

**MINUTES OF THE REGULAR MEETING OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, NOVEMBER 14, 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 5, 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, Stamato, Lucia and Chairperson Tighe

Also Present: Michael Fabrizio, Interim Executive Director, Gregory Deal, Field Manager, Mark Axelrod, Assistant Director, Robert S. Goldsmith, Esq., Francis X. Regan, Esq.

Absent: None.

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At this point, The Assistant Director presented the Minutes of the October 18, 2016 Regular Meeting. On motion of Commissioner Stamato, seconded by Commissioner Brady, the Minutes were approved.

At this point, The Assistant Director presented the Minutes of the October 18, 2016 Executive Session Meeting. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the Minutes were approved.

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There were no Public Comments.

There was no Mayor's Report.

There was no Town Council Liaison's Report.

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At this point, under the Old Business portion of the meeting, at the request of Mr. Fabrizio, the matter of the Bijou Agreement was accelerated on the agenda and Mr. Frank Regan and Mr. Fabrizio reported on the conclusion of negotiations and the recommendation for approval of the agreement with Bijou. Mr. Goldsmith left the room. On Mr. Goldsmith's return after discussion of the agreement, Mr. Goldsmith advised the Board of Commissioners that he had made a request to New Jersey Transit on behalf of the Parking Authority to further discussions with respect to the covenant requiring retention of public parking on Lot 3R. Mr. Goldsmith advised the Board that he had a conversation with Messrs. Gaber and Sudler of Bijou and Mr. Giosa and there is the possibility that the Parking Authority may be able to persuade New Jersey Transit that given a 25 space public parking facility required by the agreement, as well as the potential to segregate some 54 additional spaces within the parking facility for public use, that the argument could reasonably be made that there will be no requirement for additional public parking and that the 74 public parking spaces will be replaced. He advised that Mr. Giosa is working on the proposal along these lines and at the same time Bijou is refining their design plans. Mr. Fabrizio noted that the Parking Authority receives an additional \$2,500 for every space that is not required up to a maximum of \$185,000.

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The following communications were presented for the record:

Under date of October 14, 2016

To: John Draikiwicz  
From: Patricia McNamara

Letter providing the Local Finance Board Resolution reflecting the action the Board took at the meeting held on Wednesday, September 14, 2016 with respect to the MPA's request for authority to issue refunding debt. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of October 20, 2016

To: MPA  
From: John McKeown

Letter pointing out that in Summit there are various parking meters within the central retail business district that are for 90 minutes with 15 minutes free when the meter registers zero. The letter also states that in Summit fees are required Monday-Saturday 8am-6pm and all meters are free after 6pm and all day Sunday. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of October 28, 2016

To: MPA  
From: Ansell, Grimm & Aaron

Order to Show Cause With Temporary Restraints Pursuant to R. 4:52. On motion of Commissioner Lucia, seconded by Commissioner Brady, the Order was accepted for file.

Under date of October 28, 2016

To: MPA  
From: Steve Forktus

Email advising that pay machine number 3 in Dumont Street lot had no paper to print a parking receipt on Wednesday night at 7pm. The email further advises that Mr. Forktus had to use another machine resulting in paying twice and would like to be reimbursed for the \$2.00 duplicate payment. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the email was accepted for file.

Under date of October 28, 2016

To: Steve Forktus  
From: MPA (Axelrod)

Email advising that if a receipt from the second pay station is provided to Mr. Axelrod at the MPA office, Mr. Forktus will receive a refund of \$2.00. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the email was accepted for file.

Under date of October 28, 2016

To: MPA  
From: Barry Goffin

Email advising that there is an “aggressive” man who parks every night in the loading zone for hours at the Monroe Apartments. The email is inquiring as to whether the Parking Authority can enforce parking by ticketing those spots. Mr. Axelrod advised that to the extent possible the Parking Enforcement Officers were requested to keep an eye on the location and enforce as appropriate. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the email was accepted for file.

Under date of October 28, 2016

To: Barry Goffin  
From: MPA (Axelrod)

Email advising that MPA will ask an evening officer to drive by the Monroe Apartments and look to see if the loading zone is being used beyond the 15 minutes it is intended for. The email further advises that if this is the case, a ticket can be written. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the email was accepted for file.

Under date of November 2, 2016

To: MPA (and DeHart area merchants)  
From: Woodmont Properties

Letter advising that Metropolitan Lofts apartment building located at 11 DeHart Street will need to implement alternative DeHart Street Garage access procedures to install scaffolding and steel infrastructure in the coming weeks. The letter also advises that the new building will be constructed over the parking ramp to the DeHart Street Garage and during this phase of construction, the entrance and exit ramp located on DeHart Street will be closed 8:30am to 5:00pm to ensure public safety. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the letter was accepted for file.

Under date of November 2, 2016

To: MPA  
From: Steven Mlenak

Email advising that the State Historic Preservation Office has agreed to work with MPA to handle its application for authorization to install the clearance bar at Vail Mansion and the SHPO is requesting supplemental documentation. The email also advises that once the documentation is submitted authorization will be granted shortly thereafter. Mr. Goldsmith advised that Mr. Mlenak was informed by the State Historic Preservation Office that it was anticipated that the matter would be discussed and likely approved at a Wednesday meeting of staff at the SHPO office. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the email was accepted for file.

Under date of November 3, 2016

To: MPA  
From: Bill Schlosser

Email thanking the MPA for the Enjou chocolate basket in memory of Mr. Schlosser’s late father who insured the MPA from its inception until he retired in 1980 (about 30 years). On motion of Commissioner Stamato, seconded by Commissioner Brady, the email was accepted for file.

Under date of November 4, 2016

To: NJ Transit  
From: Robert Goldsmith

Email requesting a meeting with NJ Transit officials to discuss the matter of modification of the covenant relating to the parking lot owned by the MPA to the rear of the NJ Transit Station which has been the subject of earlier discussions. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the email was accepted for file.

Under date of November 4, 2016

To: MPA (Fabrizio)  
From: Paul Ewert (Div. Local Gov.)

Email advising that the 2017 MPA Budget is approved for adoption on December 6, 2016. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the email was accepted for file.

Under date of November 4, 2016

To: MPA (Fabrizio)  
From: Robert Kennedy

Memo listing the budget examination notes for the MPA and requesting that the missing/corrected items be emailed or faxed to Mr. Kennedy. On motion of Commissioner Gervasio, seconded by Commissioner Lucia, the memo was accepted for file.

Under date of November 7, 2016

To: Steven Mlenak  
From: MPA (Axelrod)

Email advising that the clearance bar will be a welded steel clearance truss sandblasted, etched, primed and painted duranotic bronze. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the email was accepted for file.

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At this point, under the Report portion of the meeting, the Assistant Director presented to the Board the October 2016 Monthly Enforcement Report. Mr. Axelrod noted that the high school situation has improved with fewer violations. On motion of Commissioner Stamato, seconded by Commissioner Gervasio, the report was accepted for file.

October 2016 Security Report. There were no incidents to report.

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At this point, under the Status Report portion of the meeting, Mr. Deal informed the Board that the DeHart Street Garage was being manned with appropriate personnel at the expense of Rosewood and that all lost revenues would also be offset by Rosewood. Mr. Fabrizio noted that he had been informed that the cost per square foot of Building C was approximately \$230 and that Rosewood was seeking relief from certain expensive elements currently built into the design.

At this point, under the Status Report portion of the meeting, as previously discussed, Mr. Fabrizio and Mr. Goldsmith advised that there was continuing discussion with respect to Lot 10 and Mr. Fabrizio and Mr. Goldsmith were trying to appropriately balance the matter of planning and timing with respect to the parking facility in Lot 10.

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At this point, under the New Business portion of the meeting, Mr. Fabrizio advised that the next year's meeting dates will be refined and provided to the Board of Commissioners.

At this point, under the New Business portion of the meeting, Mr. Fabrizio and Mr. Goldsmith advised the Board that the Administration was recommending passage of an Ordinance by the Town Council to permit a full guaranty of the MPA's refunding debt which would be of value to the Parking Authority and save the Parking Authority money by allowing certain reserve funds to be applied to reduce outstanding debt.

At this point, under the New Business portion of the meeting, Mr. Fabrizio and Mr. Goldsmith presented the Epsteins Access and Indemnity Agreement and requested Board action. On motion of Commissioner Stamato, seconded by Commissioner Lucia, the Agreement was approved and authorized to be executed 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, the matter of the Right of Way cameras and the discussion of Right of Way litigation was deferred to the closed session.

At this point, under the New Business portion of the meeting, the Board of Commissioners reviewed and approved, on motion of Commissioner Brady, seconded by Commissioner Gervasio, the appropriation transfers in the form attached hereto 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, Mr. Axelrod advised the Board that the Morristown Partnership and Morristown Parking Authority Holiday Parking Program was going into effect. He suggested that the cost should be doubled. There was discussion and it was agreed that that would be decided at a future date. On motion of Commissioner Gervasio, seconded by Chairperson Tighe, the Board approved implementation of the Holiday Parking Program consistent with existing policy 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 discussion of the Holiday Dinner for 2016 and the location is to be finalized.

At this point, under the New Business portion of the meeting, the matter of the Executive Director Stipend, as discussed by the Board of Commissioners and approved by the Board of Commissioners during the Budget Meeting, was specifically authorized in the amount of seven months at \$3,000 a month for a total of \$21,000 for Mr. Fabrizio's outstanding work as Interim Executive Director since the departure of Mr. Fiore as Executive Director. On motion of Chairperson Tighe, seconded by Commissioner Gervasio, 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, the Board was informed by Mr. Axelrod that there would be a public hearing on the 2017 Annual Operating Budget at the December 6, 2016 MPA meeting.

At this point, under the New Business portion of the meeting, Mr. Fabrizio advised the Board that the MPA Reorganization Meeting was scheduled for January 3, 2017.

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

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At this point, Mr. Deal discussed with Board of Commissioners the installation of a camera at the Vail Mansion in the area of the ramp. They would have the value of protecting the clearance bar which should be shortly approved for installation and could provide further information as to the vehicles possibly damaging the clearance bar or otherwise parking on the ramp. Mr. Deal further advised that Vail Mansion Association was prepared to split the cost of approximately \$2,400 to \$2,500 on an even basis, 50/50. It was agreed that the matter would be formally presented to the Board at the meeting of December 6<sup>th</sup>.

At this point, Mr. Deal advised the Board of Commissioners with respect to the potential purchase of a pickup truck by the Board of Commissioners regarding both the State contract opportunity as well as a possible County Cooperative opportunity.

At this point, Mr. Fabrizio, Mr. Goldsmith and Mr. Deal discussed with the Board of Commissioners the installation of two cameras on the Right of Way. It was suggested that this could provide additional information and protection to the Parking Authority and that there should be discussions with 40 Park to see if it would bear a portion of the costs.

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The following Resolutions were presented for the record:

Resolution No. 56-2016: (Approving and Authorizing the Execution of a Contract for the Sale of Real Estate by the Morristown Parking Authority and Bijou Properties, LLC for Lot 3R aka Block 3602, Lot 13). On motion of Commissioner Gervasio, seconded by Commissioner Brady, the Resolution was tabled on the following vote:

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

Resolution No. 65-2016: (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. 66-2016: (Authorizing the Payment of MPA Operating Bills). On motion of Commissioner Stamato, seconded by Commissioner Brady, the Resolution was adopted on the following vote:

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

Resolution No. 67-2016: (Authorizing the Payment of Bills from the Parking Authority of the Town of Morristown, MPA Lot 10J Future Development Checking Account of the Same Name). On motion of Commissioner Stamato, 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. 68-2016: (Authorizing the Transfer of Funds from the MPA Special Revenue Account to the MPA Lot 10 Development Account). On motion of Commissioner Stamato, seconded by Commissioner Brady, the Resolution was adopted on the following vote:

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

Resolution No. 69-2016: (Authorizing the Transfer of Funds from the MPA Special Revenue Account to the MPA Improvement Account). On motion of Commissioner Stamato, seconded by Commissioner Brady, the Resolution was adopted on the following vote:

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

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At this point, Mr. Fabrizio and Mr. Goldsmith presented to the Board the concept of Mr. Fiore providing part-time support to the Parking Authority as of December 1, 2016, at which time Mr. Fiore could be retained as a consultant with the Parking Authority. On motion of Commissioner Lucia, seconded by Commissioner Gervasio, the retention of Mr. Fiore at an hourly rate of \$80, up to the permitted limitation on income of approximately \$16,000 was approved on the following vote:

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

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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, Interim Executive Director

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James Gervasio, Secretary

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Prepared By: Robert S. Goldsmith, Esq.