

**PARKING AUTHORITY OF THE CITY OF CAMDEN**  
**REGULAR BOARD MEETING**  
**OPEN SESSION MINUTES**  
**NOVEMBER 23, 2015 – 6:00 P.M.**

**Commissioners in Attendance**

Chairperson Jose Martinez, Jr., Vice Chairwoman Shaneka Boucher, Commissioner Barry Moore, Commissioner Falio Leba-Martinez, Commissioner Angel L. Alamo,

**Staff and Consultants in Attendance**

Willie E. Hunter, Sr., Executive Director  
Joe Myers, Cooper's Ferry Partnership  
Leonard T. Bier, Esq., Consultant  
Marc Riondino, Esq. – City Attorney  
Charles Holmes, Holmes & Company  
Glynn Jones – City Finance Director

**Others Present**

Karl R. Walko, President – CWA Local 1014

**Meeting called to order at 6:01 PM and the Roll Call was made.**

**Public Notice**

Mr. Riondino stated that the Parking Authority of the City of Camden gave notice of the time, place and date of this meeting by providing such notice by legal advertisement in the Courier-Post Newspaper. A copy of the meeting notice and agenda were delivered to the Press Room in

City Hall (in compliance with Open Public Meetings Law, P.L. 1975 e. 231). A copy was also posted on the bulletin board in City Hall on Wednesday, November 18<sup>th</sup> at 4:10 PM.

The Chair noted the presence of the Consultants, Messrs. Myers and Bier and thanked them for their attendance. After noting no one present from the Public to Comment, the Chair requested the Consultants' reports.

### Consultants Reports

Mr. Bier stated that he was pleased to be in attendance and briefly summarized these points:

- has been primarily working on Operations, Management, and Employee Matters
- Garage status is currently "on hold" while access to the site behind is procured for geotechnical and other environmental work to be done; it is taking longer than anticipated

Mr. Myers made these points:

- stated that the summer season on the Waterfront was great
- activities included free yoga classes, free workout classes
- those events are [hopefully] being renewed for the next summer season
- scheduling of this event is being worked on in concert with the City and the County, in addition to parking for concert events
- stated his intention to send upcoming event information via e-mail
- stated his intention to forward additional information
- Touching base with Mr. Myers, Vice Chair Boucher referenced an e-mail sent regarding the Strategic Plan.

## Executive Director Report

Briefly, Mr. Hunter summarized the following:

- repair work in progress on the Waterfront Garage
- working with DRPA on a title search of the property
- will be setting up customer service training for all staff
- impending acquisition of three (3) new computers to upgrade/replace outdated systems
- revenue is doing well; up from last year
- Lot 48 gate has been repaired
- the new Residential Zone is up and running and being enforced in Parkside and Downtown
- preparations for snow removal are under way
- Vice Chair Boucher asked when the customer service training will take place.
- Mr. Hunter stated this will likely be scheduled around March – closer to the spring.
- Vice Chair Boucher asked if more than three computers are needed/if so, will these be gradual purchases.
- Mr. Hunter answered that the addition of three new computers should suffice at this time; upgrades have been effected each year so three more at this time should be enough.
- Commissioner Leyba-Martinez referenced his e-mail of November 17<sup>th</sup> regarding the Meeting recordings – the rest of the recordings.
  - **Commissioner Leyba-Martinez:** I know the three months that I asked for were deleted or misplaced or disappeared or something like that but, I wanted to know what happens with the rest of the recordings that are official recordings. After we record these, these are public records.
  - **Mr. Hunter:** The recordings did get deleted...
  - **Commissioner Leyba-Martinez:** All of them...

- **Mr. Hunter:** The digital recordings were erased by accident. We have one set of cassette recordings on file from November 24, 2014. But the digital recordings were deleted accidentally when trying to transfer them from the recording device to the computer.
- **Commissioner Leyba-Martinez:** Is this a recorder that has a USB?
- **Mr. Hunter:** It's this recording right here (referencing the recorder running) and you plug it in...
- **Commissioner Leyba-Martinez:** Plug it in and it creates a new file every time you plug it in?
- **Mr. Hunter:** The electronic recordings should have been updated regularly but, I don't believe they were. The digital recording device allows you to record in sections and put the sections in a file and to transfer to and keep the files on the computer. I don't believe the recording secretary understood the device well enough therefore, the recordings were accidentally deleted...
- **Commissioner Leyba-Martinez:** Are we in any sort of...do we have anything that can possibly affect us, Marc, when it comes to files that are being deleted?
- **Mr. Riondino:** First of all, it's not even a preferred practice to have recordings. But you asked for them and we provided for them. No it shouldn't have happened but, there was a mistake. But there's no legal liability because there's no obligation to have them anyway. A lot of Boards do not have them they basically go by the...somebody taking notes.
- **Commissioner Leyba-Martinez:** ...send that to me – a written document – where you're telling me that?
- **Mr. Riondino:** Sure.
- **Commissioner Moore:** And it's really kind of interesting because I looked up the Act...State of New Jersey it's actually ambiguous. There's really not any precedence that has been set...whether or not you can get in trouble for using it or whether you have to use it or you can use it or...

...further discussion ensued based on Commissioner Moore's comment...

- **Commissioner Leyba-Martinez:** But if it's not required and we choose to do it as practice then that is public records correct?
- **Mr. Riondino:** A lot of people don't think it's...
- **Mr. Bier:** Not necessarily, if you choose to record...to create your Minutes, then it's just an aid – not your official record. And that has been what the policy...haven't been to every one of your meetings...but when I was here when this was debated, you made a decision to use a recording device it was to assist in the preparation and transcription of Minutes. So it is not your official record. Your Minutes when adopted...
- **Mr. Riondino:** ...adopting...
- **Mr. Bier:** ...is your official record.
- **Commissioner Leyba-Martinez:** That was back three years ago...but, after we spoke about it maybe a year and a half ago, I think we said that we were going to be using it as a record as well...where we were going to maintain...I understand what you're saying Len but, what was said at the table was we were going to use this as a – not as an aid for the Minutes but, as a record of the Parking Authority.
- **Mr. Riondino:** There's no requirement for them and the only way they're used is as an aid. So there's no liability that they're gone but, they should be here if you elected to use them they should be here...obviously...a mistake...
- **Commissioner Leyba-Martinez** reiterated his wish for the provision of a written statement of what happened and why, including any legal implications, when it comes to...the recordings being deleted...it'll just make me feel comfortable...
- **Mr. Riondino:** First of all there is no requirement – if somebody maliciously or intentionally...that would be different but, that's not the case.
- Again, **Mr. Riondino** assured Commissioner Leyba-Martinez he would provide the requested written statement.

- **Vice Chair Boucher:** But we've been recording them for almost over a year now so how many of them are missing?
- **Commissioner Leyba-Martinez:** All of them.
- **Vice Chair Boucher:** ...missing...so we don't have anything with the exception of...cassettes...and where are the cassettes?
- **Mr. Hunter** responded.
- **Vice Chair Boucher** interjected her belief of more existing cassettes.
- **Mr. Hunter** reiterated only November 2014 is available – on cassette – and the reason for switching over to digital was because the cassettes kept running out too quickly for our Meeting.
- **Chairman Martinez** stated that although all recordings are not available as may have been agreed would be best practice, he is comfortable that “we do have the Minutes.”...
- **Vice Chair Boucher** agreed but also added that having established the rule, people should follow the rule set. The Board was being told all was in order. How will we move forward?
- **Vice Chair Boucher** stated her discomfort with everything having gone missing without the Members having been informed until they asked. Vice Chair Boucher expressed additional concerns in terms of who?, why?, penalty?, future backup?, etc.
- **Chairman Martinez** assured Vice Chair Boucher that he would follow-up with Mr. Hunter regarding her recommendations for new procedures, etc. The Chair invited the Vice Chair to attend that meeting.
- **Vice Chair Boucher** emphasized her understanding per other Members, that the Minutes were not always completely reflective of what actually transpired during the Meeting. Also, who is supposed to be responsible for them? Because if they

go missing again then, who is going to be the person to take the heat for them going missing? Because it should fall on the ED should it not?

- **Mr. Hunter** responded yes but, stated he was not the person who made and kept the recordings. If however, in the future, he is expected to take responsibility for Board Meeting recordings being compromised, he will, but will also voice his objection(s) to being held responsible.
- **Mr. Bier** stated that according to the By-laws the secretary is responsible for the recordings. However, in this case the technology was not fully understood therefore, a mistake occurred. It is understood that administratively, the Members want to assign responsibility but,...the By-laws state very clearly that the secretary is responsible for recording...in using the word “deleted” meaning they are unavailable, deletion can occur in two ways – intentional or unintentional. If the deletion or unavailability came from somebody not understanding the technology, as something that interacts with the computer, and hits the wrong button...[referenced individuals involved and the 27-minute gap in the Watergate tapes]...overall agreed that the mistake is unfortunate and a procedure should be put in place, including a backup so that something cannot be unintentionally unavailable.
- **Vice Chair Boucher** stated she did not understand how this could have occurred even unintentionally. Having been purchased, wouldn't someone have taken the time to first 'try out' the device?
- **Chairman Martinez:** Affirmed future discussion of preventative measures.

### Adoption of the Minutes

- **Commissioner Leyba-Martinez** asked what happened with the Resolution he presented last month. It's not on the Agenda – he was told it would be on the Agenda after investigated.

- **Mr. Riondino** stated that Mr. Wiltsey completed an investigation and rendered a written legal opinion (which Mr. Riondino disbursed among the Members). Mr. Riondino further stated he concurs with Mr. Wiltsey's opinion. The Resolution was to 'Approve All Hires'.
- **Commissioner Leyba-Martinez:** This is saying what we can and can not do so are you saying that we can't change that?
- **Mr. Riondino:** What I'm saying is regarding approving a hire other than a Director of Operations or Finance or any other Director – that's the only time the Board can...there's Executive powers and there's legislative powers. In the By-Laws Willie's responsible as Executive Director for hiring and firing. You're responsible for approving at the Director level.
- **Commissioner Leyba-Martinez:** So then I asked you if we can add that as an amendment to the By-Laws.
- **Mr. Riondino:** The question was the Resolution, whether you can or you can't..but as to whether you can amend, what you would need to amend...there's a specific provision in the By-Laws. You would need to propose a Resolution, with specificity, in writing...days in advance of the meeting as to what you want to amend.
- **Commissioner Leyba- Martinez:** (interjected) "did it a month ago..."

...further discussion ensued ...

- **Mr. Riondino** read the pertinent portion of the By-Laws. Then expounded on the passage.
- **Mr. Bier** interjected, explaining why the Resolution may not be walked on and reiterating the necessary steps to be taken.
- **Mr. Riondino** stated under the existing hires, which was addressed, the Members can not approve all hires.
- **Commissioner Leyba-Martinez** clarified, stating his wish to present the matter today and then follow-up with the formalization of requesting a special meeting, with 15 days advance notice to effect a By-Laws change.



- **Mr. Bier** confirmed via e-mail is ‘in writing’ and therefore, acceptable and that Commissioner Leyba-Martinez’s role is that of a legislator – everything must be in writing with specificity. Board Council would not be the appropriate person to draft the change and serve it on the Members.
- **Commissioner Moore** asked about the ruling on Minutes; whether one should vote on Minutes from a Meeting not attended. Mr. Bier confirmed that one may not vote on the Minutes of a Meeting which they did not attend.
- **Commissioner Moore** made the Motion to Adopt the Minutes of the October 2015 Meeting.

**Commissioner Leyba-Martinez** seconded. There was no opposition to the Adoption.

### Adoption of Resolutions

**Vice Chair Boucher** inquired about these expenditures:

- BRB  
**Mr. Hunter:** The appraisal on the Commerce Building
- Black Light Run  
**Mr. Hunter:** Yes money was made/Joe Myers also provided input.
- H Car Counters, Inc.  
**Mr. Hunter:** Internal control equipment/how many vehicles went over to insure the money and the tickets add up. Commissioner Leyba-Martinez asked if we own this equipment. PACC ownership is precluded by the owner’s patent.
- Richard Best Associates  
**Mr. Hunter:** The proximity cards for exiting Garage
- [Legal Matter – to be reserved for Closed Session]  
**Mr. Hunter:** Lawyer’s fee
- Remediation  
**Mr. Hunter:** Pertains to the Commerce Building
- Supplies

**Mr. Hunter:** The figure for supplies is for one month; the detail should be included for inspection

- **Commissioner Moore:** Pope Parking

**Mr. Hunter:** The Authority did not make much off of the Pope Parking; the detail is also included for the Members' information

- **Commissioner Moore:** Corinne's

**Mr. Hunter:** Refreshments were provided for staff working the Pope Event

- **Vice Chair Boucher** made the Motion to Approve the Cash Disbursements.  
**Commissioner Moore** seconded. There was no opposition to the Approval.

### Contracts

- Vice Chair Boucher asked if the listing of contracts was complete.
- Mr. Hunter answered that the listing reflects the contracts that are expired/expiring.
- The matter was discussed; Mr. Hunter explained the dates relative to the Snow Removal Contract. Mr. Bier concurred.
- **Vice Chair Boucher** asked for a complete listing of contracts.
- **Mr. Hunter** explained further as to how many contracts the Authority enters into on a regular basis and the special correlative circumstances.
- It was understood that **Vice Chair Boucher** was interested in the Professional Services Contracts.
- Contracts were discussed further; the Members would like to have all Professional Services Contract information by year's end.

### Public Comment – Karl Walko, President – CWA Local 1014

- **Mr. Walko** asked if the "felony" question will be eliminated from the PACC employment application?
- **Mr. Bier** responded.
- **Chairman Martinez** stated the change to the application will occur January 1, 2016.

- **The Members** briefly commented and stated there would be no opposition.
- **Mr. Riondino** explained the process followed when considering hires.
- **Mr. Walko** referenced a past case wherein an employee was terminated for falsifying his application, although he had done all he knew how to make amends for the past.
- **Mr. Bier** stated that statutorily there are specific guidelines as to what “ban the box” means...Mr. Bier explained further.
- **Mr. Walko** briefly commented and emphasized his concern relative to the correlation between upcoming negotiations for the Collective Bargaining Unit and the impending increase in health benefits deductions from employee paychecks per the State.

**Closed Session – 6:41 PM**

**Commissioner Leyba-Martinez** made the motion to go into Closed Session.

**Commissioner Moore** seconded.

There was no opposition to the Motion being carried.

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- **Chairman Martinez** excused himself from the Meeting. Vice Chair Boucher chaired the remainder of the Meeting.
- **Mr. Hunter** requested free parking for the holiday season, to commence December 21, 2015 -- up to and including Three Kings Day on January 6, 2016 – to conclude on January 10, 2016. Motorists will not be required to feed the meters.  
The Members approved the request. None were opposed.

**Charles Holmes**

- For the 10-Month Period ending October 31, 2015

- the one-month period everything is trending well; operating revenues were \$387,000 – consistent with last year
- monthly parking is up
- the Balance Sheet is pretty strong – even in terms of the construction, the Authority is still strong financially
- noted the preconstruction costs that will be capitalized as an asset
- **Vice Chair Boucher** asked about what looked like a drop, to which Mr. Holmes explained this was relative to the current uses of cash and the accounts receivable...Mr. Holmes explained further...it becomes an asset...
- **Mr. Holmes** stated everything looks good; the figure of \$14 million at the bottom of the page is the capitalization of the Parking Authority
- Mr. Holmes noted the activity for the period – monthly parking is up but, daily is down – attributed to the myriad things going on in the City
- Mr. Holmes revisited the suggestion to ‘work with the construction contractors – perhaps recoup Authority funds
- net position for the month was almost \$70,000
- up 1.3% in revenue for the month
- the bottom line is up 4% year-to-date
- margin has improved to about 20%
- looks like things are trending with the activity of the City
- ticket revenue is also up

### Other Matters

- Vice Chair Boucher referenced the packet received by United States Mail. Mr. Hunter confirmed the packet pertained to DRPA matters and was being provided for informational purposes.
- Commissioner Moore referred to the 76ers Facility construction having been suspended due to the occurrence of a major injury to one of the workers.

### Adjournment

With no voiced opposition presented, the meeting was adjourned.

Minutes Submitted By:

*cyd*

C.Y. Dixon  
PARKING AUTHORITY – CITY OF CAMDEN