

MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, JULY 15, 2014 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 Gervasio, 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 21, 2014, 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 Tighe*, Chairperson Gervasio

Also Present: 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 June 17, 2014 Regular Meeting. On motion of Commissioner Brady, seconded by Commissioner Lucia, the Minutes were approved.

At this point, The Executive Director presented the Minutes of the Executive Session of the June 17, 2014 Regular Meeting. On motion of Commissioner Lucia, seconded by Commissioner Brady, the Minutes were approved.

There were no Public Comments.

There was no Mayor's Report.

The following communications were presented for the record:

Under date of June 18, 2014

To: Paul Freeland
From: George Fiore, Executive Director

Letter enclosing Check No. 2556 in the amount of \$4,568.26 representing the first semi-annual payment due for leasing church property adjacent to and part of the Cattano Mall parking facility due July 1, 2014 for the lease period March 1, 2014 through February 28, 2015. On motion of Chairperson Gervasio, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of June 20, 2014

To: MPA Scan-Card/Permit Holders
From: MPA

Letter announcing that MPA is now offering an automatic credit card payment option. Beginning with the August billing cycle, it will be possible to have your monthly parking fee automatically charged to your Mastercard, Visa, American Express or Discover card. The Authorization Form to be returned to the MPA office is attached. Mark Axelrod advised the Board of Commissioners that effective August 1, 2014 the program for credit card charges on automatic basis will begin. This should provide substantial convenience to monthly parkers. There should also be resulting savings in

terms of time for the MPA staff. Mr. Axelrod advised that 100 people have already signed up before the letter had gone out. On motion of Commissioner Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of June 18, 2014

To: UCNB
From: Annah Pledger

Correspondence confirming that Commissioner Christopher Leon Garibian will be removed from the MPA Board of Commissioners and Commissioner Linda Stamato will be added. On motion of Commissioner Lucia, seconded by Commissioner Brady, the letter was accepted for file.

*Commissioner Tighe joined the meeting

Under date of June 19, 2014

To: Erik Alexander
From: George Fiore, Executive Director

Letter confirming that effective June 20, 2014 Mr. Alexander's services as a part time general maintenance person for MPA are no longer required. Mr. Alexander was informed during October 2013 that his position was to be eliminated effective January 1, 2014 and the date was extended by some six (6) months as a courtesy and to assist him personally. On motion of Commissioner Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of June 25, 2014

To: Hon. Thomas L. Weisenbeck and Hon. Robert J. Brennan
From: James Turteltaub

Letter advising Judge Weisenbeck and Judge Brennan, the judges presiding over the matter of Morristown Parking Authority v. Speedwell LLC, et al. and Speedwell LLC v. Town of Morristown as to the nature of the pending litigation but also advising the judges that the parties have been involved in meaningful negotiations and that agreement in principle to settle the Declaratory Judgment action had been reached and requesting that the court permit a stay of both actions for a period of sixty (60) days. Mr. Goldsmith then brought the Board of Commissioners up to date on the nature of the litigation, the issues relating to the litigation and confirmed that the understanding was that the parties were close to a resolution. On motion of Commissioner Brady, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of June 26, 2014

To: George Fiore
From: Karen VanDerhoof

Letter wherein the County College of Morris requests a one year extension to its existing parking agreement with MPA. At this point the Executive Director explained that the County College of Morris had requested an extension for another year. Mr. Fiore authorized the request consistent with past practice. On motion of Commissioner Brady, seconded by Commissioner Stamato, the extension was authorized on the following vote:

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

Under date of July 14, 2014

To: Karen VanDerhoof
From: George Fiore, Executive Director

Letter confirming receipt of June 26, 2014 letter from County College of Morris requesting a one year extension to the MPA/CCM Parking License Agreement. The letter further confirms that the MPA agrees to a one year extension consistent with the existing terms, to be ratified by the Board of Commissioners at its meeting on July 15, 2014. On motion of Commissioner Brady, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of June 28, 2014

To: Kristen Wedderburn
From: Cheryl Veronda

Correspondence describing Ms. Veronda's family's day in Morristown during which they toured history, shopped at Century 21, ate lunch and ice cream off the green and went to the movies at AMC. The correspondence further describes that when the family exited Century 21 they realized that the parking was only valid for 3 hours. Ms. Veronda was annoyed to spend \$5.50 on parking after spending over \$400 in Morristown for the day. On motion of Chairperson Gervasio, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of June 30, 2014

To: Cheryl Veronda
From: Mark Axelrod

Correspondence clarifying any questions Ms. Veronda had regarding Century 21's validation program. It is explained that several local merchants participate in a parking validation program that enables them through a validator machine to pay a portion or all of their patron's parking. Century 21 offers its shoppers up to 2 hours of complimentary parking at their expense. They have signage in the entrance to their store from the Dalton Street parking garage informing incoming patrons of this courtesy. It is further explained that if your stay in Morristown included visiting other locations lasted 4 to 5 hours that would account for an \$8.50 parking fee that was then offset by \$3.00 courtesy of Century 21 leaving a balance of \$5.50. On motion of Chairperson Gervasio, seconded by Commissioner Tighe, the letter was accepted for file.

Under date of July 7, 2014

To: James Lothian
From: John Hague

Letter concerning a certain restrictive covenant encumbering a portion of Lot 13 in Block 3602 ("Lot 13") in the Town of Morristown (the "Covenant"). The letter states that the MPA currently uses Lot 13 for a parking lot which is located adjacent to the west bound station, structure and platform of NJ Transit in Morristown (the "Station Property"). The MPA proposes a sale of Lot 13 for a residential Transit Oriented Development. The Covenant provides that the portion of Lot 13 encumbered by the Covenant may not ". . . be used for any purpose other than the public parking and movement of vehicles in connection therewith . . .". It is the position of the MPA that NJ Transit is the beneficiary of the Covenant, a position with which the title insurance company for the proposed purchaser of Lot 13 agrees. Copies of the following documents are attached for review:

1. Tax Map Sheet 36;
2. 1964 Highway Department Parcel Map
3. Park Madison Title Group LLC letter dated May 16, 2013;
4. the "Lackawanna Deed";
5. the "EL Deed";
6. the "Transit Deed";
7. the "Corrective Deed".

Mr. Goldsmith explained to the Board of Commissioners the issues with respect to the Restrictive Covenant and how it would impact the potential for transit oriented development on the 3R site behind the train station. Mr. Goldsmith advised that the alternative is that if the Covenant was not removed, based on a shared parking concept, that in all likelihood the Parking Authority would essentially be required to continue operating the facility as a surface parking lot which generates

significant net revenues to the Parking Authority. 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, the Executive Director presented to the Board the May 2014 Monthly Enforcement 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, the Executive Director presented the May 2013/2014 Comparative Meter Revenue Report. On motion of Commissioner Tighe, seconded by Chairperson Gervasio, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the May 2013/2014 Comparative Cash Revenue Report. On motion of Chairperson Gervasio, 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 May 2013/2014 Year-to-Date Revenue Summary. On motion of Chairperson Gervasio, seconded by Commissioner Tighe, the report was accepted for file.

At this point, under the Old Business portion of the meeting, the Executive Director advised the Board of Commissioners on the status of the Ann/Bank/Schuyler Parking Garage Elevator Modernization Project.

At this point, under the Old Business portion of the meeting, the Executive Director advised the Board of Commissioners of a recent inspection of the Ann/Bank/Schuyler Parking Garage and the need for remedial work in the MPA/County section as well as the exclusively County owned section.

At this point, under the Old Business portion of the meeting, the Executive Director briefly advised the Board of Commissioners of efforts to set up a meeting with respect to a Public Parking Component within the redevelopment area of the proposed CVS drug store at the intersection of Spring Street and Speedwell Avenue.

At this point, under the Old Business portion of the meeting, the Executive Director presented the request made by Kadie Dempsey, Director of Morris Arts, on behalf of Combat Paper for leasing of the basement space for a short term lease of approximately three (3) months for the non-profit entity. Mr. Fiore went over the basic proposed terms of the lease and revealed the time constraints. On motion of Commissioner Tighe, seconded by Commissioner Lucia, the Administration was authorized to enter into a lease on the terms outlined with reasonable discretion vested in the Executive Director to make reasonable modifications on the following vote:

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

At this point, on motion of Commissioner Lucia, seconded by Chairperson Gervasio, the Board moved into Executive Session.

At this point, on motion of Commissioner Lucia, seconded by Chairperson Gervasio, the Administration was authorized to interview and hire a replacement, consulting with MPA Board Members as appropriate, for a day-time, full-time maintenance person at approximately \$14.50 per hour on the following vote:

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

The following Resolutions were presented for the record:

Resolution No. 32-2014: (Resolution Authorizing the Award of a Non-Fair and Open Contract for Services). On motion of Chairperson Gervasio, seconded by Commissioner Brady, the Resolution was adopted on the following vote:

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

Resolution No. 33-2014: (Resolution Adopting Cash Management Plan of the Parking Authority of the Town of Morristown in the County of Morris, New Jersey). On motion of Commissioner Lucia, seconded by Commissioner Brady, the Resolution was adopted on the following vote:

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

Resolution No. 34-2014: Resolution Designating Depositories for the Investment of Funds for the Parking Authority of the Town of Morristown for the Period July 1, 2014 through December 31, 2014). On motion of Commissioner Lucia, seconded by Commissioner Brady, the Resolution was adopted on the following vote:

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

Resolution No. 35-2014: (Improvement Fund Bills). On motion of Commissioner Tighe, seconded by Commissioner Brady, the Resolution was adopted on the following vote:

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

Resolution No. 36-2014: (Improvement Fund Bills). On motion of Commissioner Tighe, seconded by Commissioner Lucia, the Resolution was adopted on the following vote:

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

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

George Fiore, Executive Director

Anthony Lucia, Secretary

Prepared By: Robert S. Goldsmith, Esq.