

**MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, DECEMBER 6, 2011 AT THE OFFICES OF THE PARKING AUTHORITY, 14 MAPLE AVENUE, SUITE 101, MORRISTOWN, NEW JERSEY, AT 7:00 P.M. PREVAILING TIME**

The meeting was called to order by Chairperson Brady, who then announced that “Notice of this meeting was provided in accordance with a Resolution adopted by the Board of Commissioners of the Parking Authority of the Town of Morristown, New Jersey at the Reorganization Meeting on January 4, 2011, setting forth the time, date and location of each meeting. A copy of the Resolution was distributed to The Daily Record and The Star Ledger, filed with the Executive Director of the Parking Authority, posted on the Bulletin Board at the Parking Authority Office building and mailed to any person who has requested and prepaid the established fee for such mailing.”

Present: Commissioners Elms, Gervasio and Chairperson Brady

Also Present: George Fiore, Executive Director, Patrick W. Geary, Operations Manager, Robert S. Goldsmith, Esq., Parking Authority Counsel, One Member of the Public

Absent: Commissioners Garibian and Lucia

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At this point, the Executive Director presented the Minutes of the November 14, 2011, Regular Meeting. On motion of Commissioner Gervasio, seconded by Chairperson Brady, there were no public comments, there was no Mayor’s report and correspondence, the Minutes were approved.

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At this point, the Executive Director presented the Executive Session Minutes of the November 14, 2011 Regular meeting. On motion of Commissioner Gervasio, seconded by Chairperson Brady, the Minutes were approved.

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The following communications were presented for the record:

Under date of November 30, 2011

To: George Fiore, Executive Director  
From: Matthew Stechauner, Town Clerk

Correspondence regarding the vacancy to be filled on the Morristown Parking Authority Board of Commissioners setting forth the qualifications of Chairperson Brady for reappointment, her dedication to the Parking Authority and the support of the existing Board of Commissioners for the reappointment. On motion of Commissioner Gervasio, seconded by Chairperson Brady, the letter was accepted for file.

Under date of November 7, 2011

To: William Parrish, Chief Affirmative Action Officer  
From: George Fiore, Executive Director

Correspondence providing information to the State Department of the Treasury with respect to the 2012 reappointment of the Public Agency Compliance Officer as the Executive Director, George Fiore. On motion of Commissioner Gervasio, seconded by Chairperson Brady, the letter was accepted for file.

Under date of November 7, 2011

To: Bill D'Urso  
From: Robert Beckelman, Esq.

Correspondence adjusting the outstanding balance of \$9,600 due for past obligations from D'Urso to the Morristown Parking Authority. The Executive Director advised that D'Urso had originally offered \$150 per month for 5 years to pay the balance. The MPA responded with \$200 per month and then payment in full within 6 months of D'Urso obtaining tenants. The final recommendation made by the Administration in discussions with Mr. Beckelman is \$200 per month with renegotiation when tenants are in with D'Urso having the good faith obligation to advise the MPA of tenancies. On motion of Commissioner Elms, seconded by Chairperson Brady, the proposal for resolution was approved and the letter accepted for file.

Under date of November 9, 2011

To: Division of Local Government Services, Bureau of Authority Regulation  
From: George Fiore, Executive Director

Correspondence enclosing two certified copies of the 2011 Annual Budget and Supplemental Schedule of the Parking Authority of the Town of Morristown. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of October 19, 2011

To: William Schlosser  
From: Patrick W. Geary, Operation Manager

Correspondence providing the insurance agent with 7 police department incident reports with respect to vandalism at the MPA's Ann Bank Street Parking Garage between 2 p.m. on October 29, 2011 and 2 p.m. on October 30, 2011. On motion of Commissioner Gervasio, seconded by Chairperson Brady, the letter was accepted for file.

Under date of November 15, 2011

To: Division of Local Government Service  
From: George Fiore, Executive Director

Correspondence enclosing the requisite 2 copies of the 2012 Annual Budget of the Parking Authority of the Town of Morristown. The Executive Director noted that the Budget had already been approved. On motion of Commissioner Elms, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of November 15, 2011

To: Matthew Stechauner, Town Clerk  
From: George Fiore, Executive Director

Correspondence providing a copy of the Parking Authority's 2012 Annual Budget for filing with the Town of Morristown. On motion of Commissioner Gervasio, seconded by Commissioner Elms, the letter was accepted for file.

Under date of November 15, 2011

To: John Braun, Schindler Elevator Corporation  
From: George Fiore, Executive Director

Correspondence providing executed Proposal in the amount of \$53,144.00 for installation of battery evacuation systems for 4 Schindler 400A - Traction Elevator Systems at 14 Maple Avenue and the DeHart Street Garage. The Executive Director noted that a preliminary payment of 1/4 was being made in this meeting's authorization, but also noted that there would be a delay until January for installation of the battery

back-up systems. On motion of Commissioner Elms, seconded by Chairperson Brady, the letter was accepted for file.

Under date of November 15, 2011

To: Mr. Kelvin Wangombe  
From: George Fiore, Executive Director

Correspondence advising that the Board of Commissioners has determined that the conduct of Mr. Wangombe was unacceptable and that he was being terminated as set forth in the letter and information communicated to him. On motion of Chairperson Brady, seconded by Commissioner Elms, the letter was accepted for file.

Under date of November 15, 2011

To: Parking Facility Attendant, Kelvin Wangombe  
From: George Fiore, Executive Director

Correspondence providing information to Mr. Wangombe with respect to termination benefits and COBRA coverage, continuation coverage. At this point the Executive Director advised the Board that Mr. Wangombe had applied for unemployment. The Executive Director responded to a form inquiry advising that Mr. Wangombe had been terminated due to noncompliance with company policy. The Executive Director noted that there was a fact finding telephone conference scheduled for December 19<sup>th</sup> at which point he would advise the Fact Finder of relevant information as determined by the Board of Commissioners and that is set forth in the letter of termination and in file records of Mr. Wangombe. On motion of Chairperson Brady, seconded by Commissioner Elms, the letter was accepted for file.

Under date of November 21, 2011

To: John J. DeLaney, Jr., Esq.  
From: Patrick Geary, Operations Manager

Correspondence advising Mr. DeLaney that his client, an applicant for certain land use approvals could find available parking at the Elm Street Lot (Lot 8H) for up to 10 monthly permit spaces. On motion of Chairperson Brady, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of November 23, 2011

To: Laura K. Landy, President  
From: George Fiore, Executive Director

Correspondence advising of an increase in rent and providing for a calculation of the per diem rent increase. Counsel advised the Board that there was a certain ambiguity in the Lease Agreement with respect to whether there should be a pro rata portion of the month for which an increase would be due, or whether the increase would run from the beginning of the succeeding month. The determination had been made with respect to the Fannie Rippel Foundation lease that the increase would become effective at the beginning of the succeeding month. On motion of Chairperson Brady, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of November 23, 2011

To: James A. Kutsch, Jr., President  
From: George Fiore, Executive Director

Correspondence setting forth a comparable analysis with respect to rent increases due from The Seeing Eye, Inc. Mr. Goldsmith advised that the same analysis applied and that the rent increase would be effective on the 1<sup>st</sup> day of the month following the Lease

Term Commencement Date. On motion of Chairperson Brady, seconded by Commissioner Gervasio, the letter was accepted for file.

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At this point, under the Report portion of the meeting, the Executive Director presented to the Board the October 2010/2011 Comparative Meter Revenue Report. On motion of Commissioner Gervasio, seconded by Chairperson Brady the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented to the Board the October 2010/2011 Comparative Cash Revenue Report. The Executive Director noted that there was a likely projected loss in November due to the storms of October 29/30. On motion of Commissioner Gervasio, seconded by Chairperson Brady the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented to the Board the October 2010/2011 Year-to-Date Revenue Summary. On motion of Chairperson Brady, seconded by Commissioner Gervasio, the report was accepted for file.

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At this point, under the Old Business portion of the meeting, the Executive Director advised the Board that the MPA 2011 Holiday Dinner was confirmed for December 20<sup>th</sup>, following the 5 o'clock MPA meeting, dinner would be held at Il Settebello Restaurant at 6:30 p.m.

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At this point, under the New Business portion of the meeting, the Executive Director advised the Board that based on consultation with some of the Commissioners, as well as discussions with the Executive Director of the New Brunswick Parking Authority, Mr. Fiore had proposed a reduction in the number of meetings during the course of the year and was asking the Board to consider such reduction with the recognition that meetings could be added if, and when, necessary.

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At this point, on motion of Commissioner Elms, seconded by Commissioner Gervasio, the Board of Commissioners confirmed the date of the Annual Reorganization Meeting as January 3, 2012 at 6 p.m. on the following vote:

Ayes: Commissioners Elms, Gervasio and Chairperson Brady  
Nays: None  
Absent: Commissioners Garibian and Lucia

At this point, the Administration recommended certain appropriation transfers to the 2011 Operating Budget as set forth on the attached. On motion of Chairperson Brady, seconded by Commissioner Gervasio, the appropriation transfer was authorized on the following vote:

Ayes: Commissioners Elms, Gervasio and Chairperson Brady  
Nays: None  
Absent: Commissioners Garibian and Lucia

At this point, under the New Business portion of the meeting, the Administration presented a proposal for disposal of the old plow from the recently sold Jeep. The Administration originally thought that the plow could be modified for continued use by the Parking Authority. A determination was made that it was obsolete. An internet search revealed a value of approximately \$275 for a good condition plow. The Administration was recommending that the plow be made available for sale to MPA employee Carlos Jaramillo for \$200. Counsel suggested that sale must be "as is," with

no warranty. On motion of Chairperson Brady, seconded by Commissioner Gervasio, the sale of the 6½ foot Fisher Plow was authorized on the following vote:

Ayes: Commissioners Elms, Gervasio and Chairperson Brady  
Nayes: None  
Absent: Commissioners Garibian and Lucia

At this point, on motion of Commissioner Gervasio, seconded by Chairperson Brady, the Board moved into Executive Session.

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The following Resolutions were presented for the record:

Resolution No. 53-2011: Resolution Authorizing Payment of Bill from Operating Fund. On motion of Chairperson Brady, seconded by Commissioner Gervasio, the Resolution was adopted on the following vote:

Ayes: Commissioners Elms, Gervasio and Chairperson Brady  
Nayes: None  
Absent: Commissioners Garibian and Lucia

Resolution No. 54-2011: Certifying that Net Revenues for Years 2011 and 2012 Shall at least Equal the Net Revenue Requirement as Established Under Section 7.06 - General Resolution of the Morristown Parking Authority Revenue Bonds Series 2011. On motion of Chairperson Brady, seconded by Commissioner Gervasio, the Resolution was adopted on the following vote:

Ayes: Commissioners Elms, Gervasio and Chairperson Brady  
Nayes: None  
Absent: Commissioners Garibian and Lucia

Resolution No. 54-2011: Improvement Fund Bills. On motion of Chairperson Brady, seconded by Commissioner Elms, the Resolution was adopted on the following vote:

Ayes: Commissioners Elms, Gervasio and Chairperson Brady  
Nayes: None  
Absent: Commissioners Garibian and Lucia

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There being no further business to be transacted, on motion of Commissioner Gervasio, seconded by Chairperson Brady, the meeting was held adjourned.

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George Fiore, Executive Director

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Michael R. Elms, Secretary

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Prepared By: Robert S. Goldsmith, Esq.