

Fort Monmouth Economic Revitalization Authority  
Board Meeting  
February 26, 2015  
FMERA Offices, 502 Brewer Avenue, Oceanport, NJ

**MINUTES OF THE MEETING**

**I. Members of the Authority present:**

- James V. Gorman, Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) - V
- Robert Ades, Vice Chairman, Public Member – V
- Dr. Robert Lucky, Public Member – V
- Michael Collins, Assistant Counsel, Authorities Unit, Office of the Governor – V
- John Tobia, Monmouth County Director of Public Works and Engineering – V
- Gerry Turning, Mayor of Tinton Falls – V
- Michael Mahon, Mayor of Oceanport – V
- Dennis Connolly, Mayor of Eatontown – V
- Tim Lizura, President and COO, NJ Economic Development Authority (NJEDA) – V
- John Raue, Senior Policy Advisor to the Commissioner, NJ Department of Labor & Workforce Development (DOL)
- Kenneth J. Kloo, Director, Site Remediation Program, NJ Department of Environmental Protection (DEP)
- Gina Fischetti, Chief Counsel, Local Planning Services, NJ Department of Community Affairs (DCA)
- Jonathan Lowy, Regional Manager, Government and Community Relations, NJ Transit (NJT) (via phone)

**V - Denotes Voting Member**

**Members Not Present**

**Also present:**

- Bruce Steadman, Executive Director, FMERA
- Gabriel Chacon, Deputy Attorney General (DAG)
- Edward Pillsbury, Deputy Attorney General (DAG) (via phone)
- FMERA staff

**II.**

The meeting was called to order by Chairman James V. Gorman at 7:01 p.m. who led the meeting in the Pledge of Allegiance.

In accordance with the Open Public Meetings Act, FMERA Secretary Bruce Steadman announced that notice of the meeting was sent to the Asbury Park Press and the Star Ledger at least 48 hours prior to the meeting, that a meeting notice has been duly posted on the Secretary of State's bulletin board at the State House, and the FMERA and the NJEDA websites.

The first item of business was the approval of the January 21<sup>st</sup> meeting minutes. A motion was made to approve the minutes by Robert Ades and seconded by Michael Collins.

Motion to Approve: ROBERT ADES    Second:    MICHAEL COLLINS

AYes: 7

Mayor Mahon abstained from voting stating that he was not at the January meeting.  
Mayor Turning abstained from voting stating that he was not at the January meeting.

The second item of business was the approval of the January 21<sup>st</sup> Executive session meeting minutes. A motion was made to approve the minutes by Tim Lizura and seconded by Michael Collins.

Motion to Approve: TIM LIZURA Second: MICHAEL COLLINS  
AYes: 7

Mayor Mahon abstained from voting stating that he was not at the January meeting.  
Mayor Turning abstained from voting stating that he was not at the January meeting.

### III. WELCOME

Chairman James V. Gorman welcomed attendees to the meeting. Mr. Gorman stated that copies of the Board package were available at the door, and in response to public comment the Board package was posted to the FMERA website in the afternoon to give the public the opportunity to review the information in advance of the meeting.

Mr. Gorman stated that the public would receive reports from the Committee meetings. Mr. Gorman stated that the reports are provided to allow for public input and transparency in the conduct of the Authority's effort to implement the Reuse Plan. Mr. Gorman stated that there are two board actions; consideration of approval to extend the Exclusive Negotiations period for a Purchase Agreement Pursuant to the RFOTP for Officer Housing, and consideration of approval to extend the Exclusive Negotiations for a Purchase Agreement Pursuant to the RFOTP for Pinebrook Commerce Center.

The Chairman went on to state that there will be two public comment periods at the meeting based on the Authority's public meeting protocol. The Chairman reiterated his request for the public's cooperation in keeping comments as brief as possible. The Chairman continued by stating that in his role as Chairman he is required to conduct an orderly meeting and complete the meeting agenda in a reasonable time period. The Chairman concluded by stating that FMERA continues to welcome the public's constructive comments and ideas.

### IV. SECRETARY'S REPORT

Bruce Steadman stated that he had nothing to report.

### V. TREASURER'S REPORT

Dave Nuse, Director of Real Estate Development and Acting Treasurer stated that staff is preparing the Authority's 2014 Annual Report for presentation to the Audit Committee with the audited financial statements for the year ended December 31, 2014. The Annual Report and the audited financial statements serve as FMERA's comprehensive annual report to meet the requirements of Executive Order No. 37 (2006). It is expected that a draft report and statements will be available for review in early March, and finals presented to the Board in April.

The Authority's Independent Auditor is nearing completion of the field work on the 2014 audit of the Authority. The Auditor will report on the Authority's financial statements and accompanying notes, as well as report on the Authority's internal controls and compliance in accordance with Government Auditing Standards and OMB Circular A-133. The Auditor will report their findings to the Audit Committee at the Committee's next meeting.

Subject to the Audit Committee's recommendation, the 2014 Comprehensive Annual Report, including the audited financial statements will be forwarded to the Board for their review.

#### VI. PUBLIC COMMENT REGARDING BOARD ACTION ITEMS [3 minutes re: Agenda Items]

Tom Mahedy of Wall Township stated that he was opposed to both Board actions. Mr. Mahedy asserted that there are environmental issues near the Officers Housing and NJSP barracks. Mr. Mahedy asserted that the Army has refused to do any testing in this area and asked why no testing has been done. Mr. Mahedy asserted that there is no information regarding Pinebrook Commerce Center, LLC and RPM Development and asserted that he wanted information regarding the political contributions of both companies.

Mr. Steadman stated that he would not be addressing Mr. Mahedy's baseless accusations as they have been addressed many times at previous meetings. Mr. Steadman stated that there is ongoing testing in the areas of the Officers Housing. Mr. Steadman stated the Army has done significant testing throughout the Main Post, and that they continue to submit results and data to the NJDEP for review and comment. Mr. Steadman stated that despite Mr. Mahedy's assertions, all protocol has been followed and completed with regards to any political contributions of Pinebrook Commerce Center, LLC and RPM Development.

#### VII. EXECUTIVE DIRECTOR'S REPORT

Rick Harrison, Director of Facilities Planning, stated that as reported at the past few meetings, staff submitted the Phase 2 Economic Development Conveyance application on July 1, 2014, and it is currently under review by the Army. A draft MOA is also currently under review with the Army's General Counsel. On February 3<sup>rd</sup>, the Army provided a draft Finding of Suitability to Transfer (FOST) for the Phase 2 property, an environmental review required before transfer, which is currently under review by staff and the State Department of Environmental Protection (DEP). Given the ongoing review of both the FOST and the MOA, our goal now is to seek approval from the Board to execute the Phase 2 MOA with the Army by summer 2015.

Mr. Harrison gave the following summary of the status of RFPs and Contracts that FMERA has issued:

##### Auctioneer

There was a handout available tonight regarding preliminary results of the 5 auctions held to date. The total sales resulting from the 5 auctions currently stands at \$855,776 with FMERA's net proceeds at \$382,571. Additional auctions of Phase 1 property will start in March. Staff is beginning preparations for auctions of Phase 2 items in the summer of 2015. A public, community-focused, small-lot auction is planned for the fall.

##### Suneagles

The Suneagles Golf Course will be open through the winter, however play has slowed. The membership drive is coming to a close and has been successful. Promised improvements to the course are well along. FMERA continues to address significant maintenance issues at Gibbs Hall.

##### Property Management/Maintenance

FMERA's property management/maintenance team, Chenega Operations Services, has been quite busy helping our auctioneer team and keeping our property presentable and secure, for both marketing purposes and keeping our employees and tenants safe and comfortable. This winter season has been a challenge for FMERA as well as the Army caretaker work force. FMERA and the Army have dealt with, and continue to deal with many frozen pipes and leaks, as well as boiler issues trying to keep the buildings warm, that in addition to clearing snow and keeping the roadways and pedestrian ways safe. Mr. Harrison personally extended his thanks to all of the teams providing support; the property management company COS under the leadership of Kevin Courtney, the Army/Buffalo Team under John Occhipinti and Gary Ramsey, the Monmouth County team under Mike Rigney, the Oceanport DPW under John Bennett and Demetrio Zarate, as well as the FMERA efforts led by John Windish.

### The Marina Operator

Last Spring FMERA engaged AP Partners to operate the marina including the marina building via an RFP process. The operator wanted to make some improvements to the building and was told to go through the Oceanport Construction Department for any required building permits and inspection. In January FMERA received a call that an inspector from the NJDEP Bureau of Coastal Land Use Compliance and Enforcement would be making a site visit. As a result of this site visit the operator received a notice of a CAFRA violation which requires that the operator submit an application for review regarding the changes made to the building. Two of the three main violations cited related to pre-existing conditions that were in place prior to FMERA getting a lease from the Army and before any work was performed by the operator. FMERA and the operator are working together and with the Army to address these violations and bring the property into full compliance. A stop work order is in effect for a portion of the building, however work will be proceeding on the other portions of the building in accordance with direction from the DEP. FMERA expects the marina to be open for the upcoming season and that the restaurant operation will be open sometime this spring.

Dave Nuse, Director of Real Estate Development stated that FMERA ramped up activity in 2015, with 8 Requests for Offers to Purchase (RFOTP) currently open for proposals and 3 more going out within the next week.

In Tinton Falls, FMERA has 4 RFOTPs currently posted on our website. They include:

- Parcel F-1, a 38-acre site that includes the Myer Center, with proposals due on March 6<sup>th</sup>. Zoned for office and R&D use, the site is also suitable for sports, entertainment and recreation uses;
- Parcel F-2, a 15-acre site proposed for Veterans Housing, with proposals due on March 13<sup>th</sup>, 2015.
- Parcel F-3, the 3.5 acre gas station and convenience store site on Hope Road, with a due date of April 7<sup>th</sup>;
- Building 2525, an 86,000 sf office building completely renovated in 1999.

Additionally, FMERA posted a 5<sup>th</sup> Tinton Falls RFOTP on February 27<sup>th</sup> for:

- The former Child Development Center, a 20,000 sf facility built in 1996 that's suitable for day care, preschool or office use.

FMERA currently has proposals in hand on two properties, the Satellite Drive Parcel, a 1.5 acre building lot zoned for office, research or institutional use, and the Charles Wood Fire Station.

FMERA is currently in negotiations with prospective redevelopers on four other parcels in Tinton Falls:

- Parcel C, a mixed use town center project consisting of 243 units of housing and approximately 50,000 sf of retail space, and Parcel C1, comprised of 45 single family homes, both to be developed by Lennar Corporation;
- The Fabrication Shops, 45,000 sf of light industrial and flex space, where we're in negotiations with Pinebrook Commerce Center LLC;
- The Pistol Range, where the Board has selected Kiely Realty LLC as purchaser.

In Eatontown, FMERA has 2 open RFOTPs on the website,

- The Howard Commons site on Pinebrook Road, zoned for 275 townhouses and up to 15,000 sf of retail space, with a due date of April 6<sup>th</sup>;
- The expanded Parcel B, the mixed-use town center property fronting Route 35, calling for up to 250,000 sf of retail space and 302 housing units on about 77 acres, with proposals due on May 21<sup>st</sup>.

FMERA also plans to issue an RFOTP later this year for Suneagles Golf Course, which includes a 10-acre section zoned for construction of a new hotel/conference center.

In Oceanport, FMERA has 2 open RFOTPs listed on the website, for:

- Russel Hall, the 40,000 sf former Garrison Headquarters building, with a due date of April 13<sup>th</sup>
- The Main Post Chapel, a 16,000 sf facility that includes a 600-seat sanctuary, with proposals due April 20<sup>th</sup>.

Two additional RFOTPS for buildings in Oceanport will be issued on or about March 6<sup>th</sup>:

- the 16,000 sf former recreation building on Brewer Avenue known as the Dance Hall, which is projected for commercial reuse;
- and the Nurses Quarters, a 24-unit residential complex on Main Street adjacent to the former Patterson Army Hospital.

In addition, FMERA is currently in negotiations on 3 parcels in Oceanport:

- the Officer Housing Parcel, consisting of 117 historic housing units;
- the Fitness Center;
- and the Marina.

Please visit our website, [www.fortmonmouthredevelopment.com](http://www.fortmonmouthredevelopment.com), for more information and to obtain copies of our RFOTPs.

Candice Valente, Communication and Planning Officer stated that FMERA continues to work with our marketing consultant, Weblinx, Inc., on the refinement of the FMERA brand and the redesign of our website. FMERA holds weekly conference calls with Weblinx and are on target to launch our newly designed website in the first quarter of 2015. Ms. Valente stated that FMERA continues to work with Cushman & Wakefield (Cushman), the Authority's Master Broker, to market the Fort property. FMERA and Cushman conduct, on average, a half dozen tours per week. Cushman has updated their marketing flyers and created new flyers for Parcels F-2, F-3 and Howard Commons. These flyers are distributed by Cushman to real estate brokers and prospects through email blasts, with a new message or property featured weekly. The level of interest in the Fort property remains high. In addition, Cushman and FMERA will be co-hosting a pre-proposal conference for Parcel B in March.

Bruce Steadman thanked the FMERA staff for all their work on the RFP/RFOTPs. Mr. Steadman thanked the Army caretaker staff and the COS team for their outstanding work and efforts. Mr. Steadman stated that on January 30<sup>th</sup>, the driverless vehicle team had a meeting at the FMERA offices, led by a group from Princeton University and MunichRe Insurance.

Tim Lizura congratulated the FMERA staff on their work and effort on the RFOTPs.

Mr. Gorman gave a special thanks to the Deputy Attorney General for their efforts.

## VIII. COMMITTEE REPORTS

### a) AUDIT COMMITTEE (ROBERT ADES, CHAIRMAN):

Robert Ades stated that the Committee met on February 3<sup>rd</sup> and was given a presentation by the Authority's auditor Clifton Larson Allen regarding a review of the Audit plan and the Auditor's internal quality control procedures. The Auditors conducted their field work from February 16<sup>th</sup> through February 24<sup>th</sup>.

b) REAL ESTATE COMMITTEE (JAMES V. GORMAN, CHAIRMAN):

Chairman Gorman stated that the Committee met on February 10<sup>th</sup> and discussed the following:

- Discussion regarding the costs and proceeds from the 2014 auctions of the Phase 1 property. The Committee reiterated that FMERA staff should hold a public small lot auction staff in the future.
- Discussion regarding the request to extend exclusive negotiations with RPM Development Group (RPM) for the Officers Housing. The Committee expressed its concerns over the length of time it takes from when the successful developer is announced to the closing of the sale for each of the transactions. The Committee discussed allowing staff to extend the exclusive negotiations once without Board approval. The Committee reached a consensus and agreed to recommend approval to extend the exclusive negotiations period with RPM for an additional 60 days.
- Discussion regarding the request to extend the exclusive negotiations period with Pinebrook Commerce Center, LLC (PCC) for the former fabrication shops. It was noted that the only significant delay to negotiations was related to the access plan required for both the fabrication shops and the adjacent pistol range. The parties have reached an agreement on a mutually acceptable plan and received approval from the Tinton Falls Borough engineer. The Committee reached a consensus and agreed to recommend approval to extend the exclusive negotiations period with PCC for an additional 60 days.
- Discussions regarding the benefits of an infrastructure district for the Fort to help fund the needed infrastructure improvements at the Fort to comply with Local and State redevelopment ordinances.
- Update on the Megill housing in the Eatontown for asymptomatic travelers from Ebola afflicted countries.
- Update on the Marina
- Update on the Fitness Center
- Update on Parcels C & C1
- Discussion regarding the interpretation of prevailing wage language which may be adversely affecting the redevelopment of the housing parcels in the Reuse Plan. The Committee recommended to staff to hold a pre-bid conference for Parcel B in Eatontown. The conference would allow prospective bidders to meet with representatives from the Department of Labor, Borough of Eatontown, FMERA and the Attorney General's office to discuss all of the facts regarding prevailing wage as it affects the parcel.

c) ENVIRONMENTAL STAFF ADVISORY COMMITTEE (KENNETH J. KLOO, CHAIRMAN):

Kenneth J. Kloo stated that the Committee met on February 9<sup>th</sup> and discussed the following:

- FMERA staff opened the meeting with a summary of the newly discovered debris area near the CW-3A landfill adjacent to Parcel F-2, which is planned for a Veterans community in Tinton Falls. The DEP Case Manager has confirmed that the Army will include the new area in the delineation investigation for the CW-3A landfill remediation plan. Committee members discussed the historical use of the parcel and the materials observed. FMERA staff noted that the map included with the RFOTP for Parcel F-2 delineates both the original CW-3A landfill as well as the newly discovered material for prospective bidders.
- FMERA staff were recently informed by the Army that the former skeet range in the Eatontown Reuse Area could potentially be included in the list of carve-out Phase 2 properties. The Army will be responsible for evaluating the area to determine the extent of any contamination, both on-site and off-site, as well as impacts to the existing wetlands.
- FMERA staff shared information concerning a monitoring well located within the FTMM-5 landfill and maintained by the US Geological Survey (USGS) to monitor regional ground water use. FMERA has notified both the Army and the USGS that they recommended closing the well prior to the purchase of the Phase 2 property. DEP representatives will investigate the issue and provide an update at the next Committee meeting.

- The New Jersey Department of Human Services (DHS) has signed a 6-month Memorandum of Understanding (MOU) for the Megill Housing in Eatontown as a secondary location to house asymptomatic health-care workers that return to the state from countries afflicted by the Ebola virus. Informed stakeholders included the mayors of the local municipalities, the County, and all relevant health and public safety officials. The Committee discussed any environmental concerns arising from this use of the buildings.
- FMERA staff provided a summary and status of existing and upcoming Requests for Offers to Purchase (RFOTPs).
- In response to an invitation to discuss other issues, the Oceanport representative raised several questions about materials distributed at the Restoration Advisory Board (RAB) meeting in January concerning Buildings 700 and 296, and which were apparently discussed at recent Oceanport Council meetings. The DEP Case Manager clarified that Building 296 received a No Further Action (NFA) letter from the DEP for ground water and an investigation of ground water contamination at Building 700 is ongoing. Although there is no indication that the groundwater contamination at Building 700 is impacting surface water, monitoring and testing by the Army will continue as long as necessary; nor is there any indication that there is a potential for migration of vapors to nearby homes. The Oceanport representative also asked about the safety of the drinking water at the Main Post Firehouse, where the Oceanport Police Department is currently a sub-lessee. It was noted that the Fort's drinking water is provided by the New Jersey American Water Company, not an on-site well, and it meets all DEP standards.

Mr. Kloo encouraged Board members, municipal officials and the public to contact him or the NJDEP case manager, Linda Range, when there are questions relating to environmental issues at Ft. Monmouth. Mr. Kloo reminded those in attendance that as members of the board and as public officials we have an obligation to ensure, to the best of our ability, that information and comments are complete and accurate before they are made public.

Michael Collins clarified that a Memorandum of Understanding (MOU), not a lease, was signed between the Department of Human Services and FMERA.

Tim Lizura asked what a carve out is and does it hold back the transfer of the land until Army cleans the site. Mr. Lizura was told that carved-out pieces of property are retained by the Army until sampling results indicate the areas are sufficiently remediated to satisfy the NJDEP.

d) HISTORICAL PRESERVATION STAFF ADVISORY COMMITTEE (ROBERT ADES, CHAIRMAN):

Robert Ades stated that the Committee did not meet this month.

e) HOUSING STAFF ADVISORY COMMITTEE (GINA FISCHETTI - CHAIRWOMAN):

Gina Fischetti stated that the Committee did not meet this month.

f) VETERANS STAFF ADVISORY COMMITTEE (FREEHOLDER LILLIAN BURRY, CHAIRWOMAN):

John Tobia, on behalf of Lillian Burry stated that the Committee did not meet this month.

## IX. BOARD ACTIONS

- A) The first item before the consideration of approval to extend the Exclusive Negotiations period for a Purchase Agreement Pursuant to the RFOTP for Officer Housing.

Candice Valente read the resolution which is attached hereto and marked Exhibit 1.

A motion was made to approve by Robert Ades and was seconded by Robert Lucky.

Motion to Approve: ROBERT ADES      Second: ROBERT LUCKY  
AYes 9

B) The second item before the Board was the consideration of approval to extend the Exclusive Negotiations for a Purchase Agreement Pursuant to the RFOTP for Pinebrook Commerce Center.

Candice Valente read the resolution which is attached hereto and marked Exhibit 2.

A motion was made to approve by Robert Ades and was seconded by Robert Lucky.

Motion to Approve: ROBERT ADES      Second: ROBERT LUCKY  
AYes 9

X. OTHER ITEMS

There were no other items before the Board.

XI. PUBLIC COMMENT REGARDING ANY FMERA BUSINESS [5 minutes re: any FMERA business]

Mike Sikand of Oceanport and reportedly on behalf of the residents in Riverside Avenue in Oceanport stated that he sent a letter to Mr. Steadman on December 2<sup>nd</sup> on behalf of the neighbors next to the marina regarding the expansion of the marina. Mr. Sikand asserted that Mr. Steadman, Mayor Mahon, and Oceanport Borough Administrator John Bennett chose to ignore the violations that were taking place at the Marina and termed Mr. Sikand as vindictive because he was an unsuccessful bidder on the Marina. Mr. Sikand stated that now that NJDEP has proved that the Marina is in violation, how could FMERA ignore what was discovered by the neighbors and not FMERA staff. Mr. Sikand stated that the Board should consider ordering an independent investigation because either someone profited from this or was extremely incompetent. Mr. Sikand stated that there was an illegal transfer of a liquor license to federal land. Mr. Sikand stated that the residents of Riverside Avenue need to be informed that everything will be done legally and that the residents of Oceanport Avenue will see to it that the marina does not open this spring if these issues are not addressed.

Tom Mahedy of Wall Township asserted that the Real Estate Committee is ground zero where fraud, corruption and theft begin. Mr. Mahedy asserted that the Committee is rewarded for doing the wrong thing. Mr. Mahedy stated that Mr. Steadman was slick in not answering his questions regarding environmental issues. Mr. Mahedy asserted that carve outs are an Army scam. Mr. Mahedy asserted that the auctions were cash deals and that money is pocketed between the auctioneers and the purchasers. Mr. Mahedy asserted that the Oceanport Police are not safe at the Main Post Firehouse. Mr. Mahedy asserted that the Veterans project was being built on a dump. Mr. Mahedy stated that there should be more information regarding the CAFRA violations at the Marina. Mr. Mahedy asserted that the RFOTPs are being pushed through because there is a lot of fraud.

Mr. Steadman responded to Mr. Sikand by stating that it is inaccurate to categorize the December 2<sup>nd</sup> letter as being ignored. Mr. Steadman stated that the afternoon he received the letter he visited the Marina to take pictures and measurements. Mr. Steadman stated that he responded with a letter on December 16<sup>th</sup> with a copy to Mayor Mahon and the Borough of Oceanport. Mr. Steadman stated that FMERA took issue with several of the comments that were made in the letter, as inaccurate or unjustified. Mr. Steadman stated that as soon as they were made aware of the CAFRA issues, FMERA responded affirmatively and supported the NJDEP requests and requirements and will continue to do so throughout the process. Mr. Steadman stated that the Marina operator is preparing a CAFRA application in accordance with the NJDEP requirements and FMERA is actively supporting the process, and that the operator is fully complying with the DEP directives.



Mr. Steadman stated that most of Mr. Mahedy's comments are assertions that have been stated previously. Mr. Steadman stated that he did answer the environmental questions and takes all environmental issues very seriously; having been involved with environmental projects for 30 years. Mr. Steadman stated that there is a very ongoing strict protocol with respect to the auctions and that the RFP process was followed and all proceeds from the auctions are reviewed by the Authority's auditors. Mr. Steadman stated that the drinking water at the Main Post Firehouse has been tested by the Army and the results have been provided to the Oceanport Police Chief, and Oceanport Borough has done an independent test of the drinking water to verify.

Mr. Steadman stated that he received an email from Bob English of Eatontown with the following questions.

(Q) Who made the decision that the Ebola quarantine housing project would be "confidential" and under what legal basis/reasoning was this information not permitted to be given to all residents of Eatontown and other host towns?

(A) As has been stated previously, the Megill Housing Area project is a Department of Human Services (DHS) project, so we recommend that questions of this nature be submitted to DHS. However, in an effort to be transparent, and out of courtesy to our stakeholders, the Chair has directed that we try to provide first-level answers. Our contact for the project after the initial inquiries from the State was DHS. DHS indicated there was a Response Team of DHS and other state entities, and that the Response Team wanted to keep the information confidential to protect any individuals that would have to be quarantined.

(Q) Was any kind of lease signed for the Ebola quarantine housing? If yes, by who and under what authority? If yes, why was the lease not presented to the FMERA board for a vote? Did that violate FMERA rules?

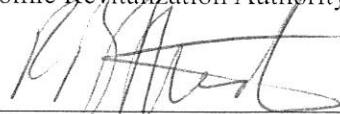
(A) No lease was signed. The AG's Office recommended that a Memorandum of Understanding (MOU) would be sufficient, and such an agreement could be signed by the FMERA Executive Director under the delegated authority already approved by the FMERA Board. Therefore, additional formal Board approval was not required. However, FMERA staff notified the FMERA Real Estate Committee about the DHS project at Megill Housing Area, and it was discussed at two Real Estate Committee meetings (November and December) prior to the MOU being executed. The MOU calls for a 6-month term, followed by a possible renewal term of 6 months, but only if both parties agree to the renewal 30 days in advance. This same delegated authority is used on many similar types of use and access licenses, and MOU agreements, to provide use and access for tenants, due diligence, events, and other shorter duration activities.

(Q) On the Parcel B RFOTP, there is a Sample Scoresheet. Is that the one actually being used? Under number 7 on the sheet, there are four items listed for a possible score of 20% included *owner occupied housing*. Are each of those four items worth 5%? If so does that mean *owner occupied housing* is worth 5%?

(A) Yes, that is the score sheet that will be used by the Evaluation Committee. The total weighting for Criterion #7 is 20%. The four items are included within the overall "Impact to Host Community" category, so other impacts can also be considered by the Evaluation Committee. The Evaluation Committee will determine how the scoring for that criterion will be allocated.

There being no further business, on a motion by Robert Ades seconded by John Tobia and unanimously approved by all voting members present, the meeting was adjourned at 8:10 p.m.

Certification: The foregoing and attachments represent a true and complete summary of the actions taken by the Fort Monmouth Economic Revitalization Authority at its Board Meeting.



Bruce Steadman –Secretary

ADOPTED  
February 26, 2015

Resolution Regarding  
Approval to Extend the Exclusive Negotiating Period with RPM Development, LLC, for  
the Officer Housing

WHEREAS, on January 16, 2013, FMERA issued and publicly advertised a Request for Offers to Purchase (RFOTP) for the Officer Housing parcel with a response date of March 1, 2013, 45 days after the issuance of the RFOTP, in connection with the planned redevelopment of the Officer Housing in Oceanport; and

WHEREAS, the Officer Housing includes 117 historic residential units in single, duplex and four-plex configurations, surrounding and adjacent to the Parade Ground, located on two parcels of 26.5 acres and 10 acres; and

WHEREAS, FMERA received two proposals for the Officer Housing, and one proposal was deemed non-compliant because it did not include the required 20% set-aside for affordable housing, per the RFOTP and the Authority's Rules for the Sale of Real and Personal Property; and

WHEREAS, RPM Development, LLC (RPM), received the highest score for their proposal and the Board authorized staff to enter into exclusive negotiations with RPM on April 23, 2014; and

WHEREAS, the exclusive negotiating period commenced on October 7, 2014 and by letter dated November 19, 2014, the Executive Director extended the exclusive negotiating period for an additional thirty days as permitted by the Authority's Sales Rules; and

WHEREAS, the Board authorized FMERA staff to execute a Lease in Furtherance of Conveyance with the Army for the Officer Housing and enter into a sublease with RPM, all upon final terms acceptable to the Executive Director and Attorney General's Office, in order to enable RPM to apply for site plan and other approvals, and to obtain financing; and

WHEREAS, at the Authority's December 17, 2014 meeting, the Board authorized staff to extend the exclusive negotiating period through February 2015; and

WHEREAS, FMERA staff and RPM have made significant progress toward the negotiation of a mutually acceptable Purchase and Sale Agreement and Redevelopment Agreement (PSARA) for the Officer Housing, and staff believes that there is a likelihood that further negotiation will result in agreement over business terms; and

WHEREAS, the Real Estate Committee has reviewed and discussed extending the exclusive negotiating period and recommends approving an extension for an additional sixty (60) days to the full Board.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority authorizes an extension of sixty (60) days of the exclusive negotiating period, as set forth in the attached memorandum, and authorizes the Executive Director to take all necessary actions to effectuate the extension.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT

Dated: February 26, 2015

**EXHIBIT 1**

ADOPTED  
February 26, 2015

Resolution Regarding  
Approval to Extend the Exclusive Negotiating Period with Pinebrook Commerce Center,  
LLC for Pinebrook Road Commerce Center

WHEREAS, Pinebrook Road Commerce Center consists of 5 acres of land and eight (8) buildings, six (6) of which are planned for reuse and two (2) of which are planned for demolition; and

WHEREAS, the Fort Monmouth Economic Revitalization Authority (FMERA) issued a Request for Offers to Purchase (RFOTP) for the Pinebrook Road Commerce Center, former fabrication shops in Tinton Falls, on September 20, 2013; and

WHEREAS, on November 20, 2013, FMERA received three proposals to the RFOTP, which were scored independently by an evaluation committee, and Pinebrook Commerce Center, LLC (PCC), received the highest score for their proposal, and submitted the highest price proposal as well; and

WHEREAS, at the Authority's May 21, 2014 meeting, the Board authorized FMERA staff to enter into exclusive negotiations with PCC for a purchase agreement pursuant to the RFOTP for Pinebrook Road Commerce Center; and

WHEREAS, by letter dated October 1, 2014, the Executive Director extended the exclusive negotiating period for an additional thirty days as permitted by the Authority's Sales Rules; and

WHEREAS, the Board approved a sixty (60) day extension to the exclusive negotiating period at the November 2014 meeting of the Authority, as permitted by the Authority's Sales Rules and recommended by the Real Estate Committee; and

WHEREAS, FMERA staff and PCC have made significant progress toward the negotiation of a mutually acceptable Purchase and Sale Agreement (PSA) for Pinebrook Road Commerce Center, and staff believes that there is a likelihood that further negotiation will result in agreement over business terms; and

WHEREAS, the Real Estate Committee has reviewed and discussed extending the exclusive negotiating period and recommends approving an additional sixty (60) day extension to the full Board.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority authorizes a sixty (60) day extension of the exclusive negotiating period, as set forth in the attached memorandum, and authorizes the Executive

Director to take all necessary actions to effectuate the extension.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT

Dated: February 26, 2015

**EXHIBIT 2**