

Linda A. Rosenfeld – Chairperson
Malcolm Gross - Vice Chairperson
Candida Svirzovsky - Secretary
Michael Donovan – Treasurer
Lawrence Hilliard – Asst. Secretary

Tamara Weller - Executive Director
Daniel K. McCarthy - APA Solicitor

**ALLENTOWN PARKING AUTHORITY
BOARD OF DIRECTORS MEETING
September 23, 2009**

A Board of Directors meeting of the Allentown Parking Authority was held at 4:00 PM on Wednesday September 23rd, 2009 in the Conference Room, Allentown Parking Authority, 1005 Hamilton Street, Allentown, PA.

The following were in attendance:

Linda Rosenfeld-Chairperson
Malcolm Gross- Vice Chairperson
Michael Donovan-Treasurer
Larry Hilliard-Asst. Secretary
Candida Svirzovsky-Secretary
Tamara Weller - Executive Director

Also in attendance:

Bruce Koller-Deputy Director-APA
Dan McCarthy-APA Solicitor
George Grazer-Manager of Enforcement
Marge Hopkins-Recorder of the Minutes
Craig Friebolin-Concerned Citizen
APD Officer Batoni
APD Officer Miller

Linda Rosenfeld called the meeting to order at 4:03 pm. The Minutes from August were approved by Malcolm Gross and seconded by Michael Donovan, all were in favor and the Minutes were approved.

EXECUTIVE DIRECTOR'S REPORT

Handicap Parking

The APA is recertifying existing handicap parking spaces by sending a form to the individuals who have the spaces. The form will ensure the individual is still in need of the space. The APA is also working with the Center for Independent Living to ensure the criteria used to acquire a handicap space are still viable.

Constables

The County of Lehigh is suggesting, in an effort to be more cost effective, using sheriffs to serve warrants rather than constables. The APA does not have a formal position on this issue, since this is exclusively a County/judiciary matter.

OLD BUSINESS

Oak Street Lots

Due to the title issues discussed in previous APA Board meetings, the APA has decided to lease, with an option to buy, the property for ten years from the Redevelopment Authority for one dollar.

ArtsWalk

Dan McCarthy presented the ArtsWalk deed to be signed by the Board chair, vice-chair and secretary. The deed was signed by Linda Rosenfeld, Malcolm Gross and Candida Svirzovksy and notarized by Mr. McCarthy. Once signed, the final portion of the ArtsWalk was deeded to the city.

Construction Update

The intent to bid to award notices have been sent out to the vendors for the ATC fit-out. The construction estimated formerly at \$1.2 million is now \$838,000. The next step will be to award the bids. The APA hopes to have the construction started by October and completed in March 2010.

Constellation Energy

The APA is looking for ways to become more efficient, reduce spending as well as kilowatt usage in the parking garages. To that end, the APA has advertised an RFP for an Energy Savings Company (ESCO), the responses should come in during the next week. The APA is also trying to get the best rate for kilowatt hours in the office and garages. The Municipal Utility Alliance (MUA) agreement put together by the Pennsylvania League of Cities and Municipalities (PLCM) allows for municipal entities to partake in energy sharing through Constellation Energy. Constellation Energy

provides energy at a lower price than the projected 9.9 cents per KW hour through PPL. Projected rates for 2010 through Constellation Energy are 7.451 per kilowatt hour a 33%-\$54,500 savings over PPL rates. The rates through Constellation Energy will increase 3.1% from 2010 to 2011 and 2.3% from 2011 to 2012. Bruce Koller suggested locking into the rates for at least the next two years. Larry Hilliard suggested locking in the rates for three years. Michael Donovan asked what portion of the utility bills was electric usage. According to Mr. Koller, \$190,000 dollars was spent on electricity. Malcolm Gross stated that a \$54,500 savings on \$190,000 is a 25-30% savings the APA for which the APA should take advantage. Mr. Hilliard pointed out that although the savings on electrical usage will be realized, the price of electricity will not lessen; therefore, the \$190,000 figure will increase but to a lesser extent than without the energy sharing and efficiency plans. Tamara Weller agreed that through the fixed rates and more efficient energy usage there will be a savings; however, the price of energy is going to increase. In order to gain the savings the APA Board will need to sign an alliance and a boiler plate resolution to become a member of the MUA. Mr. Gross moved to join the MUA, Mr. Hilliard seconded the motion, all were in favor and the motion was approved. Mr. McCarthy reviewed the contract with Constellation and needed to be signed by Ms. Weller. Mr. McCarthy voiced concerns about the contract with Constellation. According to Mr. McCarthy, Constellation Energy can back out of the contract within 15 days of the contract signing and can assign the contract to another party whereas the signee (APA) is bound by the terms. After discussion about the contract, APA Board members agreed that the Constellation contract is similar to wording in other contracts and should Constellation renege on the contract, the APA will have other energy options. Since the subject of energy savings was discussed at length during the last APA Board meeting and Mr. Koller presented the Board with the figures during this meeting and all parties had their concerns addressed, Ms. Rosenfeld asked for a motion on the contract. Mr. Hilliard moved to allow Ms. Weller to assign the contract, Ms. Svirzovsky seconded the motion, all were in favor and the motion to sign the contract was approved.

MMO

Using the W2 for 2009, the 2010 budgeted figures for the Minimal Municipal Obligation (MMO) for the defined benefit plan is \$230,136 while the defined contribution plan is \$50,500.

Line of Credit Approval

The current line of credit for the APA is held by Sovereign Bank. In the past, this rate was tax exempt; however, since the bank has no use for a tax exempt rate, the rate for the line of credit will be taxable. M&T Bank also presented Mr. Koller with a proposal for a line of credit. Mr. Koller and Mr. McCarthy suggested a working line of credit for APA construction costs and future projects, preventing a pay-down schedule. Through Sovereign Bank the working line of credit interest rate, with a maximum loan of \$1 million, is 3 ¼% to a low of 3 ½%. Mr. Gross asked who is allow to draw from the line of credit and suggested a Board member approve all draws from the account. Mr. Koller replied that both the director and deputy director of the APA is allowed to sign on the draw; however, both Mr. Koller and Ms. Weller agreed it was prudent to appoint a Board member to approve the and sign off on the draw. The resolution would have to be approved and amended and signed by Ms. Svirzovsky. Ms. Weller asked if signature cards were needed. According to Mr. Koller, the APA has a Certificate of Incumbency showing each of the Board members with their signatures. Ms. Rosenfeld asked for a motion on the resolution. Mr. Gross approved the \$1 million unsecured one- year term line of working line of credit with Sovereign Bank at prime plus as amended to include a Board member's signature. Mr. Hilliard seconded the motion, all were in favor and the resolution was approved.

Courtesy of the Floor

Craig Friebolin addressed the APA Board concerning the ordinance regarding oversized vehicles parked on a city street. According to Mr. Friebolin, oversized vehicles should be allowed on a city street if the residents on the block agree the vehicle should be allowed to park there. Mr. Friebolin continued, questioning the service the APA provides to the City of Allentown. Ms. Svirzovsky addressed Mr. Friebolin stating that both, a resident and a business owner, she is an advocate for the oversized vehicle ordinance. Oversized vehicles parking and left for days in the vicinity of her business prevented her customers from parking in close proximity to her location. Oversized vehicles parked on city streets also pose safety hazards, according to Ms. Svirzovsky. Ms. Svirzovsky made attempts through the APA, APD and city council to have the situation rectified. As a resident, Ms. Svirzovsky is pleased with the ordinance. According to Mr. Friebolin, oversized vehicle parking should not be an ordinance; however, if the vehicle is a menace and a complaint is lodged it should be ticketed. Mr. Hilliard stated that in order to have a vehicle ticketed there needs to be an ordinance in place. Mr. Friebolin would like to have legislation changed. Mr. Donovan told Mr. Friebolin he needs to have his issues addressed and legislation changed he needs to voice his concerns during a city council meeting. Mr. Friebolin continued stating that the APA enforces many ordinances that are not needed. As an example, Mr. Friebolin affirmed that the APA has continually ticketed his vehicle for being uninspected while parked on a city street. The repeated enforcement of this ordinance resulted in his vehicle being booted. Without the funds to have the vehicle repaired, according to Mr. Friebolin, he has no alternative but to leave the vehicle on the street uninspected. Mr. Friebolin stated that parking his uninspected vehicle on a city street is not a menace and he is therefore, not breaking any laws. Members of the Board expressed to Mr. Friebolin that operating an uninspected vehicle is prohibited by State ordinance while parking it on a street in Allentown is prohibited by a city ordinance. Mr. Friebolin asked for discretion in the law and stated that Ms. Weller has been asked by City council to show discretion in enforcement as well. For the record, Ms. Weller wanted it noted that she has never been approached by a city council member requesting discretion. Furthermore, according to Mr. Gross, the APA does not have the authority to be discretionary. It must enforce the ordinances governed by the city. According to Mr. Donovan, most cities have a parking authority which manages a limited asset, parking places. Since the authority does not have the ability to use discretion, according to Mr. Donovan, Mr. Friebolin should take time to express his concerns at a council meeting. Furthermore, since some laws currently enforced may no longer be feasible, they may need re-evaluation. Ms. Rosenfeld stated that Ms. Weller and the APA staff are continually examining and reviewing the ordinances and permit systems in place. In fact, according to Ms. Rosenfeld, in the last three years there have been several changes in enforcement including changing hours on timed zones, meters which give time prior to insertion of change, and the oversized vehicle ordinance, to name a few. Mr. Friebolin stated that ordinances should be enforced on a complaint basis and if no one complains the ordinance should not be enforced. According to Ms. Svirzovsky, rules and regulations are needed in to keep peace and prevent chaos in a city. Furthermore, when an individual chooses to live in the city of Allentown as she does, they must obey the laws of the city. Mr. Donovan stated perhaps there are upgrades that would protect the streets and prevent the hardships and again directed Mr. Friebolin to city council. Mr. Friebolin passed around copies of a letter he is going to distribute to other concerned citizens.

Financial Statements

According to Mr. Koller, August was not a good month financially for the APA. Mr. Koller will keep these figures in mind for the 2010 budget. The 2010 budget will be presented for review by the Board no later than the October meeting date for a vote at the November meeting.

Remaining Board Dates

October meeting- October 28th

November meeting- November 18th

Board dinner to be scheduled on December 10th at Boun Gusto.

ADJOURNMENT

The meeting was adjourned at 5:28 pm.