and to take any and all such actions necessary, with the advice of counsel, to implement fulfillment of the terms of this Resolution and to consummate the transaction contemplated herein.
3. 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 action as to carry out the purpose of this Resolution as may be deemed necessary.

4. All Resolutions and orders or parts thereof in conflict with the provisions of this Resolution, to the extent of such conflict, are hereby repealed and this Resolution shall be in immediate effect from and after its adoption.

END OF RESOLUTION

DRAFT

CERTIFICATION

I, Pedro L Torres, Jr., Secretary of the Neighborhood Improvement Zone Development Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution R-2020-224 of the Board of Directors of the Authority passed at a duly convened meeting of said Board on the 1st day of July, 2020. 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			
David Mickenberg			
Tiffany Polek			
Adrian Shanker			
John Stanley, Esq.			
Pedro L. Torres, Jr.			
Vacant			

IN WITNESS WHEREOF, I hereunto set my hand and seal on this 1st day of July, 2020.

Secretary