

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF THE PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, HELD TUESDAY, AUGUST 18, 2020, BY TELECONFERENCE PURSUANT TO PL2020(c)11 AT 6:00 P.M. PREVAILING TIME**

The meeting was called to order by Chairperson Brady, Mr. Fabrizio then announced that adequate notice of the Regular Meeting of The Parking Authority of the Town of Morristown was provided by notice to The Daily Record and The Star Ledger, filed with the Executive Director of the Parking Authority of the Town of Morristown, 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. In addition, subsequent notice was made with the instructions for accessing the virtual meeting by Zoom. Such notice was sent to the aforementioned newspapers and listed on the official website of the Town of Morristown.

Present: Chairperson Brady, Commissioners Lucia, Stamato and Tighe.

Also Present: Michael Fabrizio - Executive Director, Mark Axelrod – Director of Operations, Gregory Deal – Director of Facilities, Gerard Giosa – Parking Consultant, Robert S. Goldsmith, Esq., and Steven G. Mlenak, Esq. (for the beginning of the meeting)

Present from The Public: Frank Vitolo, Esq., and Mr. Dominick V. Paragano

Absent: Commissioner Gervasio

At this point, Mr. Fabrizio presented the Minutes of the Regular Meeting of the Board of Commissioners on July 21, 2020. On motion of Commissioner Tighe, seconded by Commissioner Lucia, the Minutes were approved on the following vote:

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

There were no Public Comments.

There was no Mayor's Report.

There was no Town Council Liaison Report.

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**CORRESPONDENCE**

Under date of July 20, 2020

To: Sergeant Barquet

From: Mark Axelrod

Correspondence requesting that representatives of the US Army/Navy Recruiting Station cease non-compliance with parking scan card protocols. Mr. Fabrizio advised the Board of Commissioners that the issue had been resolved. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the letter was accepted for the record.

Under date of July 22, 2020

To: Michael Fabrizio  
From: Jonathan Stein

Email regarding purchase of on-street parking spaces for a new development from the Morristown Parking Authority. There were further discussions on this topic. On motion of Commissioner Lucia, seconded by Chairperson Brady, the communication was accepted for the record.

Under date of July 27, 2020

To: Fabrizio/Goldsmith  
From: Lawrence Calli, Esq.

Communication requesting four off-site spaces for Project on Henry Street. This was also the subject of further discussion. On motion of Commissioner Tighe, seconded by Commissioner Stamato, the communication was accepted for the record.

Under date of July 30, 2020

To: Peter Gordon, County of Morris  
From: Mark Axelrod, Director of Operations

Correspondence requesting reimbursement in the amount of \$2,860 for the County's pro rata share of the costs of property insurance relating to the garage portion of the Ann/Bank/Schuyler Parking Garage for the period January 1, 2020 through December 31, 2020 and setting forth the basis for the calculation. On motion of Commissioner Stamato, seconded by Commissioner Tighe, the letter was accepted for the record.

Under date of August 5, 2020

To: David Gaber  
From: Robert S. Goldsmith

Communication advising of the understanding that there is a resolution of the 3R compensation with New Jersey Transit, \$1,000,000 to be paid to New Jersey Transit, \$700,000 from Bijou, \$300,000 from the Morristown Parking Authority and 72 spaces available on a shared parking basis. On motion of Chairperson Brady, seconded by Commissioner Lucia, the communication was accepted for the record.

Under date of August 5, 2020

To: Stefan Armington, Council President  
From: Michael Fabrizio, Executive Director

Communication as suggested by Commissioner Stamato advising the Council President and Council of the Parking Authority's collaborative efforts with the Town and the Morristown Partnership to facilitate the reopening of retail restaurants and fitness facilities throughout the Town of Morristown. On motion of Commissioner Stamato and seconded, by Commissioner Tighe, the letter was accepted for the file.

Under date of August 5, 2020

To: Michael Fabrizio and Robert Goldsmith  
From: Lawrence Calli, Esq.

Communication advising of a scaled down project at 34 Morris Street and inquiring as to the availability of 5 parking spaces for the project. This was subject to further discussion later in the meeting. On motion of Commissioner Tighe, seconded by Commissioner Lucia, the communication was accepted for the record.

Under date of August 5 to August 12, 2020

To: Nick Gribas  
From: Michael Fabrizio, Executive Director

Communication resolving an issue with respect to parking at Lot 10. Mr. Fabrizio advised that the matter had been resolved as noted in the communications. On motion of Commissioner Lucia and seconded, by Commissioner Stamato, the communication was accepted for the file.

Under date of August 5, 2020

To: Morristown Parking Authority  
From: Michael Fabrizio, Executive Director

Email advising that the Parking Authority had the flexibility under its official resolution and official statement with respect to bonded indebtedness to include all monies at any time deposited into the Net Revenue Fund as revenues. Mr. Fabrizio noted that this was significant given the recent inquiry by the Parking Authority Auditor Paul Cuva. The conclusion on financing provides the Parking Authority with some additional cushion with respect to its 110% debt service coverage ratio. It was noted that the Parking Authority has never come near that ratio, but that this year, given diminished revenues, absent the ability to apply other general funds through the net revenue fund, it might approach or result in a number under the 110% debt service coverage ratio. On motion of Commissioner Stamato and seconded, by Commissioner Tighe, the communication was accepted for the record.

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At this point, under the Report portion of the meeting, Mr. Axelrod presented the July Financial Reports. Mr. Fabrizio and Mr. Axelrod noted that the revenues for parking were down 56% this month but this was an improvement as the Parking Authority had seen parking revenues down as much as 68% earlier during the pandemic. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the Financial Reports were approved for the record.

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At this point, under the Old Business portion of the meeting, Mr. Axelrod presented the July Enforcement Reports. He noted that there was no enforcement during April and May and therefore, there would be no reports. Mr. Axelrod advised the Board of Commissioners that the Parking Authority was enforcing in residential neighborhoods only on request of the town and that such enforcement only began in June and July. On motion of Commissioner Lucia, seconded by Commissioner Stamato, the Enforcement Reports were approved for the record.

At this point, under the Old Business portion of the meeting, Mr. Fabrizio updated the Board on the Covid-19 response by the Morristown Parking Authority. He advised the Board that NJIIF had provided guidelines which were reviewed by the administration and counsel. Among other steps, the Parking Authority was changing filters at 14 Maple Avenue to put in the MERV-13 filters which are believed to reduce the potential for the spread of Covid-19, sanitizers were being installed in the area of pay stations as well as in the lobby at 14 Maple Avenue. The Parking Authority is having the office comprehensively disinfected four times per month and other protocols recommended by the NJIIF were being followed.

At this point under the Old Business portion of the meeting, Mr. Fabrizio and Mr. Goldsmith updated the Board of Commissioners on what is believed to be a final resolution of the issues with respect to Block 3R. Mr. Goldsmith advised that there appears to be an agreement that has been accepted by New Jersey Transit for payment of \$1,000,000 to New Jersey Transit for the release of the covenant, \$300,000 to be paid from closing by the Morristown Parking

Authority, \$700,000 to be paid by Bijou, and provision of 72 parking spaces to the public on a shared parking basis.

At this point under the Old Business portion of the meeting, Mr. Deal discussed with the Board of Commissioners the request of the Grasshopper Restaurant to extend its outside dining in Lot 10 through October 31, 2020. There was some discussion that the DOT had permitted the on-street dining areas or passageways to September 15<sup>th</sup> and that is likely to be extended to September 30<sup>th</sup>. Mr. Fabrizio recommended the extension, and on motion of Commissioner Lucia, seconded by Commissioner Stamato, the extension was agreed to by the Board of Commissioners.

At this point under the Old Business portion of the meeting, Mr. Goldsmith apprised the Board of Commissioners of upcoming negotiations with Morristown Green with respect to certain accounting based on monthly payments by Morristown Green to the Morristown Parking Authority. The potential for provisional parking to the Schenck Price property, now owned by Morristown Green, in exchange for enhanced credits to the Morristown Parking Authority for provision of such parking and related matters.

At this point under the Old Business portion of the meeting, Mr. Fabrizio and Mr. Goldsmith further explained the meeting among Mr. Fabrizio, Mr. Giosa, Mr. Draikiwicz and Mr. Cuva with respect to the appropriateness and legality of internal transfers to maintain debt service coverage.

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At this point, under the New Business portion of the meeting, there was extensive discussion of parking requests in relation to applications before the Planning Board as well as the Board of Adjustment. Mr. Fabrizio led the discussion. There was a consensus that there are so many variables with respect to parking demand, parking revenues and the recovery of parking demand that there is no baseline upon which the Parking Authority can make reasonable determinations as to the availability of long-term parking or parking demand. Mr. Fabrizio noted that at this point we do not know whether the Lot 10 Parking Garage will be constructed or whether it might be downsized. There was a sense that the Parking Authority would defer to town supported development projects. There was also recognition that if there is diminished demand the Parking Authority may well invite such long-term agreements but that at this point it is unable to make such determinations. Mr. Fabrizio noted that there will be counts performed by Level G Associates in September and November and hopefully at that point there will be a better basis for recommendations with respect to allocation of future parking demand and availability.

At this point under the New Business portion of the meeting, the Henry Street parking request for 4 spaces was discussed. There was a consensus from the Board of Commissioners that the Parking Authority could administratively handle such a request in the 4-5 space range as it has done consistently by way of routine renewals of monthly parking permits.

At this point under the New Business portion of the meeting, the request of 34 Morris Street for 5 spaces was also acknowledged as something that could be handled administratively.

At this point under the New Business portion of the meeting, Mr. Deal presented the 30 Court Street parking space purchase. There was a sense that the parking spaces on Upper Court Street were typically not in great demand. The developer would prefer the availability of 6 spaces for loading, unloading as well as access and drop-off. On motion of Commissioner Tighe, seconded by Commissioner Stamato, the Board accepted the payment of \$16,507 for each of the 6 spaces for a total of \$99,042 for the elimination of 6 on-street parking spaces.

At this point under the New Business portion of the meeting, Mr. Fabrizio presented the 2019 Audit, the Synopsis of Audit and the Corrective Action Plan. Mr. Lucia noted that on page 7 there was a typographical error which needed to be corrected in Table 2 under 2019 the amount being \$484,401,503.60. Mr. Fabrizio also described the Corrective Action Plan and indicated that the Parking Authority would address the recommendations. On motion of Commissioner Tighe, seconded by Commissioner Stamato, the 2019 Audit, Synopsis of Audit and Corrective Action Plan were authorized on the following vote:

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

At this point under the New Business portion of the meeting, Mr. Deal presented the need for Vail Mansion walkway repairs for the cobblestone walkway area. He advised that the cost of the repairs would be significant, that they were clearly necessary. He had received three proposals, one from TSS which has previously provided services to the Morristown Parking Authority for \$15,875. On motion of Commissioner Tighe, seconded by Commissioner Stamato, the bid of TSS was authorized on the following vote:

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

At this point under the New Business portion of the meeting, Mr. Deal and Mr. Fabrizio advised the Board of Commissioners that, Mr. Giosa, during an inspection had noticed some areas of concern in the Ann Bank Parking Garage in the sublevels under the Ann Bank Office Building. The MPA consulting engineers were called to investigate it and made a determination that emergency repairs were required. Mr. Deal is in the process of obtaining bids and advised that there was a critical need for these repairs to be undertaken urgently to maintain the structural integrity of the Ann Bank Parking Garage. The Board of Commissioners accepted the need for such action. Mr. Deal also advised that the County would be sharing in the cost. Mr. Goldsmith noted that he would review the relevant 1993

and 2006 Agreements between the Morristown Parking Authority and the County of Morris to determine whether it is an allocated share or whether the full obligation lies with the County of Morris.

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**Resolution No. 39-2020:** (Confirming review of Annual Audit Report for Fiscal Year Ended December 31, 2019)

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

**Resolution No. 40-2020:** (Authorizing the payment of the Operating Fund Bills)

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

**Resolution No. 41-2020:** (Authorizing the payment of Lot 10 Redevelopment Fund Bills)

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

On motion of Commissioner Lucia, the meeting was adjourned.

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Michael Fabrizio, Executive Director

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Linda Stamato, Secretary

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Prepared By: Robert S. Goldsmith, Esq.