

MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, MAY 21, 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 and Commissioners Garibian and Gervasio

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

Absent: Commissioners Brady and Elms

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

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

At this point, the Board returned to the regular order of business.

The following communications were presented for the record:

Under date of April 26, 2013

To: Commissioners and Counsel, MPA
From: George Fiore

Letter advising of new procedures from the Local Government Ethics Law regarding filing of Annual Financial Disclosure Statement. The online filing procedures are indicated in the letter and once successfully filed and printed the completed receipt can be picked up. On motion of Commissioner Garibian, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of April 10, 2013

To: Michael F. Rogers, Business Administrator
From: Maryanne Connelly

Mr. Goldsmith and Mr. Fiore advised the Board of Commissioners that litigation had been filed by the Condominium Association against the Development Team. Mr. Goldsmith advised that the major claim related to poor quality with flooring, the failure of the Sponsor to pay full contribution on behalf of the vacant mansion instead of the substantially larger projected mansion payment on the construction defects relating to the stucco and water penetration and excessive electric use and costs for the common area. On motion of Chairperson Lucia, seconded by Commissioner Garibian, the letter was accepted for file.

Under date of April 10, 2013

To: George Fiore, Executive Director
From: Michael Rogers, Business Administrator

Correspondence requesting Morristown Parking Authority to provide the number of citations for parking violations issued over the past two years at the Flagler Street lot and the lot near the Firehouse. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 15, 2013

To: Michael Rogers, Business Administrator
From: Patrick W. Geary, Operations Manager

Letter providing the information requested regarding the number of parking violations issued for Lot 13M (Flagler Street and Speedwell Avenue) and the lot near the Firehouse (Lot 150). On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 16, 2013

To: Morristown Parking Associates
From: George Fiore, Executive Director

Correspondence requesting that all Associates exercise greater care, caution and awareness and that they remain on high alert given the events that took place in Boston. The letter provides the necessary steps that should be taken should anything arise. On motion of Commissioner Garibian, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of April 17, 2013

To: Michael R. Rapp
From: George Fiore, Executive Director

Letter enclosing executed copy of the Binsky & Snyder Service, L.L.C Agreement for the period June 1, 2013 through May 31, 2014. On motion of Chairperson Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of April 17, 2013

To: Linda Bach
From: George Fiore, Executive Director

Letter enclosing copy of Johnson Controls, Incorporated Agreement for 14 Maple Avenue, Morristown, New Jersey for the contract period June 1, 2013 through May 31, 2014. On motion of Chairperson Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of April 17, 2013

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

Letter forwarding the Parking Authority's check in the amount of \$13,500.00 (#1757) which represents payment of parking income for January, February and March. 2013. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 17, 2013

To: Jon Carnegie, Project Director
From: George Fiore, Executive Director

Letter confirming that the Morristown Parking Authority will join the Town of Morristown and Morris Arts as a project partner in the Morristown Parklet Program proposal as a Local Demonstration Project with the North Jersey Together regional initiative. The Morristown Parking Authority considers the support of local business as core to their mission and looks forward to playing a role in exploring the re-purposing of appropriate on-street spaces as new public amenities. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 17, 2013

To: Jon Carnegie, Project Director
From: Michael Fabrizio, Executive Director, Morristown Partnership

Letter advising that the Morristown Partnership looks forward to supporting the Morristown Parklet Program as a key stakeholder in the community. The Partnership considers the proposed parklet program a prime opportunity to implement that recommendation. The letter further states that the Partnership will facilitate access and dialogue with the local business owners during this process. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 18, 2013

To: Robert S. Goldsmith, Esq.
From: George Fiore, Executive Director

Letter advising of the Morristown Parking Authority's auditor inquiry. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 30, 2013

To: VM Associates, Inc.
From: Robert S. Goldsmith, Esq.

Letter in response to the Auditor's inquiry of April 18, 2013. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 30, 2013

To: VM Associates, Inc.
From: George Fiore, Executive Director

Letter provided in response to the Auditor's inquiry. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of May 1, 2013

To: George Fiore, Executive Director
From: Vincent M. Montanino, VM Associates, Inc.

Letter enclosing twenty copies of Report on Examination of Financial Statements for the year ended December 31, 2012. The letter further advises that a copy of the audit will be filed with the Division of Local Government Services. The letter also encloses three copies

of the Synopsis of Audit together with instructions regarding same. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 19, 2013

To: George Fiore, Executive Director; Robert S. Goldsmith, Esq.
From: Harry Simon

Correspondence requesting confirmation of current shared parking standards for the different size residential units that could be proposed and built within the Area D project. The letter also seeks confirmation as to how many spaces are available at this time and Mr. Simon's understanding is that they are available on a first come, first serve basis. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 23, 2013

To: Harry Simon
From: George Fiore, Executive Director

Letter in response to Mr. Simon's April 19, 2013 inquiry. The Morristown Parking Authority has used 1.2 as the peak factor per unit of residential, noting that 1.27 is the current actual demand for the residential component of Metro (Bldg. B) on Market Street. In answer to the second question posed, the Morristown Parking Authority's current model indicates that there is capacity to accommodate parking demand for a total of approximately 156 dwelling units at the Ann Bank Garage. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 26, 2013

To: Morristown Parking Authority
From: Benjamin Rudinski

The Executive Director explained the context in which the Parking Authority had provided, as a courtesy, reduced rate parking for high school students and in return an individual posted outrageous Facebook messages regarding MPA personnel. The Executive Director explained that the Morris School District Administration and the Police Department were advised of this activity and this letter was the response to MPA concerns. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 26, 2013

To: Morristown Parking Authority
From: UNCLE BAXTER, LLC

Notice to Property Owners that Uncle Baxter, LLC trading as Veronica's Speedwell has made application to the Town of Morristown Town Council (ABC Board) for a Place to Place Transfer of its Plenary Retail Consumption License #1424-33-015-011 current held as a Pocket License to premises located at 34B and 36 Speedwell Avenue, Morristown, New Jersey. Plans for the proposed licensed premises may be examined at the office of the Town Clerk, Matthew Stechnauer. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of April 30, 2013

To: George Fiore, Executive Director
From: Bill Correa

The Executive Director explained that this was to facilitate communications to the Century 21 Building as a courtesy to Michael Cantor and David Brown, as well as to Century 21.

The correspondence attaches the document executed by Lightpath. On motion of Chairperson Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of May 7, 2013

To: Morristown Parking Authority
From: Edward Correa

Letter requesting status of the responses to the OPRA request. On motion of Commissioner Garibian, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of May 9, 2013

To: Edward Correa
From: Morristown Parking Authority

Correspondence in response to Mr. Correa's OPRA Request. The letter provides a twenty-seven page synopsis report which includes some, but not all, of the information that Mr. Correa wished to be included. On motion of Commissioner Garibian, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of May 10, 2013

To: Morristown Parking Authority
From: Edward Correa

Letter request for information pursuant to the Open Public Records Act. The documents Mr. Correa is seeking are a personal inspection of the equipment used by the employees of the Morristown Parking Authority to issue tickets, as well as the office equipment used. On motion of Commissioner Garibian, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of May 13, 2013

To: Edward Correa
From: Patrick Geary

Letter in response to Mr. Correa's OPRA request dated May 10, 2013 whereby Mr. Correa's request has been denied due to the fact that the equipment used by the Parking Authority is not a "public record." On motion of Commissioner Garibian, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of May 13, 2013

To: Morristown Parking Authority
From: Edward Correa

Letter requesting that the attached OPRA request be downloaded. On motion of Commissioner Garibian, seconded by Commissioner Gervasio, the letter was accepted for file.

At this point, under the Old Business portion of the meeting, the Executive Director noted that staff was in the process of completing collection of the MPA Local Government Officer Financial Disclosure filing receipts for 2013.

At this point, under the Old Business portion of the meeting, the Executive Director and Mr. Giosa presented the bids for the multi-space parking meters and related work. The Executive Director noted that Mr. Giosa had prepared an excellent RFP on a complex structure. Mr.

Giosa noted that the bid package was complete and would include all items and services necessary to implement the needed project. Mr. Giosa also noted that the two bidders were both good and reliable. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the bid of DEVO Associates LLC in the amount of \$156,419.00 was authorized on the following vote:

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

At this point, under the Old Business portion of the meeting, the Executive Director noted for the information of the Board that all MPA vehicles were now equipped with GPS tracking in accordance with the pending MPA Revenue Security Program.

At this point, under the Old Business portion of the meeting, the Executive Director presented a proposal for transparent outdoor commercial trash cans (Homeland Security compliant). The Board that was present discussed the matter at length and, again, given the absence of two Commissioners, determined to table the matter for a subsequent meeting.

At this point, under the Old Business portion of the meeting, the Administration presented request for authorization to purchase one Amano McGann, Inc. Pay-on-Foot Station in connection with the Ann Bank Parking Garage upgrades. The Executive Director noted that the item normally sells for \$70,000, but could be purchased by the Parking Authority for \$40,000. On motion of Commissioner Garibian, seconded by Commissioner Gervasio, the Administration was authorized to purchase the Amano McGann, Inc. Pay-on-Foot Station for the Ann Bank Parking Garage upgrades with discretion to pay over time, in lump sum or on a hybrid basis on the following vote:

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

At this point, under the New Business portion of the meeting, Mr. Geary presented the 2013 MPA Employee Vacation Request Schedule. On motion of Commissioner Garibian, seconded by Commissioner Gervasio, the schedule was accepted for file.

At this point, under the New Business portion of the meeting, the Executive Director advised the Board of the request by the Morris County Arts Association to utilize the horseshoe in front of the Vail Mansion for an event on June 7 and June 8, 2013. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the authorization was granted subject to Vail Mansion Condominium Association approval as well.

On motion of Commissioner Gervasio, seconded by Commissioner Garibian, the Board moved into Executive Session

At this point, under the Report portion of the meeting, the Executive Director presented to the Board the April 2013 Monthly Enforcement Report. On motion of Chairperson Lucia, seconded by Commissioner Garibian, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the March 2012/2013 Comparative Meter Revenue Report. On motion of Chairperson Lucia, seconded by Commissioner Garibian, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the March 2012/2013 Comparative Cash Revenue Report. On motion of Chairperson Lucia, seconded by Commissioner Garibian, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the March 2012/2013 Year-to-Date Revenue Summary. On motion of Chairperson Lucia, seconded by Commissioner Garibian, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the April 2012/2013 Comparative Meter Revenue Report. On motion of Chairperson Lucia, seconded by Commissioner Garibian, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the April 2012/2013 Comparative Cash Revenue Report. On motion of Chairperson Lucia, seconded by Commissioner Garibian, the report was accepted for file.

At this point, under the Report portion of the meeting, the Executive Director presented the Lucia 2012/2013 Year-to-Date Revenue Summary. On motion of Chairperson Lucia, seconded by Commissioner Garibian, the report was accepted for file.

The Executive Director presented the Parking Authority of the Town of Morristown Report on Examination of Financial Statements for the Year Ended December 31, 2012 and made some remarks regarding same. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the report was accepted on the following vote:

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

At this point, under the Report portion of the meeting, the Executive Director presented to the Board the April 2013 After Hours Overtime Report (P. Geary, G. Deal). On motion of Commissioner Garibian, seconded by Chairperson Lucia, the report was accepted for file.

The following Resolutions were presented for the record:

Resolution No. 24-2013 - Confirming Review of Annual Audit Report for Fiscal Year Ended December 31, 2012. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the Resolution was adopted on the following vote:

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

Resolution No. 25-2013 - Authorizing the Award of a Non-Fair and Open Contract for Services. On motion of Chairperson Lucia, seconded by Commissioner Garibian, the Resolution was adopted on the following vote:

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

Resolution No. 26-2013 - Authorizing the Transfer of Funds from the Parking Authority of the Town of Morristown MPA Series General Reserve and Replacement Fund Account to the MPA Improvement Account. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the Resolution was adopted on the following vote:

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

Absent: Commissioners Brady and Elms

Resolution No. 27-2013 - Operating Fund Bills. On motion of Chairperson Lucia, seconded by Commissioner Garibian, the Resolution was adopted on the following vote:

Ayes: Chairperson Lucia and Commissioners Garibian and Gervasio

Nays: None

Absent: Commissioners Brady and Elms

Resolution No. 28 -2013 - Improvement Fund Bills. On motion of Commissioner Garibian, seconded by Chairperson Lucia, the Resolution was adopted on the following vote:

Ayes: Chairperson Lucia and Commissioners Garibian and Gervasio

Nays: None

Absent: Commissioners Brady and Elms

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

George Fiore, Executive Director

Christopher Leon Garibian, Assistant Secretary

Prepared By: Robert S. Goldsmith, Esq.