

MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, AUGUST 16, 2016 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 Tighe, 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 6, 2016 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, Lucia, Stamato and Chairperson Tighe

Also Present: Mark Axelrod, Assistant Director, Gregory Deal, Field Manager, Robert S. Goldsmith, Esq.

Absent: None

At this point, The Assistant Director presented the Minutes of the July 19, 2016 Regular Meeting for approval. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the Minutes were approved.

At this point, The Assistant Director presented the Executive Session Minutes of the July 19, 2016 Regular Meeting for approval. On motion of Commissioner Brady, seconded by Commissioner Lucia, the Minutes were approved.

There were no Public Comments.

There was no Mayor’s Report.

There was no Town Council Liaison’s Report.

The following communications were presented for the record:

Under date of July 14, 2016

To: MPA
From: Minno Wasko

Letter regarding reported noise at second floor of 14 Maple Avenue. The letter advises that the noise was reported at the middle of the spring season, when weather warms, and that it may have been produced by thermal motion of the steel frame against other construction. The letter further advises that there are currently no signs of structural distress evident in the area. Mr. Axelrod advised the Board that an inspection was undertaken and as set forth in the report there was no reason for concern, it was merely a matter of change in temperature. On motion of Commissioner Lucia, seconded by Chairperson Tighe, the letter was accepted for file.

Under date of July 15, 2016

To: MPA
From: Panepinto Properties

Letter serving as Panepinto's continued expression of interest in connection with being designated as redeveloper. On motion of Commissioner Lucia, seconded by Chairperson Tighe, the letter was accepted for file.

Under date of July 22, 2016

To: Matthew O'Donnell
From: Michael Fabrizio, Executive Director

In response to a question from Commissioner Stamato and Chairperson Tighe, Mr. Goldsmith advised the Board of Commissioners that the MPA was working with the Town and the Town's Planner to balance the need for the parking facility, but also the need to achieve a well-planned project in conjunction with neighboring property owners who may wish to participate in the redevelopment of the block.

Letter confirming that the MPA can make up to seventy (70) parking spaces available in connection with the 45 Morris Street project on a temporary basis until such time as the proposed parking garage in Lot 10 has been completed. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of August 5, 2016

To: Mark Manning
From: Mark Axelrod

Mr. Axelrod advised the Board of Commissioners that the Morristown High School Administrative Office had sent out a notice to students regarding parking in Lot 6 that was inaccurate. He had worked with the High School Administration to correct the error and was expecting that in the future the Administration would check with the Parking Authority before distributing information on MPA parking facilities to high school students in advance of the school year.

Correspondence advising that the MPA has received several calls in regards to a flyer the High School is sending out that lists Lot 6 as a parking option for MHS students. The correspondence further advises that this information is incorrect and requests that it be updated. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of August 8, 2016

To: John Pallino
From: Mark Axelrod

Mr. Axelrod spoke with Ms. Casadevall and made her aware of the error in the school's mailing and provided her with a corrected information sheet that they could use it going forward. Ms. Casadevall ensured that she would contact MPA in the future before sending out the mailing.

Under date of August 8, 2016

To: Mark Axelrod
From: Sally Casadevall

Correspondence advising that Ms. Casadevall printed copies of the map/information for the

Main Office. The correspondence also advises that Ms. Casadevall will check with MPA next June before sending out the letters. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the letter was accepted for file.

Under date of July 6, 2016

To: MPA
From: Eric Mauriello

Correspondence advising that Mr. Mauriello, along with 10 + parked cars, received a parking ticket on Saturday, July 2, 2016. The correspondence further advises that Mr. Mauriello was upset because it was not made clear by the Town that he was parking in a loading zone and also requested that proper painting or signage be used by the Town to clarify this. There was a discussion about the loading zone recently put in place by the Town of Morristown Ordinance on DeHart Street approaching Maple Avenue. This is correspondence related to a significant number of cars parking there and being ticketed. Mr. Deal suggested that he would speak with Council Liaison Toshiba Foster and Town Attorney Vij Pawar and suggest that the Ordinance regarding this loading zone and two other loading zones be amended to exclude loading on Saturday and to permit parking on Saturday morning in that location and two other locations. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of August 4, 2016

To: Eric Mauriello
From: Mark Axelrod

Correspondence advising that the MPA received Mr. Mauriello's July 6th email regarding DeHart loading zone parking meters and providing clarity as to this issue. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of August 16, 2016

To: Panepinto Properties
From: Michael Fabrizio, Executive Director

Letter advising that the redevelopment of the Mall Lot bordered by Cattano Avenue, Prospect Street and Washington Street will remain status quo as there are other priorities for the Town and MPA at this time. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the letter was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod presented to the Board the June 2016 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, Mr. Axelrod presented the June 2016 Vehicle Maintenance Report. Mr. Axelrod advised that Board that there is a problem with the Ford Fiesta which is used for residential enforcement being somewhat small for a number of the MPA PEOs. The Board authorized Mr. Axelrod to consider sale of the Fiesta and replacement with an all-wheel drive vehicle that would be better suited to all PEOs. 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, Mr. Axelrod presented the June 2015/2016 Comparative Meter Revenue Report. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the report was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod presented the June 2015/2016 Comparative Cash Revenue Report. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the report was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod presented the June 2015/2016 Year-to-Date Revenue Summary. Mr. Axelrod advised the Board that he was going to expand the report to include all parking revenues and that, at the suggestion of Mr. Goldsmith, Mr. Axelrod agreed that he would also include another category for all revenues such as lease revenues at 10 Pine Street and 14 Maple Avenue. Mr. Axelrod also noted to the Board that when one considers the \$300,000 in infrastructure payments received by the Parking Authority in 2015 the net revenues of the Parking Authority were up from the prior year by approximately \$249,000. On motion of Commissioner Stamato, seconded by Commissioner Gervasio, the report was accepted for file.

At this point, under the Report portion of the meeting, Mr. Axelrod advised that there was no information with respect to Security Reports for June 2016. Mr. Deal then advised that in August 2016 some youths entered the 14 Maple Avenue office building during the day, wandered around and ignited a smoke bomb. The incident was captured on video and the police have the responsible individuals and appropriate enforcement action will be undertaken. Mr. Deal also indicated that Christopher, the President of the Dodge Foundation, wants the opportunity to speak to the individuals involved.

At this point, under the Old Business portion of the meeting, Mr. Goldsmith advised the Board that the arbitrage report for the Morristown Parking Authority guaranteed Parking Revenue Bond Series 2011 has been completed and provided to the Parking Authority. The report will be maintained in the records of the Morristown Parking Authority as a matter of due diligence. Mr. Goldsmith further advised the Board that given interest rates for the last eight years, there has been no excess interest earned on the relevant reserve account that would require any obligation by the Parking Authority to the Internal Revenue Service. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the report was accepted for file.

At this point, under the Old Business portion of the meeting, Mr. Goldsmith advised the Board of Commissioners that the FSL Agreement with respect to the 2016 refinancing was suggested to be tabled. There is one issue yet to be resolved and it is moving toward resolution. It is anticipated that the Agreement will be presented to the Board of Commissioners at the September meeting for approval.

At this point, under the Old Business portion of the meeting, Mr. Axelrod advised the Board of Commissioners that the Binsky Service Agreement was suggested to be tabled so that Mr. Fabrizio could solicit some additional information, as well as possible bids, with respect to the services.

At this point, under the Status Report portion of the meeting, Mr. Deal advised the Board of Commissioners as to the arrangements that have been made with respect to the construction of Building C on DeHart Street as part of the Epsteins redevelopment project. Mr. Deal has been working with the contractor to minimize inconvenience to the parking public. There will be some extraordinary measures that need to be taken with respect to closure of the DeHart Street entrance for approximately 6-8 weeks to allow the construction of the new building over the entrance ramp to the DeHart Street garage off of DeHart Street.

Arrangements have been made to permit use of the entrance before 9:00 a.m. and after 4:00 p.m., during peak demand periods. Mr. Deal has also made arrangements for improvements to the access at Maple Avenue to permit entrance and exit at the Maple Avenue entrance

during this period of construction. Mr. Axelrod noted that there was an agreement that the Parking Authority will be made whole with respect to all costs incurred in facilitating the construction of Building C. Mr. Goldsmith also suggested there should be an Indemnification Agreement with Rosewood and the contractor with respect to any issues arising out of this construction.

At this point, under the Status Report portion of the meeting, Mr. Axelrod advised that he had received a proposal in the amount of \$14,500 for the production of a clearance bar at the Vail Mansion. This included fabrication and installation but the footings would need to be quoted by a separate vendor. MPA is seeking another quote. Mr. Goldsmith reminded all concerned that there is a need for SHPO approval of the installation of the clearance bar, hopefully at the administrative level. Mr. Axelrod then reported that the rate change at the Vail Mansion recently approved was being well-received and had eliminated much confusion with respect to various rates at the facility.

At this point, under the Status Reports portion of the meeting, Mr. Goldsmith advised that an amendment to extend the Fannie Rippel Lease had been prepared and that Mr. Welsh had been cooperating in the implementation of the Fannie Rippel Lease and will keep the Board apprised of the status of the Lease Amendment and extension. Mr. Goldsmith further advised the Board that the extension of the Lease was in the best interest of the Parking Authority.

At this point, under the Status Reports portion of the meeting, Mr. Goldsmith advised that the Parking Authority was in discussions with the Town of Morristown with respect to planning and designing the integration of a parking facility into Lot 10 and with adjacent properties. That there was some possible consideration of the Town Hall moving to the Post Office and the possible need for additional parking at the new Lot 10 parking facility to accommodate the needs of the Town with the expectation that the Town would bear its share if the parking was to be segregated. He also noted that there had been discussions suggesting that the Police Department should not be located at the Post Office, particularly in view of the fact of the way they store derelict cars and it would not reflect well on the new parking facility. Mr. Goldsmith also advised that there had been discussions with Mr. O'Donnell who owns a number of properties adjacent to the Mall Lot, there is a meeting scheduled with Mr. Austin who owns properties adjacent to the Mall Lot and that Mr. Fabrizio had been in conversations with Mr. Levine who owns the largest portion of properties adjacent to the Mall Lot

At this point, under the New Business portion of the meeting, Mr. Axelrod presented the Annual Report previously provided to the Board of Commissioners. Commissioner Stamato noted that the report was exceptionally good, it was enjoyable reading and very useful. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the report was accepted for file.

At this point, under the New Business portion of the meeting, the Board of Commissioners considered the Sunstone Agreement for parking for a proposed hotel on Bank and Market Streets. The Board had already reviewed the memo describing the agreement as well as the agreement. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the agreement was authorized for execution on the following vote:

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

A Resolution memorializing the Board action will be presented at the September Board meeting.

At this point, under the New Business portion of the meeting, there was a discussion regarding treatment of law enforcement vehicles on official business and vehicles that may not be on official business. The guidelines were discussed and will be made known to the Parking Enforcement Officers.

At this point, under the New Business portion of the meeting, Mr. Axelrod presented a proposal for making available certain student parking at the Dalton Parking Garage at a reduced rate to make available a larger number of spaces to the parking public at the Mall Lot. After a discussion, the proposal was approved on motion of Commissioner Brady, seconded by Commissioner Gervasio, on condition that the one individual that had pre-paid at a \$40 rate should be given a refund for the differential for the ten months pre-paid. The motion was approved on the following vote:

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

At this point, under the New Business portion of the meeting, there was a brief discussion regarding recent legislation that provides free parking at public parking meters for disabled American veterans as well as recipients of the Purple Heart. It was noted that Mr. Gervasio is entitled to that privilege. It was also noted that Mr. Gervasio, having an awareness of that privilege, did not pay at a meter and was ticketed for the violation. The summons will be addressed administratively as the license reflects PH for Purple Heart.

At this point, under the New Business portion of the meeting, Mr. Axelrod reported on parking arrangements for the Mayor's Jazz Festival on August 20, 2016.

At this point, under the New Business portion of the meeting, Mr. Axelrod advised the Board of Commissioners that the judgment was made that the Parking Authority should not continue in the Morris County Purchasing Co-Op, but the Parking Authority remains a member of a broader Parking Authority Co-Op. The Board was comfortable with this decision.

There was no Executive Session.

At this point, the Chairperson reminded Mr. Axelrod that there should be no changes with respect to personnel policies or operations absent the review by Mr. Fabrizio and/or Mr. Goldsmith and that while Mr. Axelrod has the responsibility of the daily management of operations, the focus of Mr. Axelrod's efforts should be with respect to payroll, pension and Board meeting support and preparation.

The following Resolutions were presented for the record:

Resolution No. 49-2016: (Authorizing the Payment of MPA Operating Bills). On motion of Commissioner Lucia, seconded by Commissioner Brady, the Resolution was authorized on the following vote:

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

Absent: None

Resolution No. 50-2016: (Authorizing the Payment of MPA Improvement Fund Bills). On motion of Commissioner Brady, seconded by Commissioner Lucia, the Resolution was authorized on the following vote:

Ayes: Commissioners Brady, Gervasio, Lucia, Stamato and Chairperson Tighe

Nayes: None

Absent: None

Resolution No. 51-2016: (Authorizing the Payment of Bills Relating to the Future Development of MPA Lot 10 From the Established Checking Account of the Same Name). On motion of Commissioner Lucia, seconded by Commissioner Brady, the Resolution was authorized on the following vote:

Ayes: Commissioners Brady, Gervasio, Lucia, Stamato and Chairperson Tighe

Nayes: None

Absent: None

Resolution No. 52-2016: (Authorizing and Directing the Executive Director to Effectuate the Transfer of Specified Funds from MPA Special Reserve Account to the Lot 10 Future Development Account). On motion of Commissioner Stamato, seconded by Commissioner Gervasio, the Resolution was authorized on the following vote:

Ayes: Commissioners Brady, Gervasio, Lucia, Stamato and Chairperson Tighe

Nayes: None

Absent: None

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

Mark Axelrod, Assistant Director

James Gervasio, Secretary

Prepared By: Robert S. Goldsmith, Esq.