

**MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, AUGUST 20, 2013, AT THE OFFICES OF THE PARKING AUTHORITY, 14 MAPLE AVENUE, SUITE 101, MORRISTOWN, NEW JERSEY, AT 5:00 P.M. PREVAILING TIME**

The meeting was called to order by Chairperson Lucia, 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 3, 2013, 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: Chairperson Lucia, Commissioners Brady and Gervasio

Also Present: George Fiore, Executive Director, Patrick Geary, Operations Manager, Robert S. Goldsmith, Esq., Parking Authority Counsel

Absent: Commissioner Garibian

Note: Commissioner Elms’ seat is now vacant

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At this point, the Executive Director presented the Minutes of the July 16, 2013 regular meeting on motion of Commissioner Brady, seconded by Chairperson Lucia, the Minutes were approved.

At this point, the Executive Director presented the Minutes of the July 16, 2013 Executive Session. On motion of Chairperson Lucia, seconded by Commissioner Brady, the Minutes were approved.

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The following communications were presented for the record:

Under date of August 6, 2013

To: MPA Commissioners  
From: George Fiore

Correspondence confirming the cancellation of the meeting originally scheduled for Tuesday, August 13, 2013 and rescheduling for Tuesday, August 20, 2013 at 5:00 p.m. On motion of Commissioner Brady, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of July 15, 2013

To: Robert A. Coultas  
From: George Fiore

Letter regarding parking spaces with reserved parking signs that need to be corrected. It is also noted that there are ten (10) parking spaces on the Lumber Street elevation that require a valid MPA Lot 3 monthly parking permit. The Executive Director noted that the property relates to redevelopment efforts for Lot 3R. On motion of Chairperson Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of July 17, 2013

To: 11 Cattano Ave L.L.C.  
From: George Fiore

Letter enclosing Parking Authority Check No. 1918 for \$13,500.00 for payment of parking income due April, May, and June, 2013. On motion of Commissioner Brady, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of July 17, 2013

To: Robert S. Goldsmith  
From: William J. Ward

Letter in response to Mr. Goldsmith's phone call to Scott A. Heiart indicating that the MPA intends to file and serve a Complaint on Speedwell, LLC. Mr. Goldsmith would like to meet but Mr. Ward suggests MPA hold off filing the Complaint until after meeting. On motion of Chairperson Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of July 18, 2013

To: Hon. Toshiba Foster  
From: Robert S. Goldsmith

Letter expressing sentiment of looking forward to working with Councilperson Foster and enclosing a copy of the book "Parking Matters". The Executive Director noted that he and Mr. Goldsmith had met with Councilwoman Foster for a very productive, engaging meeting and it was noted by the Commissioners that the new Councilperson is a dedicated resident and dedicated representative on the Council. On motion of Commissioner Brady, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of July, 2013

To: MPA  
From: Lawrence A. Calli, Esq.

Town of Morristown, Planning Board - Notice of Hearing

Notice that The Taco Truck Morristown, LLC has made application to the Town of Morristown Planning Board seeking preliminary and final major site plan approval. The Applicant proposes to occupy space within an existing principal structure located on the Property for a restaurant use and also intends to develop a small outdoor patio dining area on the west side of the proposed restaurant. The matter is scheduled for a public hearing before the Planning Board on July 25, 2013. On motion of Commissioner Brady, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of July 22, 2013

To: Christopher J. Grell  
From: George Fiore

Letter regarding investment and carry over instructions on Guaranteed Parking Revenue Bonds - Series 2007 MPA funds to the Trustee. The Executive Director noted that the MPA was on track with respect to bond service payments and other funds. On motion of Commissioner Gervasio, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of July 22, 2013

To: Christopher J. Grell  
From: George Fiore

Letter regarding investment and carry over instructions on Guaranteed Parking Revenue Bonds - Series 2011 MPA funds to the Trustee. The Executive Director noted that the MPA was on track with respect to bond service payments and other funds. On motion of Commissioner Gervasio, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of July 22, 2013

To: Christopher J. Grell  
From: George Fiore

Letter regarding investment and carry over instructions on Guaranteed Parking Revenue Bonds - Series 2002 MPA funds to the Trustee. The Executive Director noted that the MPA was on track with respect to bond service payments and other funds. On motion of Chairperson Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of July 26, 2013

To: Martin A. Newmark, Esq.  
From: Robert S. Goldsmith

Letter in response to new inquiry as to the availability of public parking within 1,000 feet of Elm Street. The letter advises that there is availability of parking at the Elm Street/Franklin Street parking facility. It notes that there is also an abundance of on-street parking along Elm, Madison and South Streets. A map and November 2012 counts showing parking availability is enclosed. On motion of Chairperson Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of July 29, 2013

To: George Fiore  
From: James M. Turteltaub, Esq.

Letter requesting that MPA provide: (1) All redevelopment agreements or other agreements between MPA and Mill Creek Residential and/or any other party re: Speedwell Ave Redevelopment Area; (2) All communications between Mill Creek Residential and MPA re: Speedwell Ave Redevelopment Area; (3) All communications between the Town of Morristown and MPA re: Speedwell Ave Redevelopment Area; and (4) All billing records for 1/1/08 to present submitted by MPA re: Mill Creek Residential and/or Speedwell Ave Redevelopment Area. On motion of Chairperson Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of August 1, 2013

To: George Fiore  
From: Robert S. Goldsmith

Letter in response to question whether an individual who is currently a Commissioner of the MPA may continue as such in the event of his appointment or election as a member of the Town Council. N.J.S.A. 40:11A-5 is quoted and there can be no conclusion other than that a Council member may not be a Commissioner. On

motion of Commissioner Gervasio, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of August 5, 2013

To: MPA  
From: Michael Clark

Memo advising that the two single story wood frame garages at the rear of the property are scheduled to be removed between August 15 and August 30, 2013. On motion of Commissioner Brady, seconded by Chairperson Lucia, the memo was accepted for file.

Under date of August 7, 2013

To: George Fiore  
From: Eldon B. Priestley

Letter regarding an apple that was thrown at and struck a resident of 40 Park by an individual on the top level of the DeHart Street Garage. The letter expresses concern for the safety of those who may be targeted by individuals who have been seen loitering on the top level of the garage. The Executive Director noted as set forth in the letter that it was the MPA's TV surveillance that led to the apprehension of three of the five individuals involved. The Executive Director also noted that he had met with the security service and that there would be an increase in DeHart Street Garage tour activity. Both the tours and protocol were being addressed by the security company. On motion of Commissioner Brady, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of August 14, 2013

To: Eldon B. Priestley  
From: George Fiore

Letter regarding the incident involving an apple maliciously thrown from the DeHart Street Garage at a resident of 40 Park Place. MPA has now implemented a program for police presence in this area. Security will be enhanced and the number of patrols will be increased at the garage. Additional security signs will be placed throughout the garage. MPA will work with the office of the Morris County Prosecutor to prosecute the individuals involved. On motion of Commissioner Brady, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of August 9, 2013

To: James Turteltaub  
From: Robert Beckelman

Correspondence confirming that MPA agrees to refrain from serving the Summons and Complaint re: Speedwell-Marshall & Moran until 9/6/13 and asking for confirmation that defendant will accept and acknowledge service. It is further confirmed that a previous e-mail was received advising that MPA will require up to an additional 3 weeks to produce documents requested and that such extension is acceptable. On motion of Commissioner Gervasio, seconded by Commissioner Brady, the letter was accepted for file.

Under date of August 13, 2013

To: Michael Handel  
From: George Fiore

Letter confirming telephone conversation discussing the incident of throwing of apples from the roof of DeHart Street Garage and further confirming increase of security at the garage. This letter also confirms a meeting scheduled for 8/13/13 to review and establish a security plan and protocol. On motion of Commissioner Gervasio, seconded by Commissioner Brady, 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 June 2013 Monthly Enforcement Report. On motion of Commissioner Gervasio, 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 June 2012/2013 Comparative Meter Revenue Report. On motion of Commissioner Gervasio, 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 June 2012/2013 Comparative Cash Revenue Report. On motion of Commissioner Gervasio, 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 June 2012/2013 Year-to-Date Revenue Summary. On motion of Commissioner Gervasio, 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 June 2013 Employee Sick and Vacation Report. On motion of Commissioner Brady, seconded by Commissioner Gervasio, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the June 2013 Vehicle Maintenance Report. On motion of Commissioner Brady, seconded by Commissioner Gervasio, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director updated the Board of Commissioners on the status of implementation of improvements at the Ann/Bank Parking Garage. The improvements will help exiting traffic with the creation of a new exit lane.

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At this point, under the Report portion of the meeting, Mr. Geary presented to the Board the July 2013 After Hours Overtime Reports for Mr. Geary. On motion of Chairperson Lucia, seconded by Commissioner Brady, the report was accepted for file. It was noted that Mr. Deal's Report would be deferred.

At this point, under the Report portion of the meeting, the Executive Director presented to the Board the Report on Examination of Financial Statements for the Quarter Ended March 31, 2013. The Executive Director noted that the Report looked good and the Parking Authority was exceeding its three (3) month budget by more than \$46,000. He noted again that the timing on revenues at Dalton impacted the bottom line but should even out by the end of the year. On motion of Chairperson Lucia, seconded by Commissioner Brady, the report was accepted for file.

At this point, under the Report portion of the meeting, the Board of Commissioners tabled the Report on Examination of Financial Statements for the Quarter ended June 30, 2013.

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At this point, under the Old Business portion of the meeting, the Executive Director updated the Board of Commissioners on the enrollment of MPA Parking Enforcement Officers Carlos Jaramillo, Rodney Davenport and Wade Chan in First Aid/CPR/AED certification training. The Executive Director noted that the payment was made prior to the meeting, with the payments authorized by Chairperson Lucia and Commissioner Gervasio to endeavor to enable the PEOs to take the training in this course.

At this point, under the Old Business portion of the meeting, the Executive Director requested approval of change order number one in the amount of \$3,731.00 as part of the elevator modernization at the Ann/Bank Garage. The Executive Director noted that this was necessitated by complex signage that would be replacing current signage and facilitate pedestrian movement around the parking garage. On motion of Commissioner Brady, seconded by Commissioner Gervasio the change order was approved on the following vote:

Ayes: Chairperson Lucia and Commissioners Brady and Gervasio  
Nays: None  
Absent: Commissioner Garibian and one vacant position

At this point, under the Old Business portion of the meeting, the Executive Director requested authorization for Ann/Bank Garage signage replacement throughout the parking garage to facilitate pedestrian movement in conjunction with the elevators being modernized. The Executive Director explained that there was a range of bids. There was also a question of whether reflective signage would be necessary or not since the signage is pedestrian oriented.

On motion of Commissioner Gervasio, seconded by Commissioner Brady, the Administration was authorized to determine the lowest responsible bidder and proceed with the contract in an amount not to exceed \$4,500 on the following vote:

Ayes: Chairperson Lucia and Commissioners Brady and Gervasio  
Nays: None  
Absent: Commissioners Garibian and one vacant position

At this point, under the Old Business portion of the meeting, the Executive Director requested that the Board memorialize its determination with respect to the rental of the basement space at 14 Maple Avenue. On motion of Commissioner Gervasio, seconded by Commissioner Brady, the Board resolved that given that all tenants in the building are currently either non-profits or public bodies, the Administration should give all preference to rental to a non-profit or public body; on motion of Commissioner Gervasio, seconded by Commissioner Brady the policy was adopted on the following vote:

Ayes: Chairperson Lucia and Commissioners Brady and Gervasio  
Nays: None  
Absent: Commissioner Garibian and one vacant position

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At this point, under the New Business portion of the meeting, the Executive Director noted that Jimmy Hilliard, the MPA Head Facility Attendant and one of the senior attendants was planning to retire as of October 1, 2013. The Board discussed a gift

and staff party and left it to the discretion of the Executive Director and Operations Manager.

At this point, under the New Business portion of the meeting, the Executive Director recommended an increase in the long term parking fee in Lot 10J (rear U.S. Post Office) from 25¢ per hour to 25¢ per forty five (45) minutes to off-set anticipated credit card transaction fees. There was some discussion but the Board deferred to the recommendation of Mr. Fiore and Level G Associates. There would be consideration in the future of a further increase to 25¢ for thirty (30) minutes but not as of this time. It was also suggested that the Central Pay Stations should have temporary stickers advising patrons that 25¢ would buy forty five (45) minutes (to avoid confusion).

On motion of Commissioner Brady, seconded by Commissioner Gervasio, the increase was authorized on the following vote:

Ayes: Chairperson Lucia and Commissioners Brady and Gervasio  
Nays: None  
Absent: Commissioners Garibian and one vacant

At this point, under the New Business portion of the meeting, the Administration presented recommended MPA appropriation transfers (as attached hereto).

On motion of Commissioner Brady, seconded by Chairperson Lucia, the increase was authorized on the following vote:

Ayes: Chairperson Lucia and Commissioners Brady and Gervasio  
Nays: None  
Absent: Commissioners Garibian and one vacant

At this point, under the New Business portion of the meeting, the Executive Director, Counsel and Mr. Geary, discussed with the Board possible attendance at the New Jersey Parking Institute Annual Conference to be held in Philadelphia in conjunction with the Pennsylvania Parking Association. There was a general reluctance for an MPA representative to attend both the League of Municipalities and this conference and the general sense was that the MPA should support the event through an appropriate advertisement but as of 2013, further complicated by the timing of the new 2014 budget, the MPA should decline attendance at this conference.

At this point, on motion of Commissioner Gervasio, seconded by Commissioner Brady, the Board moved into executive session.

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The following Resolutions were presented for the record:

Resolution No. 31 -2013 - Operating Fund Bills. On motion of Commissioner Gervasio, seconded by Commissioner Brady, the Resolution was adopted on the following vote:

Ayes: Chairperson Lucia and Commissioners Brady and Gervasio  
Nays: None  
Absent: Commissioners Garibian and one vacant

Resolution No. 32 -2013 - Improvement Fund Bills. On motion of Commissioner Brady, seconded by Chairperson Lucia, the Resolution was adopted on the following vote:

Ayes: Chairperson Lucia and Commissioners Brady and Gervasio  
Nays: None

Absent: Commissioners Garibian and one vacant

Resolution No. 32 -2013 - Maple Avenue Fund Bills. On motion of Commissioner Gervasio, seconded by Commissioner Brady, the Resolution was adopted on the following vote:

Ayes: Chairperson Lucia and Commissioners Brady and Gervasio

Nays: None

Absent: Commissioners Garibian and one vacant

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

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George Fiore, Executive Director

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Margret Brady, Secretary

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Prepared By: Robert S. Goldsmith, Esq.