

Fort Monmouth Economic Revitalization Authority  
Board Meeting  
December 21, 2011  
Tinton Falls Municipal Building, Tinton Falls, New Jersey

**EXECUTIVE SESSION MINUTES**

**Members of the Authority present:**

- James V. Gorman, Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) -V
- Alfred Koeppe, Chairman, New Jersey Economic Development Authority (NJEDA) – V
- Nicole Crifo, Assistant Counsel, Office of the Governor, Authorities Unit – V (via telephone)
- Dr. Robert Lucky, Public Member - V
- Lillian Burry, Monmouth County Freeholder - V
- Gerald Tarantolo, Mayor of Eatontown - V
- Michael Mahon, Mayor of Oceanport - V
- Michael Skudera, Mayor of Tinton Falls - V
- Charles Richman, Assistant Commissioner, NJ Department of Community Affairs
- Mary Ellen Clark, Assistant Commissioner, NJ Department of Labor & Workforce Development
- Michele Siekerka, Assistant Commissioner, NJ Department of Environmental Protection

**Members of the Authority not present:**

- Jonathan Lowy, Director of Community and Constituent Relations, NJ Department of Transportation

**V- Denotes Voting Member**

**Also present:**

- Bruce Steadman, Executive Director, FMERA
- Gabriel Chacon, Deputy Attorney General (DAG)
- NJEDA Staff: Eatontown & Trenton Offices

**Executive Session – OPMA EXEMPTION N.J.S.A 10:4-12b (5) and (7): Pending Real Estate Negotiations**

Bruce Steadman, Executive Director of FMERA, began the Executive Session at 8:37 pm. Mr. Steadman began by thanking the Board of Directors for their support regarding the Memorandum of Agreement (MOA) with the U.S. Army and the Economic Development Conveyance (EDC) application. Mr. Steadman noted that finalizing the MOA & EDC application in an 11 month time frame sets FMERA apart from other local redevelopment authorities (LRAs) who are charged with redeveloping closed military installations throughout the Country.

Bruce Steadman continued by stating that he would like to discuss the proposals that the Authority has received in response to the Request for Offer to Purchase (RFOTP) for Parcel E. He continued by noting that there will be no action during the Executive Session and that the closed session is intended to discuss time frame, process and scoring with the Board of Directors. Mr. Steadman noted that it is the FMERA Staff's intention to discuss the Parcel E evaluation again with the Authority's Real Estate Committee in January.

Before yielding the floor to Rick Harrison, FMERA Director of Facilities Planning, Mr. Steadman noted that if the Board of Directors chooses to award Parcel E to CommVault, the highest scored proposer, at a future meeting, there would need to be a change to the Fort Monmouth Reuse and Redevelopment Plan (the Plan).

Rick Harrison provided an overview of the process by which the RFOTP was issued, evaluated and scored. The RFOTP was issued in accordance with what are expected to be the Authority's final sales regulations. Mr. Harrison stated that there were four proposals received and three evaluators scored the proposals. Rick Harrison noted that the proposers were aware of the evaluation criteria, as it was stated in the RFOTP, however the proposers were not aware of how the criteria were weighted. Job creation was given the most weight. Mr. Harrison continued by noting that all four of the proposals received would require a change to the Plan. Three out of the four proposals contemplated housing on Parcel E, however, each of the residential proposals increased the density that was permitted in the Plan.

Al Koeppé asked for the names of the four proposers. Mr. Koeppé was told that CommVault, American Properties, Fieldstone and Hovnanian submitted proposals.

Chuck Richman asked if the proposers were aware of the scoring weights. Mr. Richman was told that the proposers were not aware of the weights, but were aware of the categories for scoring. Mr. Richman also asked if all of the residential proposals contained a 20% set aside for affordable housing. Mr. Richman was told that the residential proposals contemplated some type of set aside for affordable housing.

Mr. Koeppé asked if all of the proposals were inconsistent with the Plan. Mr. Koeppé was told that all of the proposals were inconsistent with the Plan.

Gabriel Chacon, DAG, explained that [REDACTED]

Chairman Gorman asked if the residential developers provided a timeframe for which they intend to break ground. Odis Jones, FMERA Director of Real Estate, responded that the residential proposers did not set forth a time frame, but that if staff negotiated with a residential proposer, then staff would negotiate a non-performance clause, in an effort to ensure that the developer kept the process moving within the time frames committed to.



Al Koepple asked if there is potential for a challenge from another bidder following an award of Parcel E.

Gabriel Chacon, DAG, stated [REDACTED]

Dr. Robert Lucky mentioned that the Real Estate Committee discussed including the weights in future RFOTPs and Request for Proposals (RFPs). Mr. Steadman noted that staff would take this into consideration for future RFOTPs and RFPs.

DAG Chacon stated [REDACTED]

Michele Siekerka asked if FMERA lists the weights in future RFOTPs and RFPs will the Authority have to resubmit the RFOTP for Parcel E.

DAG Chacon stated [REDACTED]

Mayor Michael Skudera stated that awarding Parcel E to CommVault would allow for a great job creation opportunity. Mayor Skudera further stated that having CommVault on the former Fort Monmouth property would spur other redevelopment activity.

Bruce Steadman agreed with Mayor Skudera, stating that he believes that other redevelopment activity will occur as a result of CommVault moving to the Fort, and that in this real estate market job-creation projects will drive housing projects.

Dr. Lucky stated that CommVault is moving from Oceanport to Tinton Falls.

Odis Jones responded by saying CommVault expressed that the Company planned to leave Oceanport regardless, and possibly the State of New Jersey. Mr. Steadman added that FMERA staff tried unsuccessfully to interest CommVault in Fort parcels that would be within Oceanport; however, CommVault was not interested in them.

Chuck Richman asked if any other parcels in Phase 1 are suitable for housing. Mr. Richman was told that Parcel C and C-1 together are roughly the same size as Parcel E and would be suitable for housing, that the Howard Commons parcel would be a housing parcel, and that certain types of housing could be located on portions of the golf course parcel.

Dr. Lucky asked Bruce Steadman if there is still a possibility of putting a conference hotel on the former Fort Monmouth property. Bruce Steadman stated that a conference hotel is still a consideration, however the current economy does not lend itself to hotel development.

Michele Siekerka asked if the RFOTPs for the other Phase 1 parcels can be issued together to demonstrate the Authority's commitment to housing, should CommVault be awarded Parcel E.

Bruce Steadman noted that the Army is requiring FMERA to have a Real Estate Consultant in place before issuing additional RFOTPs, so that the property can be marketed well and widely, but that it was the intention of FMERA staff and the Army to advertise for bid the Phase 1 housing parcels soon after the first of the year.

Michele Siekerka left the meeting at 9:05 pm.

Chuck Richman suggested that FMERA issue parcel(s) for housing quickly, should Parcel E be awarded to CommVault.

Gabriel Chacon, DAG, stated

[REDACTED]. Mr. Steadman noted that we expect a final draft of Phillips Preiss Grygiel's zoning plan early in January 2012.

Mayor Michael Mahon stated that he is uncomfortable with the Authority's scoring of the proposal for Parcel E as it relates to the impact to host municipalities. The Mayor then asked if the residential developers' proposals would fit on other parcels, if their density was too high for Parcel E.

Odis Jones expressed that Parcel C and C-1 together are roughly the same size as Parcel E.

Mayor Mahon expressed that he could not vote to award Parcel E to CommVault, should that be the recommendation to the Board of Directors, due to the impact on Oceanport. CommVault leaving Oceanport will be an additional job loss for his community.

Bruce Steadman stated that he tried to keep CommVault in Oceanport, but that the Company was not interested in staying.

Mayor Mahon stated that CommVault's job growth will not occur until year four, according to their proposal.

Bruce Steadman noted that staff has been negotiating to require job growth to occur in year two and that should CommVault be awarded Parcel E, there will be a non-performance clause in the deal.

Mayor Tarantolo stated that a deviation from the Plan requires a vote of a super majority of the Board of Directors. The Mayor further stated that a plan change relates back to the stakeholders, and that the Authority needs good data and rationale for changing the Plan.

Freeholder Burry asked how the RFOTP for Parcel E addressed a change to the Plan.

Odis Jones responded by saying that the RFOTP was issued in accordance with the Authority's proposed sales regulations, that the RFOTP stated that applicants could submit proposals in accordance with the Plan or not in accordance with the Plan, but that any non-conforming uses would have to be reviewed by the Board of Directors based on the Plan-change process.

Dr. Lucky expressed that making changes in the Plan to adapt to today's market is permissible, but that the Staff and Board of Directors must respect the integrity of the Plan. Mr. Steadman noted that the staff is fully aware and respectful of the importance of trying to maintain the integrity of the Plan; but he noted that in today's real estate market, which differs dramatically from the real estate market at the time the Plan was prepared, there are very few job-creating projects of the size and nature of CommVault, and given FMERA's great challenge to try to help replace the many jobs lost due to the Army's closure of the Fort, CommVault's proposal certainly warrants our strong consideration.

Bruce Steadman thanked the Board of Directors for their feedback.

On a motion by Mayor Gerald Tarantolo, seconded by Dr. Robert Lucky, and unanimously approved by all voting members present, the Board adjourned the Executive Session and opened the Public Session.

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

  
Rick Harrison, Assistant Secretary