

THE PARKING AUTHORITY OF THE  
TOWNSHIP OF BLOOMFIELD

REGULAR MEETING MINUTES  
OF MAY 21, 2013

The meeting opened 6:10 pm.

Certification of advertised public notification of the meeting was given during the reading of the Open Public Records Act.

Present: Chairman Moserowitz  
Commissioner DeMarino  
Commissioner McKee  
Commissioner Pomares  
Commissioner Sobharam  
Commissioner Williams  
Executive Director Hochman

Others Present: Kevin McManimon, Esq., McManimon, Scotland & Baumann, L.L.C.  
Gary Higgins, C.P.A., R.M.A., P.S.A., Lerch, Vinci & Higgins, L.L.P.  
Gerry Giosa, Level G Associates, L.L.C.  
John Sessa, C.P.A

Absent: Commissioner Chalet  
Mary Murdoch, Bloomfield Center Alliance Liaison

Pledge of Allegiance was recited.

Gary Higgins from Lerch, Vinci & Higgins presented the audit report for the year ending December 31, 2012. The commissioners discussed when the payment to the Township under the Intra-Local Agreement is due and about what constitutes net revenues under the agreement. The commissioners also discussed whether there were any recommendations from the prior year that were addressed during 2012. The one issue addressed was if the Authority implemented procedures to verify the payment of Federal payroll deductions by its third-party payroll provider. There were no more comments or questions about the audit report.

The minutes of April 16, 2013 were reviewed. Several changes were necessary. The minutes were tabled for the next meeting.

The Executive Director's Report was presented. A discussion ensued on the compliance with New Jersey State Barrier Free Sub code for handicap parking. The attorney with the grievance against the Authority concerning this has requested

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pictures to show that changes have been made to correct any violations.

It was requested if confirmation could be received that the resolution request for the on street handicap parking were received by Mr. Ehrenberg, the Township Administrator, and Mr. Aloia, the Township Attorney. Counsel McManimon discussed the process of any requests to the Township that the Authority must follow.

Commissioner DeMarino asked if the compliance for the handicap parking in the parking lots was completed. Counsel McManimon described the process for on street handicap parking establishment. The process involves several factors which can affect assignment of the handicap location. Commissioner DeMarino asked what areas the Authority is not responsible for enforcing and who is responsible for that.

Chair Moserowitz discussed the new arrangement the Township made with the Bloomfield Post Office concerning their mail. Commissioner Williams noted that the Authority got a bad reputation when it agreed to support the Township in this situation by removing the parking courtesy for postal workers in the Washington St. Lot. Commissioner Pomares commented that the Post Master had been the problem. It was agreed a Public Relations Consultant was needed.

John Sessa, C.P.A. presented the financial reports. The Balance Sheet showed a total of \$23.8 million under Long Term Liabilities. The \$5 million should not be listed under this as it was not debt and the true total should be \$18 million. John Sessa confirmed it will be removed in the May Balance Sheet. There was no violation income received for this month.

A discussion ensued about the decrease in meter income from 2012 to the current year of 2013. The discussion evolved to the Authority enforcing in areas of the Township it currently does not. Commissioner DeMarino stated to make sure the Town Council does not object to any discussions about the Authority enforcing in areas it currently does not.

John Sessa referred back to the drop in meter revenue previously discussed; stating that the year 2012 was a strong year for meter collections. A four year pattern seemed to emerge concerning that.

Commissioner Williams motioned to approve the List of Disbursements, as submitted and reviewed. Commissioner Pomares seconded the motion. The motion carried forth as follows:

Roll Call Vote:	Chairman Moserowitz	Yes
	Commissioner Chalet	Absent
	Commissioner DeMarino	Abstain
	Commissioner McKee	Yes
	Commissioner Pomares	Yes
	Commissioner Sobharam	Yes
	Commissioner Williams	Yes

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The Park Mobile Pay by Cell Phone issue was discussed. Chair Moserowitz reviewed the questions the Board had on credit card providers and Park Mobile fees. The Director was requested to do a comparative analysis on credit card providers with fixed and standard variables. It was suggested the banks TD and PNC be contacted as well to supply their proposals.

Commissioner McKee asked if the credit card providers were to be in place of Park Mobile, which they were. A discussion ensued about the fees charged by Park Mobile. Counsel McManimon explained the fees of Park Mobile for the benefit of the Board. Commissioner McKee suggested that Park Mobile put it in document form. Commissioner DeMarino asked about the length of the contract. The convenience and cost to the consumer was discussed.

Further discussion was held about the need for a credit card processor. Commissioner Sobharam inquired if the garage was to use credit card payments for parking. It was confirmed it will. Commissioner Sobharam suggested the credit card merchants may have a length of two to three year contracts but an 'out' provision should be included.

The Park Mobile issue was tabled for the next meeting.

Counsel McManimon explained the issue of Provident Bank demanding that BCUR assign its interest in the Land Swap Agreement and the Mortgage to the bank. If this is to be done, the Authority must give consent to do so.

Commissioner Pomares motioned to approve the Assignment of Land Swap Agreement and Mortgage, under Resolution 2013-05-21-1. Commissioner Williams seconded the motion. The motion carried forth as follows:

Roll Call Vote:	Chairman Moserowitz	Yes
	Commissioner Chalet	Absent
	Commissioner DeMarino	Yes
	Commissioner McKee	Yes
	Commissioner Pomares	Yes
	Commissioner Sobharam	Yes
	Commissioner Williams	Yes

Commissioner Williams motioned to approve the Review, Acceptance and Authorization of the Submission of the Annual Report of Audit to the Local Finance Board, under Resolution 2013-04-16-2. Commissioner McKee seconded the motion. The motion carried forth as follows:

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Roll Call Vote:	Chairman Moserowitz	Yes
	Commissioner Chalet	Absent
	Commissioner DeMarino	Yes
	Commissioner McKee	Yes
	Commissioner Pomares	Yes
	Commissioner Sobharam	Yes
	Commissioner Williams	Yes

The role of the Bloomfield Center Alliance in the Township and funding sources was discussed.

The Mission Statement was reviewed for approval. The submitted version of Gerry Giosa was discussed, with the reference to the garage to be removed.

Commissioner Pomares motioned to approve the Mission Statement, revised a discussed. Commissioner Sobharam seconded the motion. The motion carried forth as follows:

Roll Call Vote:	Chairman Moserowitz	Yes
	Commissioner Chalet	Absent
	Commissioner DeMarino	Yes
	Commissioner McKee	Yes
	Commissioner Pomares	Yes
	Commissioner Sobharam	Yes
	Commissioner Williams	Yes

The need for a Public Relations Consultant was discussed. Counsel McManimon would submit a Request For Proposals for a Public Relations Consultant. It was asked if firms could be contacted to request if they would be interested in submitting a proposal.

The disparity in the number of tickets issued by each officer was discussed. The Enforcement Supervisor should retrain all officers so the enforcement staff will be fully aware of all required procedures.

Chair Moserowitz discussed the need for a part time employee to fill in the gaps in staff shortages. The question arose if the Authority could afford to hire someone for the position. It was decided that the position would start at thirty hours per week and enforcement coverage would be reviewed in six months by comparing the tickets issued on days with just two officers present to tickets issued with three officers present.

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Commissioner McKee motioned to approve the Hiring of Part Time, Temporary Employee, for thirty hours per week, at \$11.00 per hour, for six month term, effective May 23, 2013, under Resolution 2013-05-21-3. Commissioner DeMarino seconded the motion. The motion carried forth as follows:

Roll Call Vote:	Chairman Moserowitz	Yes
	Commissioner Chalet	Absent
	Commissioner DeMarino	Yes
	Commissioner McKee	Yes
	Commissioner Pomares	Yes
	Commissioner Sobharam	Yes
	Commissioner Williams	Yes

Gerry Giosa, of Level G Associates, reviewed the invoice for MREH. The approval of the \$219,039.00 was explained. There was necessity to do an electrical vault due to difficulty and it was a critical element.

Counsel McManimon discussed the new proposal from E.W.M.A. The map provided was reviewed. The contamination's location must be figured out and where it may go. If there is no natural break down, then a man made solution must be found to encourage this. Counsel further explained that the remedial action does not depend on the garage's presence. Chair Moserowitz asked if the solution would delay development of the site, if so how long. Counsel stated it was hard to predict.

The green triangles on the map were the locations for proposed wells. These may prove the contamination is not coming from Block 228. The third triangle, located in the park, will show the contamination is not traveling. Samples from the present wells will be taken as well as the proposed ones.

Counsel explained how contamination sample locations are determined. Once samples are taken, the course to be taken could then be determined. Chair Moserowitz commented that BCUR should be involved in the cost of such investigations. He asked if the Authority has any leverage concerning this. Commissioner Pomares asked at what will Avalon Bay say they are satisfied that the Authority has done everything it can concerning this. Counsel explained that BCUR must pay for the shared parking to Avalon Bay and that both parties have been damaged by the contamination. It was expressed that BCUR should share the burden.

Commissioner McKee questioned what outcomes can be expected and if they can predict the findings. Counsel explained that E.W.M.A. was grilled about the proposal. It was explained that it must be analyzed proposal by proposal as projections cannot be done. Counsel further explained that the carwash was complicating things and it was a unique situation. Commissioner McKee asked if there were any models that could be used. Commissioner Sobharam asked if any projections could be provided. Counsel Baumann was asked to recast the pro forma

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with realistic projections with three different possibilities for the next meeting.

Commissioner McKee asked if Avalon Bay can just walk away from the project. Counsel McManimon stated Avalon Bay is not spending any money at this time. They are not paying BCUR who must front all expenses. Commissioner Sobharam questioned if there will be cross contamination. Counsel McManimon stated that it is not likely as the groundwater is not flowing in a way to cause that. It was explained that the Licensed Site Remediation Professional is responsible once the plan is signed off on. Commissioner Williams suggests to Counsel McManimon to provide a summary for the board to review before the meeting and provide updates thereafter. This would save time during the meeting. Chair Moserowitz supported the suggestion of a summary provided beforehand.

Commissioner Williams motioned to approve the Authorization of the Payment of Certain Project Costs, under Resolution 2013-05-21-4. Commissioner DeMarino seconded the motion. The motion carried forth as follows:

Roll Call Vote:	Chairman Moserowitz	Yes
	Commissioner Chalet	Absent
	Commissioner DeMarino	Yes
	Commissioner McKee	Yes
	Commissioner Pomares	Yes
	Commissioner Sobharam	Yes
	Commissioner Williams	Yes

It was discussed that the E.W.M.A. would implement the proposal but not to exceed \$20,000, and the cost of the fourth well would be reviewed so the resolution would cover that.

Commissioner Pomares motioned to approve the Proposal of Environmental Services, as discussed, under Resolution 2013-05-21-5. Commissioner Williams seconded the motion. The motion carried forth as follows:

Roll Call Vote:	Chairman Moserowitz	Yes
	Commissioner Chalet	Absent
	Commissioner DeMarino	Yes
	Commissioner McKee	Yes
	Commissioner Pomares	Yes
	Commissioner Sobharam	Yes
	Commissioner Williams	Yes

Gerry Giosa discussed the soft opening of the garage. The Lackawanna Plaza exit that was planned had to be changed so a temporary exit to be built due to

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necessary construction over Lackawanna Plaza exit. The cost for this temporary exit will be estimated. Mr. Giosa stated he told Avalon Bay that the Authority should not have to pay for this. It was estimated a mid July opening would occur but an architect must approve it first. It was stated that there was still handicap parking and pedestrian issues. Chair Moserowitz commented that these are not new issues.

Commissioner McKee asked if there are target dates in the contract. Counsel McManimon commented that if those dates are breeched, there are cure dates. Chair Moserowitz stated he has issues with the delay of the opening. Counsel stated Avalon Bay has not paid BCUR on any costs and they are benefitting. It was remarked that Avalon Bay only wants to do construction once. Commissioner McKee commented that it sounds more like a convenience issue. Gerry Giosa suggested to follow the original plan. Commissioner Sobharam asked when the plans were changed. Gerry Giosa stated it could have been when the Authority asked for the soft opening.

Chair Moserowitz stated the delay of the opening is unacceptable. Commissioner McKee commented that Avalon Bay should have come to explain it themselves. Commissioner Sobharam asked if their feet could be held to the fire. Gerry Giosa explained that the Township must approve all aspects of the plan. Commissioner DeMarino inquired if there were other reasons Avalon Bay wanted to delay. Gerry Giosa stated it was an advantage to BCUR for the Authority to get revenue.

The proposed price was \$65.00 (Sixty Five Dollars) per month for the temporary hangtags. It was suggested a banner be made to promote the permits.

Gerry Giosa commented that the elevator was behind but other components were on schedule when Commissioner McKee inquired.

The Licensed Site Remediation Professional (L.S.R.P.) for Washington St. Lot was discussed. The Department of Environmental Protection (D.E.P.) sent invoices for fines because an L.S.R.P. did file exemption forms. Counsel McManimon explained that the resolution proposed to approve payment of fines if the D.E.P. deemed the Authority responsible. Counsel further explained that the environmental professionals, C.M.E., were owed money from the developer. It was stated that enough investigation was done to satisfy the requirements and the holes were paved at C.M.E.'s own cost. The subcontractors for C.M.E. will sue them, C.M.E. will sue the Authority in turn, and then the Authority must sue the developer.

Commissioner Williams motioned to Authorize the Payment of Costs Relating to Environmental Investigation, under Resolution 2013-05-21-6. Commissioner Pomares seconded the motion. The motion carried forth as follows:

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Roll Call Vote: Chairman Moserowitz Yes  
Commissioner Chalet Absent  
Commissioner DeMarino Yes  
Commissioner McKee Yes  
Commissioner Pomares Yes  
Commissioner Sobharam Yes  
Commissioner Williams Yes

Commissioner Williams discussed the purchase of iPads for the board members use. She recommended the 32 GB Apple. Commissioner DeMarino commented that the Authority would own the iPad, not the board members. A discussion ensued about purchase of a laptop for the Executive Director.

Commissioner Pomares motioned to Authorize the Purchase of Goods From Approved State Contract Vendor, under Resolution 2013-05-21-7. Commissioner Sobharam seconded the motion. The motion carried forth as follows:

Roll Call Vote: Chairman Moserowitz Yes  
Commissioner Chalet Absent  
Commissioner DeMarino Yes  
Commissioner McKee Yes  
Commissioner Pomares Yes  
Commissioner Sobharam Yes  
Commissioner Williams Yes

The method of evaluating the Executive Director was discussed. It was suggested to have the evaluation completed by the subordinates of the Director. Commissioner Pomares stated the subordinates should not evaluate the Director. It was noted that the employees should have recourse to file a grievance against the Executive Director with a member of the Board. It was suggested questions could be used separately to evaluate the Executive Director. Commissioner Pomares stated that the staff is not qualified to judge what executives do. Commissioner McKee stated it was not appropriate for staff to evaluate the boss and he would not discuss it. Chair Moserowitz stated it could cause problems.

Commissioner DeMarino suggested a form could be used for subordinates to complete if they have issues. Commissioner Sobharam commented that a procedure should be created for a subordinate to appeal.

Further discussion ensued on the method to evaluate the Executive Director. The issue of staff evaluation was again discussed. The Personnel Committee would draft of a questionnaire and discuss it with the Board. Commissioner Williams stated the self evaluations for the staff must be anonymous so staff is not intimidated to be honest and it could be shared with management. It was stressed that these forms



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would have no supervisory evaluations. The basis was to stimulate discussion.

Commissioner McKee discussed his observation of a car with a police shield given courtesy to park at a meter. This prompted discussion to change the policy of allowing Bloomfield Police Officers but it was noted that such a policy should remain in effect.

Commissioner Williams motioned to go into Executive Session to discuss Matters Involving Individual Privacy and Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds. Commissioner Sobharam seconded the motion. The motion carried forth as follows:

Roll Call Vote:	Chairman Moserowitz	Yes
	Commissioner Chalet	Absent
	Commissioner DeMarino	Yes
	Commissioner McKee	Yes
	Commissioner Pomares	Yes
	Commissioner Sobharam	Yes
	Commissioner Williams	Yes

Commissioner Pomares motioned to adjourn the meeting. Commissioner Williams seconded the motion. The motion carried forth as follows:

Roll Call Vote:	Chairman Moserowitz	Yes
	Commissioner Chalet	Absent
	Commissioner DeMarino	Yes
	Commissioner McKee	Yes
	Commissioner Pomares	Yes
	Commissioner Sobharam	Yes

The meeting adjourned at 10:10 p.m.