

MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, JULY 16, 2013, 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 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 Elms

Also Present: George Fiore, Executive Director, Patrick Geary, Operations Manager, Robert S. Goldsmith, Esq., Parking Authority Counsel, Reporter from Patch, Kim Tran later in meeting Manager of Heritage House Apartments on Mt. Kemble Avenue, Randy Kleinwaks

Absent: Commissioners Garibian and Gervasio

At this point, the Executive Director presented the Minutes of the June 18, 2013. On motion of Commissioner Brady, seconded by Chairperson Lucia, the Minutes were approved.

At this point, the Executive Director presented the Minutes of the June 18, 2013 Executive Session. On motion of Chairperson Lucia, seconded by Commissioner Brady, the Minutes were approved.

The following communications were presented for the record:

Under date of May 24, 2013

To: Michael Schachman
From: Patrick W. Geary

Correspondence confirming the request of the Morris County Art Association to the Morristown Parking Authority for accommodating the guest artists parking needs on Friday, June 7, 2013. The letter also requests the Morris County Art Association to provide a certificate of insurance. On motion of Chairperson Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of June 18, 2013

To: Paul Freeland
From: George Fiore, Executive Director

Correspondence enclosing check in the amount of \$4,568.26 representing the first semi-annual payment due for leasing church property due March 1, 2013 and for the lease period March 1, 2013 through February 28, 2014. The Executive Director noted that a major sink hole had developed to the rear of First Baptist Church and the Morristown Parking Authority was addressing and had the sink hole filled. On motion of Commissioner Brady, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of June 18, 2013

To: Edward Correa
From: Patrick W. Geary, Operations Manager

Correspondence confirming documents requested by Mr. Correa are ready for pick up. The letter further confirms that the Authority deems its response to Mr. Correa's request completed. On motion of Commissioner Brady, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of June 19, 2013

To: Marty Epstein
From: Patrick W. Geary

Correspondence confirming the Morristown Parking Authority's approval of Mr. Epstein's request for the use of Parking Authority facilities for the Gran Fondo NJ in Morristown on Sunday, September 8, 2013. On motion of Commissioner Brady, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of June 24, 2013

To: George Fiore, Executive Director
From: Shane M. Soranno
Metro Morristown, LLC

Letter of Intent, Ground Lease, Morristown Station Redevelopment Project for Block 3602, Lot 13. On motion of Chairperson Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of June 25, 2013

To: Shane Soranno
From: Robert S. Goldsmith, Esq.

Correspondence advising that the Morristown Parking Authority is reviewing the revised Letter of Intent which is more in line with the needs and expectations of the Parking Authority. On motion of Chairperson Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of June 24, 2013

To: Robert S. Goldsmith, Esq.
From: Harry Simon

Correspondence advising the first meeting between the parties will be at the MPA's expense and thereafter Bob Goldsmith's rate will be \$310 per hour and Mr. Giosa's rate will be \$135 per hour. On motion of Commissioner Brady, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of June 24, 2013

To: James R. Lothian
From: John H. Hague, Esq.

Letter concerning certain restrictive covenant encumbering a portion of Lot 15 in Block 301. The letter further states that it is the position of the Parking Authority that NJ Transit is the beneficiary of the Covenant, a position with which the title insurance company for the proposed purchaser of Lot 15 agrees. On motion of Chairperson Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of June 24, 2013

To: Morristown Parking Authority
From: Brandie Engelberger

Correspondence detailing the success of this year's American Cancer Society Relay for Life of Morristown. On motion of Chairperson Lucia, seconded by Commissioner Elms, the letter was accepted for file.

Under date of June 24, 2013

To: Marshall & Moran, Inc.
From: Robert S. Goldsmith, Esq.

Letter declaring the Option Agreement for Lease of Property dated July 9, 1998 null and void. The letter further advises that the Commissioners of the Morristown Parking Authority have authorized commencement of a Declaratory Judgment action to facilitate the next Phase of the Redevelopment Project. The MPA will proceed with litigation unless Marshall & Moran, Inc. accepts the position by July 10, 2013. On motion of Chairperson Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of June 20, 2013

To: Morristown Parking Authority
From: Fox Rothschild, LLP

Legal Notice. Applicant, South & Elm Property seeks conditional use approval and preliminary and final major site plan approval in order to permit its tenant, Fusion Learning Center, to operate a private school in a portion of the existing office building on the Property. On motion of Chairperson Lucia, seconded by Commissioner Elms, the letter was accepted for file.

Under date of July 2, 2013

To: John McNelis
From: George Fiore, Executive Director

Letter confirming the concerns of the Parking Authority regarding the behavior of Mr. McNelis with respect to comments made by Mr. McNelis to another Authority employee via text and voicemail referencing nationality and race. Mr. McNelis was suspended for four days, without pay and advised of his right to seek review of the actions of the Parking Authority with the Board of Commissioners. On motion of Chairperson Lucia, seconded by Commissioner Elms, the letter was accepted for file.

At this point, under the Report portion of the meeting, Mr. Geary advised the Board that there had been a delay in receiving certain information from the Armored Car Services and, therefore, the June and July Financial Statements, as well as the Employee Sick and Vacation Report and the MPA Vehicle Maintenance Report will be presented at the August meeting of the Board of Commissioners

At this point, under the Report portion of the meeting, Mr. Geary presented the May 2013 After Hours Overtime Reports of Mr. Geary and Mr. Deal and the June 2013 After Hours Overtime Reports of Mr. Geary and Mr. Deal. On motion of Commissioner Brady, seconded by Chairperson Lucia, the Reports were accepted for file.

At this point, under the Report portion of the meeting, the Executive Director noted that the Credit Card Meters had been installed at the Franklin and Elm Lot. The complete report will be presented to the Board and to the Town, but at this point, preliminary indications after two weeks of operations were that approximately \$380 in revenue was received. There were approximately 50 credit card transactions, which is a low utilization rate. Credit card meters incurred costs of \$190 for basic connection fees per month or \$95 for each of two weeks. The transaction fees totaled \$20 during that two week period. Preliminary indications are that MPA rates are not high enough to support credit card meters. Again, Mr. Fiore noted that there would be a full report at the end of the three month pilot program.

At this point, under the Old Business portion of the meeting, the Executive Director presented the modification to MPA Policy on Reservation of Parking as previously approved by the Board of Commissioners.

At this point, under the Old Business portion of the meeting, the Executive Director updated the Board on implementation of the MPA Off-Street Handicapped Space Improvement Program which was well under way and would assure that the Parking Authority is in compliance with ADA regulations and requirements (Mr. Fiore also spent some time prior to the meeting explaining the handicapped space program to the Reporter from Patch).

At this point, the Chairperson invited the members of the public to speak. Mr. Kleinwaks identified himself as the Manager of the Heritage House Apartments. He indicated that the most recent change in residential area enforcement was having a significant adverse impact on residents of the Heritage House. He advised the residents that the Parking Authority was not the appropriate forum for relief, but rather the Town Council would be, but wanted to discuss the matter with the Morristown Parking Authority. Mr. Kleinwaks advised that he was going over to the Council meeting that same evening.

At this point, under the Old Business portion of the meeting, the Executive Director requested that the Board of Commissioners memorialize the one-time bonuses for administrative office support staff and general maintenance person. Mr. Fiore noted that the bonuses were appreciated by staff. On motion of Commissioner Brady, seconded by Chairperson Lucia, the bonuses were memorialized on the following vote:

Ayes: Chairperson Lucia and Commissioners Brady and Elms
Nayes: None
Absent: Commissioners Garibian and Gervasio

At this point, under the New Business portion of the meeting, the Executive Director noted that the additional lane way at the Ann Bank Garage will be installed shortly.

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

On motion of Commissioner Brady, seconded by Chairperson Lucia, the Board authorized an update of the appraisal for the MPA owned Speedwell Avenue lot by Blau Appraisal Company up to an amount not to exceed \$1,500 on the following vote:

Ayes: Chairperson Lucia and Commissioners Brady and Elms
Nayes: None
Absent: Commissioners Garibian and Gervasio

On motion of Commissioner Brady, seconded by Chairperson Lucia, the Board moved back into Public Session.

The following Resolutions were presented for the record:

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

Ayes: Chairperson Lucia and Commissioners Brady and Elms
Nayes: None
Absent: Commissioners Garibian and Gervasio

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 Elms
Nayes: None
Absent: Commissioners Garibian and Gervasio

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

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

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

George Fiore, Executive Director

Margret Brady, Secretary

Prepared By: Robert S. Goldsmith, Esq.