

MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, MAY 19, 2015 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 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 6, 2015, 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 Gervasio, Lucia, Stamato, Tighe and Chairperson Brady

Also Present: Council President Feldman, George Fiore, Executive Director, Patrick W. Geary, Operations Manager, Mark Axelrod, Assistant Director, Robert S. Goldsmith, Esq.

Absent: None

At this point, The Executive Director presented the Minutes of the April 7, 2015 Regular Meeting. On motion of Commissioner Lucia, seconded by Chairperson Brady, the Minutes were approved.

At this point, The Executive Director presented the Minutes of the Executive Session of the April 7, 2015 Regular Meeting. On motion of Commissioner Lucia, seconded by Chairperson 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 April 7, 2015

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

Correspondence advising the Commissioners and Counsel of the requirement of the Local Finance Board to file financial disclosure statements online and providing instructions with respect to said filing. On motion of Commissioner Stamato, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of April 23, 2015

To: Kevin Harris
From: George Fiore, Executive Director

Correspondence providing signed original filing receipts for electronically filed 2015 financial disclosure statements for the Commissioners, Mr. Fiore and Mr. Goldsmith. On motion of Commissioner Stamato, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of April 30, 2015

To: George Fiore, Executive Director
From: Vincent Montanino

Letter enclosing 23 copies of Report on Examination of Financial Statements for the year ended December 31, 2014 and 3 copies of the Synopsis of Audit. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of April 1, 2015

To: George Fiore and Robert Goldsmith
From: Phil Abramson

Correspondence requesting the following documents be provided in advance of the first hearing for the Market and Bank project: (1) most recent counts in Ann/Bank and Dehart garages; (2) assumed demand modeling for 45,000 SF professional office use; (3) copies of agreement with Hampshire; (4) copies of agreement with Vertical/Stolar. On motion of Commissioner Tighe, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of February 26, 2015

To: Phil Abramson
From: Keith Covington

Letter serving as Third Coast Design Studio's proposal to conduct a development study for the Wilmot/Dumont area in Morristown. The letter describes the project as a conceptual Development Study to identify viable redevelopment options for approximately 8.2 acres located within the block bounded by Morris Street, Dumont, and Pine Streets in downtown Morristown, NJ. The letter further describes that a key component of the redevelopment is a 700-space parking structure located in the center of the block that would serve the train station and retail near the Town green. On motion of Commissioner Stamato, seconded by Commissioner Gervasio, the communication was accepted for file.

Under date of April 2, 2015

To: Robert Goldsmith
From: Joshua Greenfield

Letter stating that 5-9 South Street Holdings, LLC has recently reached out to the MPA to inform it that 5-9 SSH would be placing certain trash enclosures in the alleyway located behind the property. The letter also states that the courtesy notice was apparently misinterpreted by the MPA as a request for consent, as the MPA then presented 5-9 SSH with a draft license agreement. The letter further states that the property is benefited by an easement which gives 5-9 SSH the right to use the alley for all purposes and therefore, no license agreement is necessary and 5-9 SSH will be proceeding with its activities in the alley. On motion of Commissioner Gervasio, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of April 15, 2015

To: Joshua Greenfield
From: Robert Goldsmith

Letter stating that it is Mr. Goldsmith's understanding that 5-9 South Street had approached the MPA with respect to some level of approval for the placement of the trash enclosures within the right-of-way. The letter also states that the rights relating to the right-of-way relate to free passage of pedestrians and vehicles, not the placement of structures in the right-of-way. The letter further states that 5-9 South Street may choose to proceed with the installation of the enclosures, without authorization with the understanding that it is at its own risk. On motion of Commissioner Gervasio, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of April 6, 2015

To: ConnectOne Bank
From: George Fiore, Executive Director

Letter serving as authorization to ConnectOne Bank to permit Gregory Deal to conduct limited banking transactions in the Revolving Change Account even though he is not a signatory on the account. The letter states that Mr. Fiore agrees to indemnify and hold the Bank from any and all claims which MPA, its owners, directors, officers and/or managers may have against Bank in connection with cashing checks made payable to Gregory Deal, in connection with the referenced account, presented to Bank by Employee, and in providing Employer the cash proceeds of such checks. On motion of Commissioner Gervasio, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of April 6, 2015

To: Vita Racamato
From: Morristown Parking Authority

Letter advising that Vita Racamato has filed for a permit with the Town of Morristown to permit the property owner to demolish a free standing garage at 7 Columbia Street, Morristown, NJ, Lot 6, Block 5701 and that notice is sent to MPA as an owner of property within 200 feet of the proposed demolition. The letter further advises that any objections or inquiries can be directed to the Building Department of Morristown. On motion of Commissioner Gervasio, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of April 6, 2015

To: Ms. Laura Merring
From: Mark Axelrod

Letter confirming a telephone conversation discussing an incident on Friday, April 3rd in which several juveniles were involved in tossing a brick off the roof of the DeHart Street parking garage nearly striking a pedestrian on the ground-level alleyway below. The letter requests that US Security Associates reinforce its security patrols and that they are to increase their patrol frequency and presence on the rooftop/upper floors of all garages but especially the DeHart Street garage immediately. The letter further requests that young people with skateboards and/or other suspicious looking individuals be addressed and directed to leave, and that surveillance be continued on those individuals.

The Executive Director advised that the fencing had been installed along the right-of-way at the DeHart Street Garage on all levels and a judgment had been made to install the fencing over the entrance to the garage as well. The fencing is effective and looks good and provides peace of mind. A question was raised whether such fencing should be considered at other MPA facilities and the response was that this is the only facility in the history of the Parking Authority where such issues have arisen. There have been no such issues at the Dalton Garage or the Ann Bank Parking Garage. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of April 9, 2015

To: All Fence Company, LLC
From: Peter Maszczak

Letter requesting All Fence Company's proposal in the amount of \$30,000 as discussed to install 1 ¼" black fencing and posts on the "right of way" alley side of the parking garage and one bay on the DeHart Street slide over the entrance ramp. The letter confirms that All Fence Company will cut the existing 2" black rail and install new fence posts at all existing vertical post locations where removed and at the roof it will include 7 foot high fencing and posts but will discuss how to install. The letter further confirms that MPA would like the fence as high as possible and for the work to begin immediately. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of April 8, 2015

To: 11 Cattano Ave L.L.C.
From: George Fiore, Executive Director

Letter enclosing Parking Authority Check No. 3149 in the amount of \$13,500 representing payment of parking income due January, February and March, 2015. On motion of Commissioner Gervasio, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of April 8, 2015

To: Stuart Cohen
From: George Fiore, Executive Director

Letter enclosing the suggested lease terms set by the Board of Commissioners for a lease term of four years and one month, commencing May 1, 2015. The letter states that the Parking Authority agreed to a Master Lease and will continue to manage 10 Pine Street until May 2019. The letter further states that the suggested progressive square foot rates are consistent with those of the other 2nd floor tenant, and if the terms are acceptable please advise so MPA may draw the requisite new lease. On motion of Commissioner Gervasio, seconded by Commissioner Tighe, the communication was accepted for file.

Under date of April 8, 2015

To: James Specht
From: George Fiore, Executive Director

Letter enclosing the suggested lease terms set by the Board of Commissioners for a three year lease term commencing May 1, 2015. The letter states that the Parking Authority agreed to a Master Lease and will continue to manage 10 Pine Street until May 2019. The letter further states that the suggested progressive square foot rates are consistent with those of the other 2nd floor tenant, and if the terms are acceptable to please execute both copies to keep one and return one. On motion of Commissioner Gervasio, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of March 30, 2015

To: Cedric Shabsis
From: George Fiore, Executive Director

Letter serving as notice that the Tenant has renewed the lease for four years and one month with Stuart Cohen, which will now be a sublease for a portion of 10 Pine Street. Enclosed with the letter is a collateral assignment of the sublease from the Parking Authority to the

Landlord. On motion of Commissioner Gervasio, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of April 30, 2015

To: Cedric Shabsis
From: George Fiore, Executive Director

Letter serving as notice that the Tenant has renewed the lease for three years with James A. Specht, which will not be a sublease for a portion of 10 Pine Street. The letter states that the sublease including any extension options expires on or before May 31, 2019. Attached with the letter is a collateral assignment of the sublease from the Parking Authority to the Landlord. On motion of Commissioner Gervasio, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of April 10, 2015

To: Mark Axelrod
From: Deanna Chuy

Letter enclosing a check for \$3 to bring Ms. Chuy's payment to the required \$5 for payment of Summons #15153. Also enclosed with the letter is Ms. Chuy's parking receipt and the original complaint. On motion of Commissioner Gervasio, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of April 15, 2015

To: George Fiore, Executive Director
From: Chana Fitton

Correspondence advising that after talking to several architects and others, the Rippel Foundation decided to take a step back and look at its space needs more closely before entering into a long term agreement. The Executive Director explained the negotiations and discussions ongoing with the Rippel Foundation. Mr. Fiore noted that the Rippel Foundation was undertaking space planning and that he anticipated there would be cooperation among the Rippel Foundation, the Morristown Partnership and the Morristown Parking Authority to accommodate the long term needs of the Rippel Foundation. On motion of Commissioner Gervasio, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of April 28, 2015

To: George Fiore, Executive Director
From: Chana Fitton

Correspondence inquiring whether Mr. Fiore would be open to meeting with the other two organizations to further discuss the conference room and space issues. On motion of Commissioner Gervasio, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of April 17, 2015

To: Robert Goldsmith
From: George Fiore, Executive Director

Letter advising that MPA's auditors are conducting an audit of its financial statements as of December 31, 2014 for the year then ended and requesting that Mr. Goldsmith furnish to them the information requested involving matters as to which he has been engaged and to which he has devoted substantive attention on behalf of MPA in the form of legal consultation or representation. On motion of Commissioner Gervasio, seconded by Commissioner Tighe, the communication was accepted for file.

Under date of April 30, 2015

To: VM Associates, Inc.
From: Greenbaum, Rowe, Smith & Davis LLP

Letter advising that the MPA has requested that Greenbaum, Rowe, Smith & Davis provide VM Associates, Inc. with certain information in connection with its examination of the financial statements of the MPA at and for the year ended December 31, 2014. The information is provided in the letter to VM Associates, Inc. solely for its information in connection with its audit of the financial statements of the MPA as of December 31, 2014, and is not to be quoted in whole or part or otherwise referred to in any financial statements of the MPA or related document, nor is it to be filed with any governmental agency or other person, without the prior written consent of Greenbaum, Rowe, Smith & Davis LLP. On motion of Commissioner Gervasio, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of April 20, 2015

To: Stefan Armington and Michael Rogers
From: Peter Demnitz

Correspondence stating that the Mayor of Morristown has expressed concerns about staffing within the PD and the availability of officers. The correspondence further states that in the past week alone officers had to leave bar posts at 11:30 pm to address a complaint of prohibited parkers along Maple Avenue in addition to the police response to the leaf blowers. It is suggested by Chief Demnitz that the hiring of additional Code Enforcement and MPA Officers or expanding/changing their hours to address parking and some noise ordinance violations at their rate of pay would be much more cost effective than addressing such issues with relatively high paid police officers. The Executive Director noted that the Parking Enforcement Officers would commence continuation of enforcement until 11:00 pm on Thursday, Friday and Saturday night. Council President Feldman suggested that there should be notice to the residents of this increased enforcement because some residents were becoming lax with respect to visitor permits and neighborhood permits. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of April 29, 2015

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, 2014 through December 31, 2014. The letter states that the Net Operating Loss, \$0, is the lesser amount and therefore the MPA does not demand payment, as no payment is due. On motion of Commissioner Tighe, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of May 6, 2015

To: Council President Feldman and Council Members
From: George Fiore, Executive Director

Letter advising that the MPA is requesting that the Town Council approve a change in the basic charge for on-street parking meters from 25 cents for 30 minutes to 50 cents for 30 minutes. A number of reasons for the proposed change are listed as: (1) The MPA intends to replace approximately one half of the existing meter mechanisms on street with new state of the art solar powered, digital meters with credit/debit/smart card ability, as well as remote payment and business promotional options; (2) MPA's short-term garage parking fees are

reasonable, however they are greater than the on-street meters. The increase in the on-street meter rates will reduce the disparity and should therefore increase the availability of on-street parking; (3) The rates of various municipalities with on-street meter parking is attached for comparative purposes; and (4) The MPA refunding of bonds favorably affected years 2012-2014 and allowed for funding several major improvement projects during that time.

Council President Feldman suggested that the MPA, while an independent authority, ought to keep the Administration and Council informed of the bidding process. The Executive Director believed that there would be some form of communication to meet this suggestion. It is likely that the Administration and Council would be informed of the dates of the opening of the bids on the credit card meters. The Executive Director also noted that the Parking Authority co-op would shortly be completing the proposed bid documents. On motion of Commissioner Stamato, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of May 11, 2015

To: George Fiore, Executive Director
From: Francis Regan

Letter stating that DeCotiis, FitzPatrick and Cole, LLP is willing to provide its services to assist the MPA with the Redevelopment of Lot 3R. The letter further states that the firm offers its clients a full range of services for redevelopment projects, including, but not limited to: (1) assistance with initial redevelopment studies; (2) developer procurement; (3) overseeing project implementation; and (4) analysis of various financing options. On motion of Commissioner Gervasio, seconded by Commissioner Tighe, the letter was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented to the Board the March 2015 Monthly Enforcement Report. On motion of Commissioner Tighe, seconded by Commissioner Stamato, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the March 2014/2015 Comparative Meter Revenue Report. On motion of Commissioner Lucia, seconded by Commissioner Tighe, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the March 2014/2015 Comparative Cash Revenue Report. On motion of Commissioner Lucia, seconded by Commissioner Tighe, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the March 2014/2015 Year-to-Date Revenue Summary. On motion of Commissioner Gervasio, 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 March 2015 Employee Sick & Vacation Report. On motion of Commissioner Tighe, 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 March 2015 MPA Vehicle Maintenance 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 April 2015 Security Report. The Executive Director had already noted the installation of fencing and the excellent services provided by the MPA security service.

At this point, under the Report portion of the meeting, the Executive Director presented the Parking Authority of the Town of Morristown – Report on Examination of Financial Statements for the Year Ended December 31, 2014. It is noted that as usual the report was excellent and presented a thorough audit of the MPA’s financial condition. On motion of Commissioner Tighe, seconded by Commissioner Lucia, the report was approved on the following vote:

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

At this point, under the Report portion of the meeting, the Assistant Director Axelrod advised the Board that he is pleased to report that there are now 400 customers using the automatic renewal credit card procedure recently instituted. The Assistant Director also advised the Board of Commissioners and the Council President that Whole Foods had required 60 permits from the Parking Authority for training from April 20-May 20 and had further fronted \$3,000 for 100 employee debit cards to reduce the impact on the residential neighborhoods adjacent to the new Whole Foods Supermarket.

At this point, under the Old Business portion of the meeting, the Executive Director advised the Board of Commissioners that he anticipated that there would be a need to extend the Parking Agreement between the County College of Morris and the Parking Authority of the Town of Morristown which expires May 31, 2015. On motion of Commissioner Lucia, seconded by Commissioner Tighe, the authorization was granted for a one year extension on the following vote:

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

At this point, under the New Business portion of the meeting, the Executive Director presented price quotes for HVAC Preventative Maintenance Service Agreement for the 14 Maple Avenue office building. The low bidder was Binsky & Snyder Service, LLC. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the quote was authorized to be accepted on the following vote for a one year contract:

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

At this point, under the New Business portion of the meeting, Mr. Geary advised that the Vacation Request Schedule was not ready for Board consideration and would be presented at the next meeting.

At this point, the Board moved to Resolution No. 36-2015 to authorize the services of Francis X. Regan as Special Counsel to the Morristown Parking Authority. Mr. Fiore and Mr. Goldsmith explained that Michael Elms had introduced Bijou Properties Company to the Morristown Parking Authority for a possible redevelopment project and that representatives of Bijou had previously met with Town representatives. Mr. Goldsmith is currently

representing Bijou Properties Company on a major redevelopment project in Hoboken and determined that it would be necessary for Mr. Goldsmith to recuse himself with respect to representation of either Bijou Properties or the Morristown Parking Authority.

Resolution No. 36-2015: (The Parking Authority of the Town of Morristown Authorizing the Services of Francis X. Regan of DeCotiis, Fitzpatrick & Cole, LLP as Special Counsel for the Morristown Parking Authority). On motion of Commissioner Tighe, seconded by Commissioner Stamato, the Resolution was adopted on the following vote:

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

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

The following Resolutions were presented for the record:

Resolution No. 28-2015: (Resolution Confirming Review of Annual Audit Report for Fiscal Year Ended December 31, 2014). On motion of Commissioner Tighe, seconded by Commissioner Stamato, the Resolution was adopted on the following vote:

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

Resolution No. 29-2015: (Authorizing the Award of a Non-Fair and Open Contract for Services). On motion of Commissioner Stamato, seconded by Commissioner Lucia, the Resolution was adopted on the following vote:

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

Resolution No. 30-2015: (Authorizing Execution of an Agreement for Preventative Maintenance Services for 14 Maple Avenue Office Building). On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the Resolution was adopted on the following vote:

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

Resolution No. 31-2015: (Authorizing the Emergency Purchase and Installation of Fencing for the DeHart Garage). On motion of Commissioner Stamato, seconded by Commissioner Tighe, the Resolution was adopted on the following vote:

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

Resolution No. 32-2015: (Operating Fund Bills). On motion of Commissioner Tighe, seconded by Commissioner Lucia, the Resolution was adopted on the following vote:

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

Resolution No. 33-2015: (Improvement Fund Bills). On motion of Commissioner Lucia, seconded by Commissioner Stamato, the Resolution was adopted on the following vote:

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

Resolution No. 34-2015: (Amending Resolution No. 46-2013 Authorizing the Executive Director and/or Appropriate Officers to Establish and Maintain a Refund Account in the Amount of \$1,000.00). The Executive Director explained that a refund account had previously been permitted by Mr. Montanino and authorized by the Board on the Resolution No. 46-2013 which funded \$250 with a cap of \$30 for refunds. Based on recent discussions with Mr. Montanino it was suggested that both the amount of the funds should be increased to \$1,000 and the authorization increased as well to a maximum of \$75 per refund. On motion of Commissioner Tighe, seconded by Commissioner Stamato, the Resolution was adopted on the following vote:

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

Resolution No. 35-2015: (Authorizing the Emergency Roof Repair to 10 Pine Street, Morristown, New Jersey). On motion of Commissioner Stamato, seconded by Commissioner Lucia, the Resolution was adopted on the following vote:

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

Resolution No. 37-2015: (Appointing Parking Enforcement Officer for the Parking Authority of the Town of Morristown). There was a brief discussion during which it was agreed that the annual salary would be \$30,160 per annum reflecting an hourly rate of \$14.50. On motion of Commissioner Tighe, seconded by Commissioner Stamato, the Resolution was adopted on the following vote:

Ayes: Commissioners Gervasio, Lucia, Stamato, Tighe and Chairperson
Brady

Nayes: None
Absent: None

Resolution No. 38-2015: (Authorizing the Contract of Sale with Mill Creek Residential Trust, LLC). On motion of Commissioner Tighe, seconded by Commissioner Lucia, the Resolution was adopted on the following vote:

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

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

George Fiore, Executive Director

James Gervasio, Assistant Secretary

Prepared By: Robert S. Goldsmith, Esq.