

MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, JULY 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: Michael Fabrizio, Executive Director, Mark Axelrod, Assistant Director, Gregory Deal, Robert S. Goldsmith, Esq.

Absent: Commissioner Gervasio

At this point, The Executive Director presented the Minutes of the June 21, 2016 Regular Meeting for approval. On motion of Commissioner Stamato, seconded by Commissioner Brady, 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 June 30, 2016

To: MPA
From: Scott Conchar

Mr. Goldsmith advised the Board that this was an OPRA request in relation to a pending slip and fall case arising out of a fall in the right-of-way off of DeHart Street. He explained that a map was provided in response to the OPRA request as well as the underlying agreement which established that while the MPA owned the relevant area the entire maintenance responsibility was transferred to the Epsteins entities. On motion of Commissioner Lucia, seconded by Chairperson Tighe, the letter was accepted for file.

Under date of July 11, 2016

To: ConnectOne Bank
From: Mark Axelrod

Correspondence requesting that the name of the MPA Executive Director be changed from George Fiore to Michael Fabrizio with relation to all accounts held by the bank. On motion of Chairperson Tighe, seconded by Commissioner Brady, the letter was accepted for file.

Under date of July 13, 2016

To: ConnectOne Mellon Bank
From: Mark Axelrod

Correspondence requesting that the name of the MPA Executive Director be changed from George Fiore to Michael Fabrizio with relation to all accounts held by the bank. On motion of Chairperson Tighe, seconded by Commissioner Brady, the letter was accepted for file.

Under date of July 13, 2016

To: Scott Conchar
From: Robert Goldsmith

Correspondence in response to a June 30, 2016 OPRA request attaching drawings which should help the understanding of the respective properties. The correspondence states that the Declaration of Cross-Easements will be forwarded separately. On motion of Commissioner Lucia, seconded by Chairperson Tighe, the letter was accepted for file.

Under date of July 13, 2016

To: MPA
From: Kevin Harris

Correspondence advising of an issue with residents of Cobb Place placing orange cones in front of their residences in an attempt to preserve parking spaces and prevent others from parking in those locations. On motion of Chairperson Tighe, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of July 13, 2016

To: Kevin Harris
From: Mark Axelrod

Correspondence advising Mr. Harris that the MPA will have an officer look into the orange cones placed by the residents of Cobb Place. The correspondence also advises that if the residents require a space to be reserved they can get a meter card for the day for \$10. On motion of Chairperson Tighe, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of July 14, 2016

To: Erin MacDuff
From: Mark Axelrod

Correspondence advising Ms. MacDuff that the use of cones or any other object to “reserve” parking spaces is prohibited. On motion of Chairperson Tighe, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of July 14, 2016

To: Mark Axelrod
From: Erin MacDuff

Correspondence expressing thank you in response to Mr. Axelrod’s July 14, 2016 email. On motion of Chairperson Tighe, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of July 14, 2016

To: Michael Fabrizio, Mark Axelrod
From: Linda Stamato

Correspondence forwarding a request from Bob Innaccone for a regular report on the total number of parking spaces managed by the Authority, the number of spaces allocated by time of day to which those spots have been allocated and whether there are any calculations of the demand for the remaining spots by “visitors”. Mr. Axelrod and Mr. Goldsmith explained to the Board of Commissioners that evidently Kevin Harris, the Town Clerk, made an inquiry on Tuesday of the prior week to provide information requested by Councilman Innaccone regarding parking matters generally. The information was provided on the Thursday following the Tuesday request in advance of a meeting of the Morristown Council sitting as the Redevelopment Agency. Evidently, there had been no prior requests made to the Parking Authority although it would appear that the Councilman had made a prior request to the Town Clerk. On motion of Commissioner Lucia seconded by Commissioner Brady, the letter was accepted for file.

Under date of July 14, 2016

To: Linda Stamato
From: Michael Fabrizio

Correspondence attaching a response to a general request for additional information from the Town Clerk on behalf of Councilman Iannaccone. On motion of Commissioner Lucia seconded by Commissioner Brady, the letter was accepted for file.

Under date of July 15, 2016

To: Mark Axelrod
From: Linda Stamato

Correspondence advising that every communication that is to Mr. Axelrod’s attention or brought to his attention is handled in the most timely and professional manner possible. The correspondence further advises that the information that the Town Clerk and Councilman Iannaccone have requested has been fulfilled and there is an open invitation to the Councilman to meet with MPA. On motion of Commissioner Lucia seconded by Commissioner Brady, the letter was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod explained that the discrepancy in the March and April Year-to-Date Revenue Summary of some \$300,000 in 2015 versus 2016 was a result of the inclusion of \$300,000 in infrastructure payments made with respect to the Epstein’s project and included in the 2015 numbers. It was recommended that future reports not include non-parking revenues such as the infrastructure payment. The Board accepted that recommendation on motion of Commissioner Lucia, seconded by Commissioner Stamato.

At this point, under the Report portion of the meeting, Mr. Axelrod presented the March 2015/2016 Year-to-Date Revenue Summary. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the report was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod presented the April 2015/2016 Year-to-Date Revenue Summary. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the report was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod presented to the Board the May 2016 Monthly Enforcement Report. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the report was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod presented the May 2015/2016 Comparative Meter Revenue Report. On motion of Commissioner Lucia, seconded by Chairperson Tighe, the report was accepted for file.

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

At this point, under the Report portion of the meeting, Mr. Axelrod presented the May 2015/2016 Year-to-Date Revenue Summary. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the report was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod advised that there was no information with respect to Security Reports for May or June 2016.

At this point, under the Old Business portion of the meeting, Mr. Axelrod updated the Board on the memo from Mr. Wade Chan with respect to MPA training.

At this point, under the New Business portion of the meeting, Mr. Axelrod requested that the Board of Commissioners approve an increase in the parker refund account amount from \$75 to \$100. On motion of Commissioner Stamato, seconded by Chairperson Tighe, the increase was authorized on the following vote:

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

At this point, under the New Business portion of the meeting, Mr. Goldsmith advised the Board that the Arbitrage Review for the Bond Series 2011 was under way and should be concluded by the end of July.

At this point, under the New Business portion of the meeting, Mr. Fabrizio advised the Board that the Sunstone Agreement was completed and was being recommended for action and apologized because he has lost his computer memory and was not able to provide the document to the Board of Commissioners in a timely fashion.

At this point, under the New Business portion of the meeting, Mr. Fabrizio advised the Board that slow progress was being made with respect to concepts for a parking structure on Lot 10 and the potential for integration with a residential development being proposed by Weichert.

At this point, under the New Business portion of the meeting, Mr. Fabrizio advised the Board that there was a developing concept for a revised project at Lot 3R reducing the number from 97 to 84 units. Mr. Fabrizio also advised he anticipated a pro rata adjustment in the payments to the Parking Authority given the reduced number of units.

At this point, under the New Business portion of the meeting, Mr. Deal and Mr. Fabrizio advised the Board of Commissioners of the status of construction of Building C on DeHart Street, the modifications that would be needed on a temporary basis to provide entrance and

exit at the Maple Avenue exit to DeHart Street garage. It was further reported to the Board that all expenses relating to the construction would be reimbursed in whole to the Parking Authority by the redeveloper.

At this point, under the New Business portion of the meeting, Mr. Axelrod and Mr. Goldsmith explained to the Board the status of the design work on the clearance bar at Vail Mansion.

At this point, under the New Business portion of the meeting, Mr. Axelrod advised the Board that the rate change authorized by the Board of Commissioners for the Vail Mansion at the prior meeting would be going into effect shortly.

At this point, under the New Business portion of the meeting, Mr. Goldsmith requested that the Board table consideration of the FSL Agreement with respect to the refinancing because the FSL Agreement required some negotiation and modifications to the agreement.

At this point, under the New Business portion of the meeting, Mr. Fabrizio and Mr. Axelrod advised the Board that consideration of the Binsky Service Agreement was to be tabled based on the desire to obtain other price quotes for the services.

At this point, under the New Business portion of the meeting, Mr. Fabrizio and Mr. Deal advised the Board with respect to numerous problems and entrapments in elevator one in the DeHart Street parking garage and the difficulty in causing the necessary repairs. There was discussion of a possible letter from the Board of Commissioners to Schindler but it was determined that as of this time the letter would be withheld.

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

At this point, the Chairperson reminded Mr. Axelrod that there should be no changes with respect to personnel policies or operations absent the review by Mr. Fabrizio and Mr. Goldsmith and further that the focus of Mr. Axelrod's efforts should be with respect to budget, payroll and meeting support and preparation.

The following Resolutions were presented for the record:

Resolution No. 45-2016: (Authorizing the Increase of MPA Attorney's Hourly Rate). On motion of Chairperson Tighe, seconded by Commissioner Stamato, the Resolution was authorized on the following vote:

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

Resolution No. 46-2016: (Authorizing the MPA to Make Application to the Local Finance Board Pursuant to N.J.S.A. 40A:5A-6). On motion of Commissioner Stamato, 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

Resolution No. 47-2016: (Authorizing the Payment of MPA Operating Bills). On motion of Commissioner Lucia, seconded by Commissioner Stamato, the Resolution was authorized on the following vote:

Ayes: Commissioners Brady, Lucia, Stamato and Chairperson Tighe

Nays: None

Absent: Commissioner Gervasio

Resolution No. 48-2016: (Authorizing the Payment of MPA Improvement 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

Nays: None

Absent: Commissioner Gervasio

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

Mark Axelrod, Assistant Director

James Gervasio, Secretary

Prepared By: Robert S. Goldsmith, Esq.