

**MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, APRIL 18, 2017 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, 2017, 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, Stamato\* and Chairperson Lucia

Also Present: Michael Fabrizio, Executive Director, Mark Axelrod, Director of Operations, Gregory Deal, Director of Facilities, Robert S. Goldsmith, Esq., Robert Iannaccone, Council Liaison, Gerard Giosa, Wendell Brady

Absent: Commissioner Tighe

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At this point, The Executive Director presented the Minutes of the March 21, 2017 Regular Meeting. On motion of Commissioner Brady, seconded by Chairperson Lucia, the Minutes were approved.

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There were no Public Comments.

There was no Mayor’s Report.

Council Liaison’s Report: Council Liaison Iannaccone reported on the following: (1) the ordinance for the guaranty for the MPA refinancing was passed; (2) He advised that he reported on the successful financial condition of the Morristown Parking Authority to the Council; and (3) Councilman Iannaccone reported that he anticipated that there would be some type of committee or group of Council to discuss the development of Lot 10 in conjunction with the proposed Scotto redevelopment. He also advised that the Master Plan provided Lot 10 as a pedestrian walkway.

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The following communications were presented for the record:

Under date of March 17, 2017

To: MPA  
From: Johnson Controls

Letter serving as Planned Service Renewal for customer signature to be returned by May 1, 2017. On motion of Commissioner Gervasio, seconded by Chairperson Lucia, the letter was accepted for file.

Under date of March 22, 2017

To: Michael Fabrizio, Executive Director  
From: Sadlej Krzysztof

Email advising that Arup, a planning and engineering firm, will be conducting the town-wide mobility and traffic study and would like to connect with the MPA to get input on their work. On motion of Chairperson Lucia, seconded by Commissioner Gervasio, the email was accepted for file.

Under date of March 27, 2017

To: Frank Vitolo  
From: Steven Mlenak

Letter serving as First Amendment to Parking License Agreement between MPA and Vertical Realty Capital, LLC. On motion of Chairperson Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of April 4, 2017

To: Clark Greyson  
From: Michael Fabrizio, Executive Director

Emails discussing the Town's Traffic & Mobility Study. On motion of Commissioner Brady, seconded by Commissioner Stamato, the letter was accepted for file.

Under date of April 3, 2017

To: Michael Fabrizio, Executive Director  
From: Robert Goldsmith

Email forwarding Mr. Mlenak's email regarding Vail Mansion advising that the agreement does not set forth any requirement to provide 30 spaces for the public theater. The email also advises that Mr. Mlenak sees no reason why the MPA cannot provide those spaces, for a fee, to the restaurant on performance nights. On motion of Commissioner Gervasio, seconded by Chairperson Lucia, the email was accepted for file.

Under date of April 6, 2017

To: Mary Fowler  
From: Gary Pulcini

Email requesting a fee quote for the MPA for a Guaranteed Parking Revenue Bond used to refund the 2007 Bonds. On motion of Commissioner Brady, seconded by Chairperson Lucia, the email was accepted for file.

Under date of April 6, 2017

To: Gary Pulcini  
From: Mary Fowler

Email advising that the discounted fee would be \$19,950 if S&P Global receives the documents by May 17, 2017. On motion of Commissioner Brady, seconded by Chairperson Lucia, the email was accepted for file.

Under date of April 6, 2017

To: Michael Fabrizio, Executive Director  
From: Allison Larena

Email asking MPA's permission to utilize additional parking spaces on occasion for performances. The email also advises that the MAYO Performing Arts Center will continue conversations with Mr. Axelrod regarding the possibility of implementing a plan to run a jitney to the garages and other way to accommodate its patrons. On motion of Chairperson Lucia, seconded by Commissioner Brady, the email was accepted for file.

Under date of April 11, 2017

To: Michael Fabrizio, Executive Director  
From: Sean Bleifer

Email advising that Woodmont Properties is planning to start loading lumber and start framing by the middle of next week and will require shut downs. On motion of Chairperson

Lucia, seconded by Commissioner Brady, the letter email was accepted for file.

Under date of April 11, 2017

To: Sean Bleifer  
From: Michael Fabrizio, Executive Director

Email advising that the ramp closures are fine but that MPA cannot agree to the closure of the access to the Right of Way for four days. The email further advises that alternatives will need to be discussed. On motion of Chairperson Lucia, seconded by Commissioner Brady, the email was accepted for file.

Under date of April 11, 2017

To: Michael Fabrizio  
From: PNC Capital

Letter advising of certain disclosures relating to the captioned securities issue (the “Bonds”), as required by the Municipal Securities Rulemaking Board Rule G-17 as set forth in MSRB Notice 2012-25 (May 7, 2012). On motion of Chairperson Lucia, seconded by Commissioner Brady, the letter was accepted for file.

Under date of April 11, 2017

To: MPA  
From: Board of Adjustment

Notice of hearing on April 19, 2017 at 7:30 p.m. regarding Wild Bones Brewing Company. On motion of Chairperson Lucia, seconded by Commissioner Brady, the notice was accepted for file.

Under date of April 12, 2017

To: Michael Fabrizio, Executive Director  
From: Boenning & Scattergood

Letter serving as Form Independent Registered Municipal Advisor Representation Letter. On motion of Chairperson Lucia, seconded by Commissioner Brady, the letter was accepted for file.<sup>1</sup>

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<sup>1</sup> Commissioner Stamato joined the meeting.

Mr. Fabrizio also noted that there was placed a table a notice of approval for certain improvements by: (1) 1<sup>st</sup> Roc-Jersey for Headquarters Plaza; (2) the MAYO Performing Arts Center; (3) Vertical on Market Street; and (4) Vision Equities for their 1776 building.

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At this point, under the Report portion of the meeting, Mr. Axelrod presented the March 2017 Comparative Meter Revenue Report. On motion of Commissioner Stamato, seconded by Chairperson Lucia, the report was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod presented the March 2017 Off Street Meter Revenue Report. On motion of Commissioner Stamato, seconded by Chairperson Lucia, the report was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod presented the March 2017 Pay Station & Cashier Revenue, MPA Income YTD. Commissioner Stamato suggested that it may be worthwhile for the Parking Authority to report to the Partnership the strong position of the Parking Authority which reflects the vitality and activity in the Morristown Business District. Mr. Fabrizio advised that he would be glad to do so. On motion of Commissioner Stamato, seconded by Chairperson Lucia, the report was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod presented the March 2017 Enforcement Report. On motion of Commissioner Stamato, seconded Commissioner Brady, the report was accepted for file.

It was noted, under the Report portion of the meeting, Mr. Axelrod presented the March 2017 Quarterly Vehicle Maintenance Report. On motion of Commissioner Stamato, seconded by Commissioner Brady, the report was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod presented the March 2017 Quarterly Employee Sick/Vacation Report. On motion of Commissioner Stamato, seconded by Chairperson Lucia, the report was accepted for file.

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At this point, under the Old Business portion of the meeting, Mr. Fabrizio presented the Proposals for the Phase 1 Environmental. He indicated that the lowest responsible bidder, although not required, is an engineering firm which Mr. Goldsmith has experience with, SESI, and submitted fair proposals for work. At this point, Councilman Iannaccone raised concerns about the Parking Authority proceeding with expenditures of funds for a project which he felt was not properly vetted by the Redevelopment Agency or the Town Council. There was an extended discussion during which Mr. Fabrizio and Mr. Goldsmith advised that

there had been constant communication with the Administration, noting that under Faulkner form of government the Administration acts as the voice of the municipality. With a recognition of Councilman Iannaccone's concern, the proposal for acceptance by SESI was moved by Commissioner Gervasio, seconded by Commissioner Brady, subject to acknowledgement by appropriate Town of Morristown authorities that the Parking Authority should proceed with the development concept for a parking facility on Lot 10 on the following vote:

Ayes: Commissioners Brady, Stamato, and Chairperson Lucia  
Nayes: Commissioner Gervasio  
Absent: Commissioner Tighe

It was also noted that the survey by Lakeland, the successor to Richard Smith's surveyors, should proceed for the sum of \$3,300 which would include the topography required by Mr. Weissenborn of Desmond Associates as well as the designation of the water culvert preversing Lot 10. On motion of Commissioner Brady, seconded by Commissioner Gervasio, the survey was authorized on the following vote\*:

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

\*Commissioner Stamato abstained.

At this point, under the Old Business portion of the meeting, there was a discussion of the requirement for complying with the Financial Disclosure Statement.

At this point, under the Old Business portion of the meeting, the Revised Refinancing Schedule was presented and discussed with the Board of Commissioners by Mr. Fabrizio and Mr. Goldsmith.

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At this point, under the New Business portion of the meeting, Mr. Fabrizio presented a proposal for services from Johnson Controls. He noted that he was aware of a Commissioner's concern with respect to efforts by Johnson Controls and its acquiring company to avoid Federal taxes. He advised that Johnson Controls was prepared to honor the same price for another year, notwithstanding the original proposal and he requested approval for an additional year of services in the amount of \$17,048. Mr. Goldsmith also noted that it took years for Johnson Controls to bring the operational systems in 14 Maple Avenue to a proper functioning level and if there was in continued service by Johnson Controls. Mr. Fabrizio indicated to the Board that he would look for alternatives for next year. On motion of Chairperson Lucia, seconded by Commissioner Brady, the authorization

was granted on the following vote\*:

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

\*Commissioner Stamato abstained.

At this point, under the New Business portion of the meeting, Mr. Giosa presented an analysis of parking demand and parking operations and parking usage.

At this point, under the New Business portion of the meeting, Mr. Giosa and Mr. Goldsmith discussed a proposal for a flat rate at the DeHart Street Parking Garage as opposed to an after 5 rate. There was discussion advising that it would probably be a break even proposition for the Parking Authority and would simplify and render more understandable the various rates at the DeHart Street Garage. On motion of Commissioner Stamato, seconded by Chairperson Lucia, the flat rate was authorized on the following vote:

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

At this point, under the New Business portion of the meeting, the possibility of a 24-hour operation at the DeHart Street Parking Garage was briefly discussed and tabled pending further discussion.

At this point, under the New Business portion of the meeting, Mr. Giosa and Mr. Fabrizio presented the concept of free parking promotion at Ann Bank and Dalton Parking Garages on April 28<sup>th</sup> and May 13<sup>th</sup> to see if the public could be better educated as to the convenience and availability of parking at those two facilities. On motion of Commissioner Stamato, seconded by Commissioner Gervasio, the free rate PILOT parking program at Ann Bank and Dalton was authorized on the following vote:

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

At this point, under the New Business portion of the meeting, the matter of oversized vehicle concerns was deferred for further action.

At this point, under the New Business portion of the meeting, Mr. Fabrizio and Mr.

Goldsmith reported on productive meeting with the Town Traffic Consultants, ARUP. There was also a discussion arising from that meeting of the need for the Parking Authority to review and update signage throughout the Town of Morristown with respect to parking facilities. Commissioner Stamato suggested possible discussion with Morris Arts for consideration of their input into such a signage program revision.

At this point, under the New Business portion of the meeting, Mr. Fabrizio presented the budget appropriation transfers. On motion of Chairperson Lucia, seconded by Commissioner Brady, the budge appropriation transfers were authorized on the following vote:

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

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There was no Executive Session.

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The following Resolutions were presented for the record:

Resolution No. 31-2017: (Authorizing the Award of Non-Fair and Open Contract for Services). On motion of Commissioner Brady, seconded by Chairperson Lucia, the Resolution was adopted on the following vote:

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

Resolution No. 32-2017: (Authorizing the Transfer of Funds from the MPA Special Revenue Account to the MPA Improvement/Maintenance Account). On motion of Commissioner Stamato, seconded by Commissioner Brady, the Resolution was adopted on the following vote:

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

Resolution No. 33-2017: (Authorizing the Emergency Purchase of Replacement Parking Enforcement Vehicle). On motion of Chairperson Lucia, seconded by Commissioner Brady, the Resolution was authorized on the following vote:

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

Resolution No. 34-2017: (Authorizing the Parking Agreements with 6-14 South Street, L.L.C.). On motion of Commissioner Brady seconded by Commissioner Stamato, the Resolution was adopted on the following vote:

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

Resolution No. 35-2017: (Authorizing the Payment of MPA Operating Bills). On motion of Commissioner Brady, seconded by Chairperson Lucia, the Resolution was adopted on the following vote:

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

Resolution No. 36-2017: (Authorizing the Payment of MPA Improvement Fund Bills). On motion of Chairperson Lucia, seconded by Commissioner Stamato, the Resolution was authorized on the following vote:

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

Resolution No. 37-2017: (Authorizing the Payment of bills from the Lot 10 Development Project Account). On motion of Chairperson Lucia seconded by Commissioner Brady, the Resolution was adopted on the following vote:

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

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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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Michael Fabrizio, Executive Director

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Margret Brady, Secretary

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Prepared By: Robert S. Goldsmith, Esq.