

MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, SEPTEMBER 20, 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, Gervasio, Lucia, Stamato and Chairperson Tighe

Also Present: Michael Fabrizio, Executive Director, Mark Axelrod, Assistant Director, Gregory Deal, Field Manager, Robert S. Goldsmith, Esq., Francis X. Regan, Esq., Councilwoman Toshiba Foster

Absent: None

At this point, The Executive Director presented the Minutes of the August 16, 2016 Regular Meeting for approval. On motion of Commissioner Lucia, 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 Assistant Executive Director requested that the Board depart from the agenda and invited Mr. Frank Regan to discuss the Bijou contract with the Board. Mr. Goldsmith left the room. The decision was made to table the contract, however, on motion of Commissioner Lucia, seconded by Commissioner Gervasio, the Board determined to extend the exclusive negotiation period with Bijou for 90 days on the following vote:

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

Nays: None

Absent: None

The following communications were presented for the record:

Under date of August 25, 2016

To: Daniel Somers
From: MPA

Letter advising that the lease for Suite 102 at 10 Pine Street is set to expire on September 30, 2016. The letter further advises that the lease affords the option to review the lease for two

(2) consecutive one (1) year extension periods. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of August 25, 2016

To: Michael Fabrizio
From: Gerard Giosa

Memorandum regarding a potential 20,000 SF expansion on 21 South Street. The memo lists a number of upcoming redevelopment projects that will soon be coming on line in or adjacent to the zone that will further stress parking conditions. Attached to the memo is a spreadsheet that forecasts the impact these projects will have on parking utilization in the MPA's Ann-Bank, DeHart and Dalton parking garages during daytime peak and PM peak periods between 2016 and 2019. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of August 25, 2016

To: Alan Strong
From: Mark Axelrod

Letter in response to Mr. Strong's August 22nd letter. The letter advises that the meters located throughout the central business district are programmed by design in that they offer the public 90 minutes to patronize merchants and then promote turnover so that others may park. The letter also advises that the varied lots and three garages that are operated by the MPA are suggested for longer term parking. The letter further advises that the enforcement of the Town's parking ordinances is a priority for the MPA to ensure that there are available parking options for all and that over the next couple of years the public will have additional parking options. On motion of Commissioner Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of August 26, 2016

To: Mark Axelrod
From: PMA Group

Correspondence advising that the PMA Group has received notice of claim #L001776717 regarding alleged damage to a vehicle at the First Baptist Church parking lot. The correspondence asks if the location and/or the tree are the responsibility of the MPA. On motion of Commissioner Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of August 30, 2016

To: Michael Fabrizio
From: Daniel Somers

Letter advising that Mr. Somers' firm expects to exercise its option to lease the premises at 10 Pine Street, Suite 102, for one additional year, effective October 1st. The letter further advises that the firm might be interested in considering also two additional one-year renewal options. On motion of Commissioner Gervasio, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of September 6, 2016

To: Michael Fabrizio
From: Robert Goldsmith

Memorandum enclosing a proposed First Amendment of Lease to the existing Lease dated January 16, 2009 with Fannie Rippel and highlighting the principle terms. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the letter was accepted for file. Under date of July 6, 2016

To: Daniel Somers
From: Steven Mlenak

Letter in response to Mr. Somers' letter dated August 30, 2016 advising that pursuant to the terms of the Lease with respect to such extension, the parties are to negotiate a rental amount for the extension period "at the time of Tenant's exercise of such option(s)". The letter encloses the First Amendment to Lease which memorializes the terms for execution if acceptable. On motion of Commissioner Gervasio, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of September 12, 2016

To: Michael Fabrizio
From: Douglas Henshaw

Correspondence requesting confirmation of the availability of 25 parking spaces in the Dalton garage and a proposed form of agreement to reserve those spaces. The correspondence states that Mr. Henshaw's client understands and agrees to compensate the MPA for its typical fees for the preparation of the agreement. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of September 14, 2016

To: Michael Fabrizio
From: ConnectOne Bank

Correspondence requesting information for each employee who will need to cash their paycheck at the Morristown CNOB branch. The correspondence also requests a letter (on company letterhead) authorizing the bank to cash the paycheck for each employee listed. On motion of Commissioner Gervasio, seconded by Chairperson Tighe, the letter was accepted for file.

Under date of September 15, 2016

To: MPA Staff
From: Mark Axelrod

Memorandum advising that the MPA has made arrangements for its staff to be able to cash their payroll check at ConnectOne Bank without having an account. The memo further advises that if a staff member should opt to cash their payroll check at ConnectOne Bank, they will have to provide their social security number as well other forms of identification and a signed Consent Form which is enclosed. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of September 20, 2016

To: MPA
From: Gail Ferraro

Correspondence advising that Ms. Ferraro has been informed that her \$70 monthly parking rate has been increased to \$80 and that she will be charged an additional retroactive \$60 for payments that she has already made. The correspondence also requests written confirmation of Ms. Ferraro's special circumstance and monthly parking rate along with any other advice

or help regarding the situation. There was a discussion during which the Board of Commissioners determined that the rate for Ms. Ferraro should remain below the established rate until January 1, 2017. On motion of Commissioner Gervasio, seconded by Commissioner Stamato, the letter was accepted for file.

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

At this point, under the Report portion of the meeting, Mr. Axelrod presented the July 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 July 2015/2016 Year-to-Date Revenue Summary. On motion of Commissioner Gervasio, 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 August 2016.

At this point, under the Old Business portion of the meeting, Commissioner Gervasio inquired as to the status of the on-call procedure. There was a discussion during which it was agreed that the current stipend of approximately \$40 per hour for Mr. Axelrod and \$40 per hour for Mr. Deal for ten hours each month for Mr. Axelrod and ten hours each month for Mr. Deal should continue through the end of calendar year 2016. At which time the Board would consider future protocols. The approximate cost is \$4,800 per year for Mr. Axelrod and \$4,800 per year for Mr. Deal. The policy was authorized on motion of Commissioner Lucia, seconded by Commissioner Stamato on the following vote:

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

At this point, under the Old Business portion of the meeting, the Acting Executive Director Fabrizio requested approval for utilizing the services of Mr. Geary on a part-time basis effective October 1st when certain restrictions will no longer apply to Mr. Geary with respect to consulting work with the Morristown Parking Authority. Following a brief discussion the Board agreed to retain Mr. Geary as a consultant at the hourly rate of \$40 per hour approximately one day per week on an as needed basis as shall be determined by Mr. Fabrizio. The agreement was authorized on motion of Commissioner Stamato, seconded by Commissioner Gervasio on the following vote:

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

At this point, under the Old Business portion of the meeting, Mr. Axelrod noted that the

Sunstone Agreement was already approved and would be memorialized by a Resolution.

At this point, under the Old Business portion of the meeting, Mr. Axelrod advised the Board that the Fannie Rippel Lease was to be considered by the Board by way of Resolution.

At this point, under the Old Business portion of the meeting, Mr. Axelrod advised the Board that the FSL Agreement was also to be considered by the Board by way of Resolution.

At this point, under the Old Business portion of the meeting, it was noted that the Board had already determined to table the Bijou Agreement.

At this point, under the Old Business portion of the meeting, it was noted by Mr. Axelrod that Mr. Fabrizio had requested that the Board again table consideration of the Binsky Service Agreement.

At this point, under the Status Report portion of the meeting, Mr. Deal advised the Board of Commissioners that the work on the DeHart Street Building C was delayed for various reasons and that the contractors had been informed that the Parking Authority would not permit the DeHart Street ramp to the DeHart Street garage to be closed after Thanksgiving and that that work would need to be delayed until after January 1st in the event that it was not completed before Thanksgiving.

At this point, under the Status Report portion of the meeting, Mr. Axelrod advised the Board that some designs compatible with the Vail Mansion had been prepared for a clearance bar. Mr. Goldsmith advised the Board that he was seeking administrative approval from the State Historic Preservation Office (SHPO) for the clearance bar. Mr. Goldsmith further advised the Board that the recommendation was that the Parking Authority would pay 1/3 of the cost and that 2/3 of the cost would be borne by the Condominium Association with 1/2 of that being borne by Jockey Hollow Restaurant. The bottom line would be 1/3 by the Parking Authority, 1/3 by the residents and 1/3 by Jockey Hollow. The Board concurred in this recommendation.

At this point, under the Status Report portion of the meeting, Mr. Fabrizio advised the Board of Commissioners that there would be a meeting Thursday night with the Town with respect to Lot 10. Mr. Fabrizio's expectation is that the Town will suggest that the Parking Authority proceed with a parking facility on its own property to stimulate further interest and development on the balance of the block. The Commissioners concurred in this goal.

At this point, under the Status Reports portion of the meeting, Mr. Axelrod reported on the status of the Morristown High School permit program and Councilwoman Foster indicated that it was anticipated that there would be a proposal for a procedure that was hopefully acceptable to the students needing parking as well as the residents in the area of the high school.

At this point, under the Status Report portion of the meeting, Mr. Axelrod advised the Board that the prior proposal for reduced parking at the Dalton parking garage would not be proceeding because of inequities that might arise in terms of other individuals already paying a higher rate.

At this point, under the New Business portion of the meeting, the matter of vari desks was discussed. Mr. Axelrod advised the Board that two staff members were interested. It was suggested that the vari desks as recommended by Mr. Axelrod be purchased with mats as well. On motion of Commissioner Gervasio, seconded by Chairperson Tighe, the Administration was authorized two vari desks and mats on the following vote:

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

At this point, under the New Business portion of the meeting, Mr. Fabrizio advised the Board of Commissioners of security precautions for the fall festival based on the recent events in Seaside Park, New York and Elizabeth and Linden. The Board concurred in Mr. Fabrizio's judgments with respect to extra police costs to be borne by the Parking Authority, to include extra presence of parking enforcement officers, removal of garbage cans from the parking garages and other efforts to ensure the safety of the public. Mr. Fabrizio also advised the Board of Commissioners that the Partnership was going to be increasing the number of police officers to twelve from the normal six.

At this point, under the New Business portion of the meeting, Mr. Axelrod reminded the Board of the 4:30 budget workshop on October 18, 2016 and the regular MPA meeting on October 18, 2016 at 6:00 p.m. Mr. Fabrizio suggested to the Board his preference that the Board look to achieve a minimum hourly rate for MPA personnel of \$15 per hour. The Board concurred in this recommendation. Mr. Fabrizio also asked the Board to consider appointment of a committee to work with Mr. Axelrod, Mr. Deal, Mr. Fabrizio, Mr. Geary and Mr. Goldsmith with respect to personnel, salary and wage increases. Chairperson Tighe requested volunteers and it was determined that Commissioners Lucia and Gervasio would serve on the committee.

At this point, under the New Business portion of the meeting, Mr. Goldsmith and Mr. Fabrizio reported on a meeting regarding the Right of Way off DeHart Street. The Board was to advise that it was suggested that it was unlikely to achieve overall agreement on such a contract. Mr. Goldsmith suggested that the best way, perhaps, would be to handle it by way of modifications to the rules and regulations incorporating some useful suggestions by property owners adjacent to the Right of Way.

At this point, under the New Business portion of the meeting, Mr. Goldsmith advised the Board that the Local Finance Board had approved the application for the refinance currently being undertaken. Mr. Goldsmith and Mr. Fabrizio advised the Board that it is anticipated that the refinance would provide meaningful savings to the Parking Authority and would likely be effectuated in October 2016.

At this point, under the New Business portion of the meeting, there was a discussion of the League of Municipalities convention on November 15-17, 2016. It was anticipated that Mr. Deal would attend, Mr. Fabrizio would be attending but as a representative to Morristown Partnership without cost to the Morristown Parking Authority. The Commissioners were invited to attend. Chairperson Tighe advised that he would attend and the other Commissioners were advised to advise Administration whether they would like to attend. Mr. Goldsmith's office will address reservations for MPA Personnel and Commissioners.

At this point, under the New Business portion of the meeting, Mr. Axelrod presented for approval the Financial Report for the quarter ending March 2016 and the quarter ending June 2016 previously presented to the Board of Commissioners. On motion of Commissioner Lucia, seconded by Chairperson Tighe, the reports were accepted on the following vote:

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

At this point, under the New Business portion of the meeting, Mr. Fabrizio and Mr. Axelrod presented for approval the 6 Year Capital Plan as presented by Mr. Giosa. There was a recognition that this was a plan that contemplated that some of the items would be

implemented, others were recommendations for further consideration by the Board. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the 6 Year Capital Plan was authorized on the following vote:

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

There was no Executive Session.

The following Resolutions were presented for the record:

Resolution No. 53-2016: (Authorizing Parking Agreement with Sunstone Hotels, LLC). On motion of Commissioner Lucia, seconded by Chairperson Tighe, the Resolution was authorized on the following vote:

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

Resolution No. 54-2016: (Authorizing First Amendment to Lease with Fannie Rippel Foundation). On motion of Commissioner Brady, seconded by Commissioner Stamato, the Resolution was authorized on the following vote:

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

Resolution No. 55-2016: (Authorizing the Retention of Financial Solutions, LLC for Services as an Independent Financial Advisor with Respect to Proposed Refunding of the 2007 Bonds of the MPA). On motion of Commissioner Brady, seconded by Commissioner Stamato, the Resolution was authorized on the following vote:

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

Resolution No. 56-2016: (Approving and Authorizing the Execution of a Contract for the Sale of Real Estate by the Morristown Parking Authority and Bijou Properties, LLC for Lot 3R a/k/a Block 3602, Lot 13). The Resolution was tabled.

Resolution No. 57-2016: (Authorizing the Payment of MPA Operating Bills). On motion of Commissioner Stamato, seconded by Commissioner Lucia, the Resolution was authorized on the following vote:

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

Resolution No. 58-2016: (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, Gervasio, Lucia, Stamato and Chairperson Tighe
Nayes: None
Absent: None

Resolution No. 59-2016: (Authorizing the Payment of Bills from the Parking Authority of the Town of Morristown, MPA Lot 10J Future Development Checking Account of the Same Name). On motion of Commissioner Stamato, seconded by Commissioner Lucia, the Resolution was authorized on the following vote:

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

Resolution No. 60-2016: (Authorizing the Appropriation Transfers within the Operating Budget for 2016). On motion of Commissioner Lucia, seconded by Commissioner Brady, the Resolution was authorized on the following vote:

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

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

Mark Axelrod, Assistant Director

James Gervasio, Secretary

Prepared By: Robert S. Goldsmith, Esq.