

THE PARKING AUTHORITY OF THE
TOWNSHIP OF BLOOMFIELD

SPECIAL MEETING MINUTES
OF JUNE 27, 2013

The meeting opened 6:18 pm.

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

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

Others Present: Joseph Baumann, Esq., McManimon, Scotland & Baumann, L.L.C.
Kevin McManimon, Esq., McManimon, Scotland & Baumann, L.L.C.
Gerry Giosa, Level G Associates, L.L.C.
William Colgan, Bloomfield Center Urban Renewal
Mary Murdoch, Bloomfield Center Alliance Liaison

Pledge of Allegiance was recited.

Counsel McManimon reported on the proposals of the Environmental Waste Management Associates (E.W.M.A.) for remedial action. He explained the access to the carwash site was difficult. Chair Moserowitz asked how long they are away from issuing the final report. Counsel stated that the report should be issued in a few weeks. Counsel stated comments will be given as soon as possible for the draft of the report. This will tell what work is left to done. Mr. Colgan commented that once the report is received, then the closing with Avalon Bay can occur.

The invoices of E.W.M.A. are the same invoices as those submitted at the June 18th meeting but Counsel was not ready to discuss those. Commissioner DeMarino asked about vapor intrusion investigation. Counsel McManimon explained. Commissioner DeMarino inquired if the wells would have to be capped. Counsel stated that they will have to be capped but the residential structures will help. Commissioner DeMarino expressed concern that Avalon Bay may become concerned about the vapor intrusion. William Colgan explained that there is a vapor barrier that will prevent leakage. Further discussion ensued on the matter.

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Commissioner Chalet phoned into the meeting at 6:27 p.m.

Counsel McManimon recommended putting in wording in the Project Note Resolution to increase the budget for E.W.M.A., an additional \$25,000. Commissioner Pomares asked about the difference of the costs between the Brockerhoff Proposal and the E.W.M.A. Proposal. Chair Moserowitz explained that E.W.M.A. had done a greater scope of work which had added to the original cost proposed so it could not be compared.

Counsel McManimon stated wording would be added to amend the Project Note Resolution to provide an additional \$25,000 to the budget to pay the outstanding invoices.

Chair Moserowitz asked what does the line item 25; entitled 'Site Improvements Category' for \$57,000, consist of. William Colgan explained the specifics.

Commissioner Sobharam arrived to the meeting at 6:35 p.m.

Commissioner DeMarino motioned to Authorize the Payment of Certain Project Costs, under Resolution 2013-06-27-1. Commissioner Pomares seconded the motion. The motion carried forth as follows:

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

Commissioner Williams motioned to Approve the Revision of the Bloomfield Parking Authority By-Laws, as submitted, under Resolution 2013-06-27-2. Commissioner DeMarino seconded the motion. The motion carried forth as follows:

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

William Colgan presented the update on the garage construction. Mr. Colgan

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handed a summary for the board members to follow. The parking arrangement for the Franklin St. Project construction crew was discussed. Mr. Steve Lennox, the public relations consultant for Bloomfield Center Urban Renewal (B.C.U.R.), will work on an opening ceremony for the garage on August 1st, 2013. The Parking Authority needs to advertise this and calculate how it will be done.

Commissioner McKee discussed how if the garage will really be complete if there is no gate or pay system. He commented if he misinterpreted the term 'operational' and this would not actually happen until the year 2014. Mr. Colgan confirmed that it would be operational in December 2014. Chair Moserowitz stated the opening was discussed but exactly not clarified. Commissioner DeMarino asked what procedures will be used whereupon Counsel Baumann explained that it was not determined yet.

William Colgan explained the reasons for the delay of the opening; the rebar was delayed due to the storm Sandy, the drains were relocated which was a big issue, P.S.E. & G has been unpredictable especially after the storm Sandy.

Mr. Colgan further explained the items needed for the August 1st opening. He then went on to explain the temporary access plan and that all safety professionals in the township have been consulted but egress still must be determined. The items in the contract to be completed were then reviewed.

Commissioner McKee discussed the specific wording that can determine understanding of the opening, how the pro-forma is affected and clear facts for full understanding. Commissioner DeMarino pointed out an example of what Commissioner McKee was discussing. Chair Moserowitz discussed how language can be used interchangeably but the level of detail wasn't discussed. Counsel Baumann clarified what was assumed in the pro-forma; the garage will remain empty for five years, the soft opening is unexpected and any income from it is 'gravity.' Commissioner McKee asked if the dollars were included in the pro-forma for the opening. Counsel Baumann confirmed they were not as the opening was unexpected thus the income is extra. Commissioner McKee inquired what numbers was put in the pro-forma with what predictions. Counsel Baumann explained that the number was zero for income and expenses as the opening was unexpected so it was not included in the pro-forma. Further discussion ensued.

Commissioner Pomares stated a Public Relations campaign should be clearly and carefully crafted to show the level of responsibility to the public. Commissioner McKee commented that the income generated from the opening will help with the debt. Mr. Giosa commented that when the garage is opened, the public demand needs to be measured to determine if the parking rates are correct. Mr. Colgan stated that 238 spaces will be open and the upper levels will be blocked off. Chair Moserowitz commented that the police will patrol the deck and the contact Captain Behr will ensure it will happen. It was noted that the security cameras will be working. Commissioner McKee commented that is in good shape.

Mr. Colgan discussed the change in the contract with Avalon Bay. Avalon Bay requested additional spaces, an additional 18 spaces equaling a cost of \$680,000. Counsel Baumann explained that the spaces were originally designed to be Eight and

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half (8 1/2) feet wide but Avalon Bay requested a width of Nine (9) feet so the expense increased. Mr. Colgan stated they paid for the additional cost. Mr. Giosa stated that the original plans had the upper level spaces at Eight and half (8 1/2) feet wide but now all spaces are Nine (9) feet. Commissioner Sobharam asked if Avalon Bay will reimburse the Authority the \$680,000. Counsel Baumann explained that the reimbursement was built into the parking residential rates over time so the Authority will eventually get the money back. The Parking Agreement was drafted to bring the rates to market rate.

The cost savings was discussed. Commissioner DeMarino asked if the money could be used to operate the parking deck. Counsel stated it was Mr. Colgan's money. A discussion was held on the costs from other garages built to the efficiencies of the Authority's garage. It was stated that the use of concrete was a big savings. Counsel Baumann explained why it was agreed to allowing Mr. Colgan to keep the savings; if the deck was not built by a certain date, then Mr. Colgan starts paying the debt service every six months until completion. Furthermore, Mr. Colgan's property is kept by the Authority if the deck is not completed which is worth \$10 Million. This tradeoff puts a cap on expenses and payment on the debt service. Chair Moserowitz stated to the board to read the memorandum circulated by Counsel Baumann as it gives a clear explanation of the issue. Commissioner DeMarino stated it was important the minutes are clear so anyone who reads them will understand. Commissioner Williams commented that the schedule Mr. Giosa provided is different from the one provided by B.C.U.R. Mr. Colgan explained why they were different. Commissioner Williams asked what the 90 % complete means. Mr. Colgan clarified that the 90 % complete is the percentage of cost of what is actually complete of the \$12 million. The base is different than what was presented by Mr. Giosa. Commissioner Williams requested if the line items could be reconciled. Mr. Colgan stated the detail of the items show the difference.

The list of items that the savings was used on was reviewed. It was questioned what the term 'temporary ticket spitters' were. Mr. Giosa explained it as a generic term for multi-space machines, such as pay and display. Mr. Giosa stated the cost estimate of \$26,400 for them should be doubled or even tripled. Chair Moserowitz asked how generating income helps B.C.U.R. It was explained the project is a cooperative one, so what affects one will affect the other. A discussion of assisting each other ensued.

Mr. Colgan discussed the receipt of actual versus expected, as it will feel like a better designed deck with wider spaces. The inclusion of a supermarket adds value to the project and the community. Commissioner DeMarino asked about the plan to accommodate the supermarket carts. Mr. Colgan stated it was planned very carefully to accommodate them. Commissioner DeMarino further inquired what floor the handicap spaces will be on. Mr. Colgan stated they could be on any level with the elevator.

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The Rules and Regulations of the Garage were discussed. Mr. Giosa discussed how permits were to be sold but Chair Moserowitz added that it was not fully determined at this time. Mr. Giosa discussed the Parking Rate Comparisons and stated that residents and non-residents were very similar. He explained an example of the Morristown Parking Authority which has one lot dedicated to resident parking only with lower rates. Mr. Giosa suggested adding \$5.00 to the rate for non-residents. Commissioner Sobharam asked if these were temporary or permanent parking rates. Counsel Baumann stated they were the temporary parking rates. A discussion ensued as to what rates were most favorable to residents. Commissioner Pomares commented that residents should be given discounts.

Counsel Baumann stated that the Authority should get as many to park in the garage as they can but there was no revenue pressure on the rates. Chair Moserowitz suggested giving free parking for one to two weeks. Counsel Baumann stated it was a good idea to make permits available. Further discussion was held on selling permits at the garage and what duration the permits should be. Mr. Giosa stated daily permits should be available.

Enforcement of the garage parking was discussed. Mr. Giosa stated it was a sensitive area as just writing tickets is not acceptable. He emphasized that a fine line must be walked. The hour of enforcement that should be set was discussed. Counsel Baumann stated the Board should set the rate for permits, \$5.00 difference being the standard between resident and non-resident. It was suggested to set the rates at \$45.00 a month for residents and \$50.00 a month for non-residents. Counsel Baumann stated the rates can be raised 15% in the future. Mr. Giosa recommended setting daily parking permits at \$4.00 a day. Commissioner Pomares emphasized these must be introductory rates. Commissioner DeMarino commented that the garage parking is convenient and worth it.

Commissioner Pomares motioned to set the Introductory Parking Garage Rates at \$45.00 monthly for Bloomfield residents and \$50.00 monthly for non-residents, under Resolution 2013-06-27-4. Commissioner Williams seconded the motion. The motion carried forth as follows:

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

Further discussion ensued on the need of parking for Avalon Bay construction crews. Mr. Giosa suggested charging them a flat fee for a certain number of permits, perhaps a 15% discount for a bulk purchase.

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Mr. Giosa handed a packet that will be discussed at a later time.

Commissioner Sobharam motioned to go to Executive Session to discuss Matters Related to the Employment Relationship. Commissioner McKee seconded the motion. The motion carried forth as follows:

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

The meeting opened to Public Session.

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

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

The meeting adjourned at 9:43 p.m.