

MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, APRIL 19, 2016 AT THE OFFICES OF THE PARKING AUTHORITY, 14 MAPLE AVENUE, SUITE 101, MORRISTOWN, NEW JERSEY, AT 6:00 P.M. PREVAILING TIME

The meeting was called to order by Chairperson Tighe, 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 6, 2016 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 Brady, Lucia, Stamato and Chairperson Tighe

Also Present: George Fiore, Executive Director, Mark Axelrod, Assistant Director, Robert S. Goldsmith, Esq. and Council Liaison Foster

Absent: Commissioner Gervasio

At this point, The Executive Director presented the Minutes of the March 15, 2016 Regular Meeting for approval. On motion of Commissioner Lucia, seconded by Commissioner Brady, the Minutes were approved.

At this point, The Executive Director presented the Minutes of the March 15, 2016 Executive Session Meeting for approval. On motion of Chairperson Tighe, seconded by Commissioner Stamato, the Minutes were approved.

There were no Public Comments.

There was no Mayor’s Report.

There was no Town Council Liaison’s Report.

The following communications were presented for the record:

Under date of March, 2016

To: Daily Record
From: Elizabeth DeVito

Correspondence requesting that the attached “Meeting Notice” be published in the Legal Section of the newspaper on March 22, 2016 and that an Affidavit of Publication is provided. On motion of Commissioner Lucia, seconded by Chairperson Tighe, the letter was accepted for file.

Under date of March, 2016

To: Star Ledger
From: Elizabeth DeVito

Correspondence requesting that the attached "Meeting Notice" is published in the Legal Section of the newspaper on March 22, 2016 and that an Affidavit of Publication is provided. On motion of Commissioner Lucia, seconded by Chairperson Tighe, the letter was accepted for file.

Under date of April 5, 2016

To: MPA Commissioners and Counsel
From: George Fiore, Executive Director

Letter advising that the Local Finance Board requires that Financial Disclosure Statements be filed using an online process and enclosing a Local Finance Notice and instructions. On motion of Commissioner Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of March 8, 2016

To: George Fiore, Executive Director
From: Ronald Nagle

Letter advising that Mr. Nagle has observed selective enforcement of Morristown's parking laws. The letter suggests that Mr. Nagle's car and his daughter's car have been selectively targeted to receive parking tickets while others have been permitted to park all day in violation of the two hour limit. Mr. Goldsmith noted that he spoke with Mr. Nagle, who was uncooperative and among things advised that the summons issued to him had been issued some five years before. The letter requests that MPA's attorney contact him as soon as possible. On motion of Commissioner Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of March 8, 2016

To: Ankim Shah
From: Robert Goldsmith

Correspondence advising that Mr. Goldsmith had spoken with Chuck Thomas and told him that the MPA team had just had a meeting with the Mayor and his consultants and they were all in agreement that the priority for development must be Lot 10. The Executive Director advised the Board that the Parking Authority is working together with the Town of Morristown to move forward on the proposed parking garage on Lot 10. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of March 11, 2016

To: MPA, Town of Morristown, County of Morris
From: Anthony Caivano

Letter serving as Notice of Tort Claim regarding Paolo Nespoli v. Morristown Parking Authority, et al. The letter states that the Claimant was walking on the sidewalk at the MPA garage on Cattano Avenue and was caused to trip and fall suffering severe and permanent injuries. On motion of Commissioner Brady, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of March 15, 2016

To: George Fiore, Executive Director
From: Gerard Giosa

Letter advising MPA that Level G Associates' adjusted fee for services in 2016 will be

\$9,298.00 and that quarterly invoices work out to be \$2,324.50. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of March 21, 2016

To: George Fiore, Executive Director
From: Karen VanDerhoof

Correspondence advising that CCM would like to pursue the use of the Dalton Garage. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of March 23, 2016

To: Karen VanDerhoof
From: George Fiore, Executive Director

Correspondence attaching a draft of a proposed Addendum to the Parking Agreement which addresses the change of location. On motion of Commissioner Stamato seconded by Commissioner Lucia, the letter was accepted for file.

Under date of March 31, 2016

To: George Fiore, Executive Director
From: Karen VanDerhoof

Letter attaching Addendum III to the Parking Agreement between CCM and MPA to extend the current contract for one additional year beginning June 1, 2016. The letter requests that signed copy is returned to Ms. VanDerhoof. Mr. Fiore advised the Board that Mr. Walker, one of the two County officials had inquired of the Parking Authority whether the Ann Bank Garage might be available to County College of Morris students in the afternoon and evenings. The Parking Authority responded that at this time the Parking Authority felt it appropriate to take a wait and see attitude until the Fox Rothschild office building has been completed and is in operation. However, the Parking Authority responded in favor of Saturday use by the County College of Morris at the Ann Bank Parking Garage. Details are to be worked out through Mr. Deal and CCM. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of April 5, 2016

To: Karen VanDerhoof
From: George Fiore, Executive Director

Letter enclosing a fully executed copy of Addendum III between CCM and MPA. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of March 24, 2016

To: Vijayant Pawar and John Inglesino
From: John Hague

Letter advising that MPA is proceeding with the closing on the land transfers and sales contemplated by the Settlement Agreement of December 2014 between Speedwell, LLC and the MPA. The Executive Director advised that the sale to Mill Creek had been completed, that the proceeds of the sale have been deposited in the Lot 10 Redevelopment Fund and, of course, sixty spaces will be available for public demand when Phase II of the Mill Creek project on Speedwell Avenue is completed. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of March 25, 2016

To: George Fiore, Executive Director
From: Michael Shacham

Letter requesting the MPA's assistance with parking spaces for the annual "Celebrate Morristown" Art Show at the Vail Mansion on June 10, 11 and 12, 2016. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of March 21, 2016

To: David Brown
From: Robert Goldsmith

Letter serving as the demand on behalf of the MPA for the guaranty payment due for the period January 1, 2015 through December 31, 2015 from Morristown Green, LLC pursuant to Agreement for calendar year 2015 and advising that no payment was due. On motion of Commissioner Stamato seconded by Commissioner Lucia, the letter was accepted for file.

Under date of March 28, 2016

To: Morristown Parking Authority
From: James Porfido

Letter attaching a Subpoena Duces Tecum. The Executive Director advised the Board that Mr. Porfido had met with Mr. Deal and that there was no relevant information in the control of the Parking Authority and Mr. Porfido had confirmed this fact by email to Mr. Deal. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of March 29, 2016

To: George Fiore, Executive Director
From: Richard Murphy

Letter advising that pursuant to Section 13(b) of the Easement Agreement, TD Bank, N.A., 1100 Lake Street, Ramsey, NJ 07446, Attn: Thomas J. Hadler, VP, is the mortgagee of Redeveloper. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of April 1, 2016

To: Morristown Mayor and Town Council
From: Kylie McCabe

Correspondence confirming Ms. McCabe's concerns of parking around the high school and proposing that either the Town relinquish the two-hour signs on the streets that surround the high school for the remainder of the school year or allow the people who pay for the lot on Early Street to use their tags provided as a pass on the two-hour streets. On motion of Commissioner Stamato, seconded by Commissioner Brady, the letter was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented to the Board the February 2016 Monthly Enforcement Report. On motion of Chairperson Tighe, seconded by Commissioner Brady, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the February 2015/2016 Comparative Meter Revenue Report. On motion of Commissioner Stamato, seconded by Chairperson Tighe, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the February 2015/2016 Comparative Cash Revenue Report. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the February 2015/2016 Year-to-Date Revenue Summary. As noted on the summary, the 2015 revenues included a \$300,000 cash payment to the Parking Authority for reimbursement of infrastructure costs relating to the Epstein's project. The reimbursement was paid by Vertical and related to obligations of Harry Simon to both the Parking Authority in the approximate amount of \$100,000 and to Rosewood in the approximate amount of \$200,000. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the report was accepted for file.

At this point, under the Old Business portion of the meeting, the Executive Director requested that the Commissioners sign the current MPA Account Signature Cards for ConnectOne Bank revised April 19, 2016 and The Bank of New York Mellon – Signatory Listing also revised April 19, 2016. A copy of the document is attached to these minutes. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the authorization was granted on the following vote:

Ayes: Commissioners Brady, Lucia, Stamato and Chairperson Tighe
Nayes: None
Absent: Commissioner Gervasio

At this point, under the Old Business portion of the meeting, the Executive Director introduced the proposed Check Signing Policy Draft dated April 19, 2016 for the protection and in fairness to MPA Associates and the Board of Commissioners. On motion of Chairperson Tighe, seconded by Commissioner Lucia, the policy was adopted on the following vote:

Ayes: Commissioners Brady, Lucia, Stamato and Chairperson Tighe
Nayes: None
Absent: Commissioner Gervasio

At this point, under the Old Business portion of the meeting, the Executive Director presented Authorization to Extend One (1) Year Parking Agreement Between Morristown Parking Authority and County College of Morris. The authorization was granted on the following vote:

Ayes: Commissioners Brady, Lucia, Stamato and Chairperson Tighe
Nayes: None
Absent: Commissioner Gervasio

At this point, under the Old Business portion of the meeting, the Executive Director presented the Epstein's Building C/MPA Access Agreement. The Executive Director noted that this was an agreement that had previously been presented to the Board on a number of occasions and that the issue of the connection between the new Building C and the DeHart Street Garage had been finalized and the new draft includes a requirement that there be a ten (10) year warranty for the connection mechanism. On motion of Commissioner Stamato, seconded by Commissioner Brady, the agreement was authorized on the following vote:

Ayes: Commissioners Brady, Lucia, Stamato and Chairperson Tighe
Nayes: None
Absent: Commissioner Gervasio

At this point, under the Old Business portion of the meeting, Mr. Goldsmith updated the Board on the MPA Training and Standard Operating Procedures. Mr. Goldsmith advised that he recently met again with Mr. Axelrod, Mr. Deal and Mr. Chan. The meeting was productive, cooperative and the training is proceeding well. Mr. Axelrod also advised the Board of Commissioners that a number of key personnel were also trained by Amano Personnel on operational features of the Amano access equipment to the various MPA facilities.

At this point, under the Old Business portion of the meeting, the Executive Director and Counsel reported on the proposed solution to address trucks on the ramp at the Vail parking deck. Mr. Fiore showed the Board the planters that are to be installed to prevent truck access to the Vail Mansion parking deck ramp. On motion of Chairperson Tighe, seconded by Commissioner Stamato, the acquisition of the planters was authorized on the following vote:

Ayes: Commissioners Brady, Lucia, Stamato and Chairperson Tighe
Nayes: None
Absent: Commissioner Gervasio

At this point, under the Old Business portion of the meeting, Chairperson Tighe advised that there should be no changes in personnel, policies or practices after the Executive Director's retirement without the approval of the Board of Commissioners.

At this point, under the New Business portion of the meeting, the Executive Director advised that nearly all of the Financial Disclosure Statements for 2016 had been completed.

At this point, under the New Business portion of the meeting, the Executive Director advised the Board that he had prepared a Monthly Task Schedule which had been provided to Mr. Axelrod, Mr. Goldsmith and Mr. Giosa and sets forth in detail the daily tasks to be undertaken on behalf of the Morristown Parking Authority.

At this point, under the New Business portion of the meeting, the Executive Director advised the Board that Mr. Fabrizio would be reporting at the May 10, 2016 meeting on MPA redevelopment related projects.

On motion of Commissioner Lucia, seconded by Commissioner Brady, the Board moved into Executive Session.

The following Resolutions were presented for the record:

Resolution No. 30-2016: (Authorizing Emergency Garage Repairs to the DeHart Garage). On motion of Commissioner Brady, seconded by Commissioner Lucia, the Resolution was authorized on the following vote:

Ayes: Commissioners Brady, Lucia, Stamato and Chairperson Tighe

Nayes: None
Absent: Commissioner Gervasio

Resolution No. 31-2016: (Operating Fund Bills). On motion of Commissioner Brady, seconded by Commissioner Lucia, the Resolution was authorized on the following vote:

Ayes: Commissioners Brady, Lucia, Stamato and Chairperson Tighe
Nayes: None
Absent: Commissioner Gervasio

Resolution No. 32-2016: (Improvement Fund Bills). On motion of Commissioner Lucia, seconded by Chairperson Tighe, the Resolution was authorized on the following vote:

Ayes: Commissioners Brady, Lucia, Stamato and Chairperson Tighe
Nayes: None
Absent: Commissioner Gervasio

Resolution No. 33-2016: (Appointment of a Fund Commissioner to the New Jersey Intergovernmental Insurance Fund). On motion of Commissioner Lucia, seconded by Chairperson Tighe, the Resolution was authorized on the following vote:

Ayes: Commissioners Brady, Lucia, Stamato and Chairperson Tighe
Nayes: None
Absent: Commissioner Gervasio

Resolution No. 34-2016: (Providing for the Declaration of Official Intent Under Treasury Regulation Section 1.150-2 to Reimburse Prior Expenditures). On motion of Commissioner Lucia, seconded by Commissioner Brady, the Resolution was authorized on the following vote:

Ayes: Commissioners Brady, Lucia, Stamato and Chairperson Tighe
Nayes: None
Absent: Commissioner Gervasio

There being no further business to be transacted, on motion of Commissioner Lucia, the meeting was held adjourned.

George Fiore, Executive Director

Margret Brady, Assistant Secretary

Prepared By: Robert S. Goldsmith, Esq.