



TO: Members of the Board of Directors

FROM: Bruce Steadman
Secretary & Executive Director

DATE: March 21, 2012

SUBJECT: Agenda for Board Meeting of the Authority

1. **Call to Order – James V. Gorman, Chairman**
2. **Pledge of Allegiance**
3. **Notice of Public Meeting - Roll Call – Bruce Steadman, Secretary**
4. **Approval of Previous Month’s Board Meeting Minutes**
5. **Welcome – James V. Gorman, Chairman**
6. **Secretary’s Report**
7. **Treasurer’s Report:**
 - Summary of Status of Federal Grant and FMERA Financials
8. **Public Comment Regarding Agenda Items**
9. **Executive Director’s Report:**
 - Update on Meetings with Army Representatives
 - Update on Negotiations for Clinic Parcel
 - Update on Exclusive Negotiations for Parcel E
 - Update on Proposed Plan Amendment Process
 - Update on FMERA Office Move to Fort Monmouth
 - Update on NJEDA’s Approval of a Memorandum of Understanding with Monmouth County to work on a Comprehensive Economic Development Strategy
 - Update on Action Items
10. **Committee Reports**
 - Audit Committee – Michael Mahon, Acting Chairman
 - Real Estate Committee – James V. Gorman, Acting Chairman

- Environmental Staff Advisory Committee – David Sweeney, Chairman
- Historical Preservation Staff Advisory Committee – Bruce Steadman, Acting Chairman
- Housing Staff Advisory Committee – Charles Richman, Chairman
- Veterans Staff Advisory Committee – Lillian Burry, Chairwoman

11. **Board Actions**

- Consideration of Consent to the Designation by Tinton Falls of the entire Tinton Falls Area within Fort Monmouth as an Area in Need of Redevelopment and to the Approval of Guidelines to Inform the Board When Considering Proposed Designations
- Consideration of Approval of an Increase in Fees for the Planning, Architectural and Engineering Consultant for Unanticipated Costs to Complete the Required Geographic Information System (GIS) Mapping of Fort Monmouth Infrastructure and Utility Systems

12. **Other Items**

13. **Public Comment**

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

15. **Adjournment**

Fort Monmouth Economic Revitalization Authority
Board Meeting
February 15, 2012
Tinton Falls Municipal Building, Tinton Falls, New Jersey

MINUTES OF THE MEETING

I. Members of the Authority present:

- James V. Gorman, Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) - **V**
- Caren Franzini, Chief Executive Officer, New Jersey Economic Development Authority (NJEDA) - **V**
- Regina Egea, Director, Authorities Unit, Office of the Governor - **V**
- Dr. Robert Lucky, Public Member - **V**
- Lillian Burry, Monmouth County Freeholder – **V**
- Anthony Talerico, Councilman, Borough of Eatontown - **V**
- Gerry Turning, Business Administrator, Tinton Falls - **V**
- Michael Mahon, Mayor of Oceanport - **V**
- Michele Siekerka, Assistant Commissioner, NJ Department of Environmental Protection (DEP)
- Charles Richman, Assistant Commissioner, NJ Department of Community Affairs (DCA)
- Jonathan Lowy, Director of Community and Constituent Relations, NJ Department of Transportation (DOT)
- Mary Ellen Clark, Assistant Commissioner, NJ Department of Labor and Workforce Development (LWD)

V- Denotes Voting Member

Also present:

- Bruce Steadman, Executive Director, FMERA
- Gabriel Chacon, Deputy Attorney General (DAG)
- NJ Economic Development Authority Staff: Eatontown and Trenton offices

II.

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

In accordance with the Open Public Meetings Act, FMERA Executive Director and Secretary, Bruce Steadman announced that notice of this meeting has been 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 18, 2012 meeting minutes. A motion was made to approve the minutes by Mayor Mahon seconded by Caren Franzini.

Motion to Approve: MAYOR MAHON Second: CAREN FRANZINI

AYes: 5

Lillian Burry abstained from the vote stating she was not present at the January meeting.
Anthony Talerico abstained from the vote stating he was not present at the January meeting.
Regina Egea abstained from the vote stating that she was not present at the January meeting.

The second item of business was the approval of the January 18, 2012 executive session meeting minutes. A motion was made to approve the minutes by Mayor Mahon, seconded by Caren Franzini.

Motion to Approve: MAYOR MAHON Second: CAREN FRANZINI
AYes: 5

Lillian Burry abstained from the vote stating she was not present at the January meeting.
Anthony Talerico abstained from the vote stating he was not present at the January meeting.
Regina Egea abstained from the vote stating that she was not present at the January meeting.

III. WELCOME

Chairman Gorman welcomed everyone and thanked them for attending the meeting. Mr. Gorman stated that there are six board actions of special significance being considered at the meeting that are in addition to the regular board matters. Mr. Gorman stated that approval of the six board actions is a required step in revitalizing the community's economic activity which has been adversely affected by the closing of Fort Monmouth. Mr. Gorman further stated that each item approved by the Board permits the Authority to take the next step on the path of achieving the goals and objectives of the Authority.

Chairman Gorman then explained how public comment would proceed at the meeting, with the first public comment period being for agenda items only and the second public comment period being for general comments and questions. Mr. Gorman asked for the public's cooperation in keeping their comments within a reasonable timeframe due to the extended agenda items.

IV. SECRETARY'S REPORT

Bruce Steadman stated that Governor Chris Christie appointed Regina Egea, the Director of the Governor's Authorities Unit, to the FMERA Board as the Executive Branch Designee. Mr. Steadman stated that the remainder of the Secretary's report would be provided in the Executive Director's Report.

V. TREASURER'S REPORT

Beverlee Akerblom, Director of Finance and Administration, stated that the Authority's Grant Amendment requesting additional funds for previously approved contractual engagements and an extension through March 31, 2012 to allow for completion of the approved contractual items funded through the grant has been approved. Ms. Akerblom further stated that the Office of Economic Adjustment approved additional funding for the Business and Operations Plan and Economic Development Conveyance Application, BRAC legal services and for Environmental consulting services. Ms. Akerblom stated that field work on the audit of the Authority's 2011 operations is ongoing and the spending continues to be strictly monitored.

VI. PUBLIC COMMENT REGARDING AGENDA ITEMS

Phil Welch of Lincroft stated that the Housing Staff Advisory Committee was set up by FMERA as a response to a challenge to the Fort Monmouth Economic Revitalization Planning Authority (FMERPA) Reuse and Redevelopment Plan. Specifically FMERPA was faulted for not considering a report from its Housing Staff Advisory Committee when preparing the Plan because at the time of the Plan development there was no Housing Committee in place. Mr. Welch recommended that the Housing Committee review the proposed conversion of 100% of residential development in the Plan to 100% commercial use of Parcel E before the Board takes any further action. Mr. Welch stated that not doing such would run the risk of legal challenges of this action and would further delay the development process.

Mr. Welch stated that FMERPA paid millions to EDAW to produce a balanced and sustainable Plan for the Fort redevelopment and the disposition of the first parcel and that EDAW's recommendation of 100% residential development for the area referred to as Parcel E, adjacent to other residential uses outside the Fort, is being overturned. This is yet another reason to slow down the process and allow the Housing Committee and the public to understand what is being proposed for Parcel E.

Mr. Welch stated that if the original Plan reflected an appropriate balance of different uses over the 20 year planning horizon, then the Board should advise the public which parcel originally designated for commercial use will be converted to residential use and also which parcel will provide the 200 plus homes originally planned for Parcel E.

Mr. Welch referred to a statement in the Oceanport Patch in that the Board would have to approve the change in the plan before any deals can move forward and that upon approval those residential units will be developed elsewhere in Tinton Falls. He asked if the statement was correct. Chairman Gorman stated that the Board would defer the answer until the Board decided later in the meeting whether to adopt the resolution.

Mr. Welch stated that all information regarding Parcel E has been discussed in executive sessions, from which the public has been excluded. He stated that the Board is now taking a different tack, regarding Parcel E, which he resents, considering the public was just being made aware of the information.

Mr. Welch further stated that it was his understanding that FMERA's number one priority is to replace the 5,000 jobs that were lost due to the Fort closure, yet Mr. Welch questioned how moving jobs from one town on one side of Fort property to a town on the other side met the job creation objective.

Mr. Welch stated that there was an implication that FMERA was trying to keep CommVault from moving out of state. However, Mr. Welch was aware that CommVault was looking at other locations within Monmouth County and that CommVault chose the Fort property due to the lavish state tax incentives that no other municipality and the County could match. He stated that it sounds to him that Commvault is very good at playing one side off the other to its own advantage.

Mr. Welch asked if FMERA or any of its high paid consultants have completed a study of the vacant office space which is available in Monmouth County. Mr. Welch questioned how CommVault's move is expected to provide a net economic benefit if it is only creating additional vacant office space. Mr.

Welch questioned how turning Parcel E into a 100% commercial development is going to be for the good of the area and further stated that he was quite skeptical that this would be such the case.

Linda Zucaro of Tinton Falls supported all of the comments made by Mr. Welch. Ms. Zucaro stated that as a member of the Housing Staff Advisory Committee, she was happy that the Committee will meet shortly, however she would have preferred to meet before the Board action on the Plan change. Ms. Zucaro stated that she was very hopeful that the number of affordable housing units will remain the same and be located somewhere in the Tinton Falls municipality.

Ms. Zucaro stated that she was confused about the last Board action on the agenda and stated that she was very interested in the Action and would comment further during the second public comment period.

Tom Mahedy of Wall Township stated that CommVault is acting in a very underhanded way and pitting two towns against each other, and that FMERA should not be going along, nor promoting the collusion and corruption. Mr. Mahedy further stated that CommVault is making millions and is being greedy in threatening to leave New Jersey. Mr. Mahedy stated that NJEDA should not support the CommVault move as it is neither moral nor ethical.

Mr. Mahedy stated that by allowing CommVault to continue, it sets a horrible precedent as it is not creating jobs. Mr. Mahedy further stated that the public has not been advised as to the board actions and the information should be made available to the public prior to all board meetings. Mr. Mahedy asked that the public be made aware of the campaign contributions that both AcuteCare and CommVault have made in the last ten years. Mr. Mahedy further stated that the Patterson Hospital should be made available to injured veterans or those unable to pay for health care and not be converted to a private entity.

Mr. Mahedy stated that the Army has told the public that they are not responsible for the environmental clean-up of the Fort property.

VII. EXECUTIVE DIRECTOR'S REPORT

1. Update on Meeting with Army Representatives.
FMERA staff continues its discussions with representatives of the Office of the Deputy Assistant Secretary of the Army for Installation and Housing related to the conveyance of the former Fort Monmouth property. Weekly conference calls are used to update the status of key issues. These discussions continue to establish a good working relationship with the U.S. Army that will result in a finalized Memorandum of Agreement (MOA) and Economic Development Conveyance (EDC) application in the near future.
2. Update on Meetings with Host Municipalities and Regional School Districts' Officials.
FMERA Staff, at the end of January and beginning of February, met with each of the host municipality school districts' and the two regional school districts' officials. The meetings with Eatontown, Oceanport, Tinton Falls, Shore Regional and Monmouth Regional were intended to keep the school districts informed and engaged on the redevelopment effort, as well as answer any questions and hear any issues of concern from the districts. Each meeting was productive and informative, and FMERA looks forward to continuing a positive working relationship with each of the school districts.

3. Update on Opening of Joe's Bar & Grille at Suneagles Golf Course.
Joe's Sports Bar & Grille, formerly known as Sal's 19th Hole, opened on Friday, February 10, 2012 at Suneagles Golf Course. Joe's, like Gibbs Hall, is operated by McLoone's Restaurants.

Suneagles has been seeing an abundance of activity since reopening in September thanks to the excellent management of the course by Atlantic Golf, and the extended mild weather this fall and winter. The success of Suneagles, and opening of Joe's Sports Bar & Grille and Gibbs Hall, is positive news for the Fort's redevelopment effort and the Community.

4. Action Items for Next Month.

- Continued work with Matrix Design Group and the N.J. Department of Environmental Protection to identify environmental issues of concern
- Continued work on the Notice of Interest (NOI) evaluation process
- FMERA anticipates issuing an RFP for a Master Broker/Real Estate Consultant in the next 30 days
- FMERA anticipates issuing Requests for Offer to Purchase (RFOTP) for Parcel C (mixed use), C-1 (housing), Golf Course (golf course and related uses) and Howard Commons (housing)
- Continued meetings and tours with the interested prospective employers and investors
- Continued outreach to our stakeholders
- Continued collaboration with our Trenton office on marketing and business development opportunities

COMMITTEE REPORTS

a) AUDIT COMMITTEE (MICHAEL MAHON, ACTING CHAIRMAN):

Michael Mahon stated that the Audit Committee did not meet this month. Mr. Mahon stated that at the next meeting the Committee will discuss the status of the 2011 Audit and FMERA's internal controls.

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

Chairman Gorman noted that the Real Estate Committee met on February 2 and February 9, 2012 at the FMERA Office. Mr. Gorman stated that at the February 2nd Committee meeting, the Committee received a presentation from the Tinton Falls Board of Education regarding their Notice of Interest (NOI) for the Early Childhood Center on the Fort. Mr. Gorman stated the Committee also received an update on the Draft Zoning Plan, and reviewed the status of the Clinic Parcel and Parcel E.

Mr. Gorman stated that at the February 9, 2012 meeting of the Committee, an overview of the Request for Qualifications/Proposals (RFQ/P) for Surveying Services was provided to the Committee by Beverlee Akerblom. Ms. Akerblom advised the Committee that 18 proposals were received on January 13th and the evaluation committee is recommending Langan Engineering and Environmental Services for the award of the Surveying Services RFQ/P. Langan Engineering and Environmental Services received the highest technical score and in accordance with the RFQ/P was able to provide a fair and reasonable price for the engagement. Mr. Gorman stated that after discussion, the Committee Members reached a consensus that Langan Engineering and Environmental Services should be recommended to the Board for award of the Surveying Services RFQ/P.

Bruce Steadman had updated the Committee on the status of the four proposals received for Parcel E. The Committee discussed the proposals received, the evaluation process, and the scenarios for moving forward based on compliance with the Authority's Sales Rules. After discussion, the Committee reached a consensus and recommended proceeding in the manner outlined in the Board Memo regarding Parcel E.

Bruce Steadman had then provided an overview of a DRAFT Plan amendment done by Philips Preiss Grygiel LLC (PPG), the Authority's planning consultant. Gabriel Chacon, DAG, stated that the Attorney General's Office provided PPG with their comments on the DRAFT Plan amendment and have asked PPG to provide a letter from their firm with a rationale and opinion on the Plan amendment. David Knisely, FMERA's BRAC Counsel and McManimon & Scotland, FMERA's outside counsel, have also been asked for a legal opinion on the DRAFT Plan amendment, consistent with the proposed guidelines the FMERA Board is being asked to consider.

Bruce Steadman had then discussed the status of the proposals for the Clinic Parcel and the FMERA Staff's desire to enter into a non-binding letter of intent for a lease/purchase agreement, subject to the Authority's proposed Rules for the Leasing of Real and Personal Property. A board member asked if the Clinic Parcel would require a change to the Reuse Plan because in the Reuse Plan the building was to be demolished, not reused. The board member was told that a legal opinion would be requested to determine if a plan change is necessary.

A board member had asked if there could be a stipulation to ensure that the job creation targets are met by the prospect for the Clinic Parcel. Bruce Steadman indicated that such a stipulation could be incorporated into the agreement for failure to meet job creation targets. After discussion, the Committee reached consensus and agreed to recommend to the Board, for approval, entering into a non-binding letter of intent for the Clinic Parcel, pursuant to the Board Memo regarding the Clinic Parcel.

Bruce Steadman had then explained that the DRAFT Master Broker/Real Estate Consultant Request for Proposals is with the Army and FMERA is awaiting comments. Bruce Steadman explained that he expects to have an updated version of this document to the Committee for review at next month's meeting.

Bruce Steadman stated that since the Real Estate Committee meeting on February 9, 2012, it has been determined that a plan amendment would be needed should AcuteCare be successful in obtaining the Clinic Parcel for a medical use.

- c) ENVIRONMENTAL STAFF ADVISORY COMMITTEE (MICHELE SIEKERKA - NJDEP): Michele Siekerka noted that the Environmental Staff Advisory Committee met on February 6, 2012 at the FMERA Office. Ms. Siekerka stated that the Committee discussed the Baseline Ecological Evaluation (BEE) and that the N.J. Department of Environmental Protection (NJDEP) continues their ongoing discussions with the Army. Ms. Siekerka stated that there was a slowdown in the process due to the Army's change in vendors and contracts. Ms. Siekerka stated that the NJDEP did address the concerns of the Committee and the host municipalities regarding Wampum Lake and the NJDEP reviewed a study from the 1990s where NJDEP was asked to complete an evaluation on Wampum Lake. This study concluded

that there were no issues. Ms. Siekerka stated that should the NJDEP find a link between the contamination in Wampum Lake and the Fort property, it will be recorded and will be brought to the attention of the Committee and the host municipalities. Ms. Siekerka clarified a statement made during public comment by stating that the Army would be responsible to clean up any contaminated areas within the Fort footprint and outside of the footprint if the Army caused the contamination. Ms. Siekerka stated that NJDEP standards for cleanup in New Jersey are stricter than the Federal Government and that no property will be transferred if there are contamination issues.

Anthony Talerico asked that if it is concluded that the Army did cause the contamination on Wampum Lake, can money be held in escrow to pay for the cleanup. Ms. Siekerka stated that it is too premature to determine if the Army caused of the contamination.

- d) HISTORICAL PRESERVATION STAFF ADVISORY COMMITTEE (BRUCE STEADMAN, FMERA): Bruce Steadman noted that the Committee did not meet this month.
- e) HOUSING STAFF ADVISORY COMMITTEE (CHARLES RICHMAN, DCA): Mr. Richman noted that the Committee did not meet this month. Mr. Richman stated that PPG will be present at the next Housing Committee meeting for discussion regarding the Proposed Amendment #1 to Reuse and Redevelopment Plan.
- f) VETERANS STAFF ADVISORY COMMITTEE (FREEHOLDER LILLIAN BURRY): Freeholder Burry noted that the Committee met on February 2 and February 13, 2012 at the FMERA Office. Ms. Burry stated that at the February 2 meeting, the Committee met with representatives of Soldier On at the request of Jack Downing, President and CEO of Soldier On. Ms. Burry stated that FMERA Staff showed the Solider On representatives' an area located in Oceanport that could be a potential location for the Soldier On project which provides housing and counseling to homeless Veterans. Ms. Burry stated that she has been in contact with Congressman Smith and he is interested in the possibility of the Soldier On project on Fort Monmouth. Caren Franzini noted that while Solider On is a great and worthy program, all parcels on Fort Monmouth will be put up for sale through a competitive process in accordance with the Authority's sales rules. Ms. Burry stated that Committee member Lt. Colonel Sfayer gave a presentation on his goal to establish a Veterans Transition and Mentoring Program and a Charter School located on the Fort.

Ms. Burry stated that she met with Michael Long and Mary Ellen Clark from NJ Department of Labor & Workforce Development, who coordinate the on-stop program for Veterans and stated that they will be able to assist in Mr. Sfayer's proposed project.

VIII. Board Actions

The next item before the Board was the Consideration of Approval of Designation of Records Custodian.

Chairman Gorman read the resolution which is attached hereto and marked Exhibit 1.

Chairman Gorman called for a motion to adopt the resolution.

A motion was made to approve by Mayor Mahon and was seconded by Lillian Burry.

Motion to Approve: MAYOR MAHON Second: LILLIAN BURRY.

AYes: 8

Bruce Steadman stated that the Board Memorandum is consistent with the resolution. The Memorandum is attached to the resolution hereto.

The next item before the Board was the Consideration of Approval of an Increase in Fees for the Business and Operations Planning Consultant.

Bruce Steadman read the resolution which is attached hereto and marked Exhibit 2.

Chairman Gorman called for a motion to adopt the resolution.

A motion was made to approve by Caren Franzini and was seconded by Dr. Robert Lucky.

Motion to Approve: CAREN FRANZINI Second: DR. ROBERT LUCKY

AYes: 8

Bruce Steadman stated that the Board Memorandum is consistent with the resolution. The Memorandum is attached to the resolution hereto.

The next item before the Board was the Consideration of Approval of Award of Request for Qualifications/Proposals (RFQ/P) for Professional Surveying Services.

Chairman Gorman read the resolution which is attached hereto and marked Exhibit 3.

Chairman Gorman called for a motion to adopt the resolution.

A motion was made to approve by Mayor Mahon and was seconded by Dr. Robert Lucky.

Motion to Approve: MAYOR MAHON Second: DR. ROBERT LUCKY

AYes: 8

Bruce Steadman reiterated that the outbound survey is an Army requirement under the Economic Development Conveyance (EDC) process and 90% of the funding will come from the Office of Economic Adjustment (OEA) and the remaining 10% is a state funded match.

Bruce Steadman stated that the Board Memorandum is consistent with the resolution and the Memorandum is attached to the resolution hereto.

The next item before the Board was the Consideration of Approval of a Non-Binding Letter of Intent with AcuteCare Pursuant to the Request for Proposals (RFP) for the Clinic Parcel.

Bruce Steadman read the resolution which is attached hereto and marked Exhibit 4.

Chairman Gorman called for a motion to adopt the resolution.

A motion was made to approve by Gerry Turning and was seconded by Lillian Burry.

Bruce Steadman stated that the Board Memorandum is consistent with the resolution. The Memorandum is attached to the resolution hereto.

Caren Franzini asked Bruce Steadman to provide information about AcuteCare. Mr. Steadman stated that AcuteCare finances are very strong and lending institutions give the Company high marks. In addition, all of their references are strong. Mr. Steadman also stated that AcuteCare has a strong interest in providing services to veterans and are working with representatives from Soldier On.

Mayor Mahon stated that AcuteCare had been in contact with the Borough of Oceanport and met with the Borough's Fort Monmouth Transition Team and Oceanport is very supportive of AcuteCare providing the services.

Bruce Steadman conducted a Roll Call Vote:

NAME	YES	NO
James V. Gorman	X	
Caren Franzini	X	
Regina Egea	X	
Dr. Robert Lucky	X	
Lillian Burry	X	
Anthony Talerico	X	
Gerry Turning	X	
Michael Mahon	X	

Motion to Approve: GERRY TURNING Second: LILLIAN BURRY

AYes: 8

The next item before the Board was the Consideration of Authorization for FMERA Staff to enter into Exclusive Negotiations with CommVault for a Purchase Agreement Pursuant to the Request for Offers to Purchase (RFOTP) for Parcel E.

Chairman Gorman read the resolution which is attached hereto and marked Exhibit 5.

Chairman Gorman called for a motion to adopt the resolution.

A motion was made to approve by Gerry Turning and was seconded by Dr. Robert Lucky

Bruce Steadman stated that the Board Memorandum is consistent with the resolution. The Memorandum is attached to the resolution hereto.

Mayor Mahon read a statement:

Mr. Chairman,

As a member of the FMERA Board and as a member of the FMERA Real Estate Committee; I have been informed throughout this process of certain interested parties.

I was aware early on of the specific interest in not only the Fort, but of relocating elsewhere in the state or even out of state; expressed by a business currently located in the Borough of Oceanport.

As an elected official in Oceanport, I was able to meet with this business and determine if any opportunities existed to retain their presence in the Borough, whether near the current location or elsewhere within our boundaries on Fort Monmouth. Although interested, the business sought other opportunities outside the borough.

I was made aware of certain parcels within Fort Monmouth potentially meeting their needs, some of these locations within Oceanport. I appreciate the concern of the Lt. Governor and our executive director Bruce Steadman and his staff, that a host community would suffer the loss of another business, on top of the losses resulting from the closure of Fort Monmouth. Mr. Steadman was extremely sensitive to my concerns as a mayor, but recognized the decision to depart Oceanport rested solely with the business entity and not FMERA.

The closure of Fort Monmouth had a direct impact through the loss of 5,000 jobs. In this situation, another 500 jobs are added to the burden of a single host community. As the redevelopment of the Fort takes place over the next several years and decades; replacing the 5,000 jobs is priority one. For Oceanport, the loss of 500 additional jobs must be part of the record. As we look to the future and the potential impact of job creation on affordable housing obligations, this board and the government entities overseeing these affordable housing obligations, must include these 500 jobs in the total number to be recovered, separate of the 5,000, as an Oceanport loss alone.

I thank the Board for listening on those prior occasions when I have articulated these concerns, and for recognizing the additional impact to the Borough of Oceanport. I respect the position that these jobs would be lost, not only to one of the host communities, but to the region and perhaps the State of New Jersey entirely if not for the opportunity presented by the Fort Monmouth redevelopment. Relocating jobs within the host communities or the county to the Fort should be avoided and it should be the policy of this board and the NJEDA to market opportunities within the redevelopment area to outside interests and not cannibalize area businesses to achieve redevelopment on the Fort. This situation is the exception and not the norm; recognizing that ultimately, it is the decision of private interests making choices at a corporate level for the benefit of shareholders, employees and customers.

My role as a board member extends directly from my status as an elected mayor of one of the three host communities. And as representative of a host community accepting an additional loss, it is my duty to vote in opposition to the resolution before the FMERA board.

Gerry Turning commented on Mayor Mahon's statement and stated that the Borough of Tinton Falls has been involved in meetings with regard to CommVault. Mr. Turning stated that Tinton Falls recognizes the impact that the CommVault move will have on Oceanport. Mr. Turning stated that

there is a greater need for the Community, and Monmouth County, to build further and capitalize on the opportunity to create jobs.

Anthony Talerico asked if there were any plans to replace the remaining housing in Tinton Falls with more commercial development. Mr. Steadman answered no. Mr. Talerico asked what would occur if in two years CommVault does not want to develop the property. Mr. Steadman stated that there have been job penalty discussions with CommVault.

Bruce Steadman conducted a Roll Call vote:

NAME	YES	NO
James V. Gorman	X	
Caren Franzini	X	
Regina Egea	X	
Dr. Robert Lucky	X	
Lillian Burry	X	
Anthony Talerico	X	
Gerry Turning	X	
Michael Mahon		X

Motion to Approve: GERRY TURNING Second: DR. ROBERT LUCKY
AYes: 7 NOs: 1

The next item before the Board was the Consideration of Approval of Policy of Due Diligence Guidelines for Proposed Fort Monmouth Reuse and Revitalization Plan Amendments and Transmittal to Host Municipalities of Proposed First Plan Amendment Permitting Alternative Development Scenario in Tinton Falls.

Chairman Gorman read the resolution which is attached hereto and marked Exhibit 6.

Chairman Gorman called for a motion to adopt the resolution.

A motion was made to approve by Mayor Mahon and was seconded by Gerry Turning.

Bruce Steadman stated that the Board Memorandum is consistent with the resolution. The Memorandum is attached to the resolution hereto.

Mr. Gorman stated that the Board Action is a two step process: tonight the Board is considering approval of the transmittal of the Plan Amendment to the host municipalities, and then there will be a 45 day review period after which the Board will consider all of the host municipalities' feedback and consider approval of the Plan Amendment.

Caren Franzini asked that if someone from one of the host municipalities has comments regarding the Plan Amendment would they have the opportunity to address the Housing Staff Advisory Committee so that the Committee can then make a recommendation to the Board. Chuck Richman stated that the Committee would be willing to do so. Mr. Richman stated that redevelopment plans need to be nimble and adjustable and that the FMERA Staff has done a wonderful job in working with PPG in creating a

balance in moving and shifting the housing on the Tinton Falls site. Mr. Richman stated that FMERA has preserved the housing for Tinton Falls.

Gerry Turning stated that Tinton Falls has maintained the open space and the borough welcomes meeting with the Housing Committee.

Mayor Mahon stated that in working with Senator Beck and Caren Franzini to develop the FMERA Statute there was a need to ensure that each of the host municipalities have the opportunity to weigh in on a Plan change. Mr. Mahon stated that the Plan change action being reviewed by the municipalities is a positive change, which will allow the communities to evolve. Mr. Mahon further stated that at the Real Estate Committee Meeting, when discussing Parcel E, the Committee discussed at length the concerns regarding the effects of the housing and stated the housing is addressed in the Plan change document.

Mr. Mahon stated that he was very pleased with the due-diligence guidelines which will be conducted by the FMERA Staff to assist the Board in making an informed decision about any proposed plan amendment, revision, or supplement. Mr. Mahon stated that the Oceanport Borough would employ a special meeting in order to review the document within the 45 day comment period in order not to hinder the process. Mr. Mahon stated that Oceanport has advocated for the proposed Plan change from the beginning.

Bruce Steadman conducted a Roll Call vote:

NAME	YES	NO
James V. Gorman	X	
Caren Franzini	X	
Regina Egea	X	
Dr. Robert Lucky	X	
Lillian Burry	X	
Anthony Talerico	X	
Gerry Turning	X	
Michael Mahon	X	

Motion to Approve: MAYOR MAHON Second: GERRY TURNING
 AYes: 8

IX. Other Items

Mayor Mahon stated that the Borough of Oceanport passed a resolution from the Borough Council in support of Eatontown’s resolution regarding additional research on Wampum Lake. Mr. Mahon stated that the FMERA Environmental Staff Advisory Committee includes two Oceanport residents. Mr. Mahon stated that Oceanport Borough mirrors the concerns of the public with regards to the environmental issues and the Oceanport Council has been working with the NJDEP and Michele Siekerka.

Anthony Talerico, who was representing Mayor Tarantolo, stated he was very impressed with the materials contained in the Board materials and has a higher level of confidence in the work being done

by the FMERA Staff and the Board after reviewing the materials, and that they have the best interest of the towns in mind.

Gerry Turning explained that Mayor Skudera had a conflict of interest with one of the Board Actions and the Mayor has not seen any of the board material for tonight's meeting.

X. Public Comment

Linda Zucaro of Tinton Falls asked if at the next Real Estate Committee meeting, the Committee would review, work on, and consider the Housing Guidelines from the Housing Staff Advisory Committee. Ms. Zucaro stated that she had wished a Housing Staff Advisory Committee meeting was scheduled before the Board Meeting in order to alleviate some of the public's concern. Ms. Zucaro stated FMERA's referring to the Housing Staff Advisory Committee after the fact goes against the Appellate Superior Courts decision of October 27 which requires the Authority to consider and coordinate the affordable housing issues as they were first set forth by FMERPA and the Fair Housing Act.

Katherine Perez of Tinton Falls and Weichert Realtors stated that with regards to housing vs. commercial space, it is important to place commercial property in the less prime zones, such as near the Garden State Parkway and she recommends not placing residential housing within those zones, such as landfills or Pine Brook Road. Ms. Perez asked if the Real Estate or Housing Committees are open to the public and was answered no.

Mayor Mahon stated that he has previously had discussions with realtors and has brought their concerns to the Real Estate Committee and the Committee welcomes the information. Mr. Mahon stated that Ms. Perez can bring her issues to the Oceanport Borough Officials.

Caren Franzini stated that although the Real Estate Committee Meetings are not open to the public, the Committee reports are discussed at the Board Meetings and are available in the Board Meeting Minutes which are posted on the FMERA website.

Jerry Spumberg of Tinton Falls stated that these are very exciting and great steps being taken. Mr. Spumberg thanked the FMERA Staff for their courtesy at the meeting on Monday, February 13th in which FMERA gave a presentation of the Fort redevelopment and stated that he learned a lot from the meeting. Mr. Spumberg stated that the feedback from the meeting was positive and that one vendor in particular stated that Fort Monmouth is the core for the expansion of the surrounding areas.

John Yaecker of Freehold and affiliated with Habitat for Humanity commended the Board for their time and efforts. Mr. Yaecker stated that Habitat for Humanity collaborated with American Properties on their proposal on Parcel E. Mr. Yaecker stated that if the weighting for job creation is always the highest in scoring, then evaluators will never rank a housing proposal very highly as it only creates temporary jobs. Mr. Yaecker stated that FMERA should be cautious and keep a balance between housing and commercial redevelopment.

Tom Mahedy of Wall Township stated that he would like help from the public safety officers for the contamination at Fort Monmouth, specifically the Myer Center. Mr. Mahedy stated he is skeptical of the Matrix Design Group (Matrix) because Matrix was not in favor of an Environmental Impact

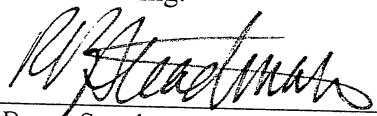
Statement (EIS) for Fort Monmouth. Mr. Mahedy stated that the Army should be made responsible to clean up the contamination at this time and the Army states that they are not responsible. Mr. Mahedy stated that the BEE is not looking at the impact on human health. Mr. Mahedy stated that the changes at the NJDEP will cause environmental toxic amnesia. Mr. Mahedy asked how much of individual federal tax money will go towards the AcuteCare renovations of the Patterson Hospital. Mr. Mahedy expressed his concerns that with FMERA Offices moving to the Fort, the public will not have access. Mr. Gorman stated that Mr. Mahedy is incorrect in his statement. The FMERA Office will always be accessible to the public.

Mr. Mahedy asked if there will continue to be a homeless shelter on the Fort property. Lillian Burry stated that the shelter is run by Monmouth County. Mr. Mahedy was told to contact the County. Mayor Mahon stated that according to the Reuse Plan, the homeless facility will be relocated from its current location on the Fort to another location within Oceanport.

Mr. Mahedy stated that he disagreed with the actions that were taken by the Board at the meeting, and that he disagreed with the comments made by Anthony Talerico regarding the Board materials. Mr. Mahedy asked what actions the Board will take to allow the public access to the information regarding the Board Actions in advance of the Board Meetings in order that the public can engage in an intelligent discussion at the Board meetings. Mr. Gorman thanked Mr. Mahedy for his comments. Mr. Mahedy stated repeatedly that he wanted a response to his question. Mr. Gorman stated that the Authority post notices in accordance with the law, and cannot disclose confidential information before the Board acts and he would not allow Mr. Mahedy to disrupt the meeting under the guise of public comment.

There being no further business, on a motion by Gerry Turning seconded by Lillian Burry and unanimously approved by all voting members present the meeting was adjourned at 9:05 pm.

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



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

DATE: March 21, 2012

SUBJECT: Monthly Status Report

Summary

The following are brief descriptions of the Fort Monmouth Economic Revitalization Authority (FMERA) staff's monthly activities which include an Update on the Status of the Federal Grant and FMERA Financials; Update on Meetings with Army Representatives; Update on Negotiations for Clinic Parcel; Update on Exclusive Negotiations for Parcel E; Update on Proposed Plan Amendment Process, Update on FMERA Office Move to Fort Monmouth; Update on NJEDA's Approval of a Memorandum of Understanding with Monmouth County to work on a Comprehensive Economic Development Strategy and Action Items for Next Month.

Treasurer's Report.

Federal Grant Status

1. Existing Grant

The Authority submitted a grant amendment request to the Office of Economic Adjustment for the existing grant which is scheduled to close March 31, 2012. The extension of this grant through June 30, 2012 will provide funding of administrative and contractual expenses through June 30, 2012, and includes funding request for additional staff in the Finance and Administration Department and the surveying services contract.

2. New Grant Application

A new Grant Application is being prepared to support the Authority's operations upon expiration of the existing grant at June 30, 2012. The funds being requested from the Office of Economic Adjustment are consistent with the budget approved by the Authority's Board for fiscal year 2012 and presented to the State's Office of Management and Budget in support of the Authority's appropriation request for the fiscal year ending June 30, 2013.

3. Audit

Field work on the audit of the Authority's 2011 operations is ongoing.

4. Budget

Spending continues to be strictly monitored.

Executive Director's Report.

1. Update on Meetings with Army Representatives.

The Army remains the owner of the former Fort Monmouth property until such time that title transfers to FMERA. As the property owner, the Army is an active participant in the land conveyance process. Therefore, FMERA staff continues its discussions with representatives of the Office of the Deputy Assistant Secretary of the Army for Installation and Housing related to the conveyance of the former Fort Monmouth property. Weekly conference calls are used to update the status of key issues. These discussions continue to establish a good working relationship with the Army that will result in a finalized Memorandum of Agreement (MOA) and Economic Development Conveyance (EDC) application.

2. Update on Negotiations for Clinic Parcel.

In accordance with the Board of Directors' action at the February meeting of the Authority, the FMERA staff continues to negotiate with AcuteCare for a lease agreement, with an obligation to purchase, for the 16 acre Clinic Parcel in the Oceanport section of the former Fort Monmouth property. AcuteCare, a health services company, was the sole respondent to a Request for Bids for the Clinic Parcel. The FMERA staff anticipates bringing the lease agreement, with an obligation to purchase, before the Board of Directors for consideration at the April meeting of the Authority.

3. Update on Exclusive Negotiations for Parcel E.

Following the Board of Directors' action at the February meeting of the Authority, the FMERA staff has entered into exclusive negotiations, in accordance with the Authority's sales regulations, for a purchase/sale agreement with CommVault for Parcel E, a 55 acre tract in the Tinton Falls section of the former Fort Monmouth property. CommVault has signed the Exclusive Negotiations Agreement, and has provided an additional 10% deposit, in accordance with the Authority's sales regulations. CommVault, a software company, was one of four respondents to a Request for Offers to Purchase for Parcel E and was evaluated the highest. The FMERA staff anticipates bringing a purchase/sale agreement before the Board of Directors for consideration at the April meeting of the Authority.

4. Update on Proposed Plan Amendment Process.

The FMERA staff met with representatives from Eatontown, Oceanport and Tinton Falls on March 8, 2012 to officially transmit the proposed plan amendment and to discuss the 45 day review period. The proposed amendment to the Fort Monmouth Reuse and Redevelopment Plan would allow, as an alternative, commercial development on Parcel E while moving the housing that was proposed on Parcel E in the Reuse and Redevelopment Plan to other areas of the Tinton Falls section of the former Fort Monmouth property. The 45 day review period is underway and will expire on April 23, 2012. In accordance with the FMERA Act, each host municipality may provide a report with comments on the proposed plan amendment within the 45 day review period. Each

municipality will determine how to gather any such comments, and members of the public should provide their comments directly to the host municipalities.

5. Update on FMERA Office Move to Fort Monmouth.

FMERA anticipates issuing a Design Build Request for Proposals for the library building on the former Fort Monmouth property. The library will be converted into office space that the Authority will occupy at the end of the summer. When the Authority office moves to the former Fort Monmouth property, there will be a system in place to provide the public access to the office.

6. Update on NJEDA's Approval of a Memorandum of Understanding (MOU) with Monmouth County to work on a Comprehensive Economic Development Strategy (CEDS).

At the New Jersey Economic Development Authority's March 15, 2012 Meeting the Board approved an MOU with Monmouth County to work on a CEDS. A CEDS is an extensive planning process that involves detailed analysis of economic conditions, extensive stakeholder participation, and identification of challenges and opportunities in the subject region. The CEDS culminates in an action plan to address challenges and to capitalize on opportunities. Completion of a CEDS is a prerequisite for receiving USED A funding through many of its programs and federal appropriations for military installation closures which often are directed through USED A. The MOU establishes the parties' roles and responsibilities in connection with completing a CEDS, and the parties' funding and in-kind contributions toward completion of the study. The CEDS is being undertaken in an effort to advance a strategy to pursue federal funding to support Fort Monmouth's redevelopment and the County's economic development vision. The NJEDA's match contribution is to provide \$25,000 of in-kind support and \$25,000 of funding.

7. Action Items for Next Month.

- Continued work with Matrix Design Group and the N.J. Department of Environmental Protection to identify environmental issues of concern
- Continued work on the Notice of Interest (NOI) evaluation process
- FMERA anticipates issuing an RFP for a Master Broker/Real Estate Consultant in the next 30 days
- FMERA anticipates issuing Requests for Offer to Purchase (RFOTP) for Parcel C (mixed use), C-1 (housing), Golf Course (golf course and related uses) and Howard Commons (housing) as soon as the Master Broker/Real Estate Consultant has been selected
- Continued meetings and tours with the interested prospective employers and investors
- Continued outreach to our stakeholders
- Continued collaboration with our Trenton office on marketing and business development opportunities



Approved By: Bruce Steadman

Prepared by: Katie Hodes

**ADOPTED
March 21, 2012**

Resolution Regarding
**the Fort Monmouth Economic Revitalization Authority Consenting to
the Designation of
Block 101, Lot 1 in the Borough of Tinton Falls,
County of Monmouth, New Jersey
As an Area in Need of Redevelopment**

WHEREAS, pursuant to the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “**LRHL**”), the Tinton Falls Borough Council (“**Borough Council**”), with the prior knowledge of the Fort Monmouth Economic Revitalization Authority (the “**Authority**”), approved Resolution No. R. 11-360 to direct the Tinton Falls Planning Board (the “**Planning Board**”) to conduct an investigation to determine whether the real property encompassing the entire area of Tinton Falls within the former Fort Monmouth and identified on the tax maps of the Borough as Block 101, Lot 1 (the “**Property**”) meets the criteria set forth in *N.J.S.A. 40A:12A-5* for designation as an area in need of redevelopment; and

WHEREAS, the Planning Board, in accord with the requirements of the LRHL, conducted an investigative hearing on February 22, 2012 to determine whether the Property should be designated as an area in need of redevelopment; and

WHEREAS, as part of the investigation, the Planning Board reviewed the recommendations set forth in the *Redevelopment Study for the Former Fort Monmouth Properties in the Borough of Tinton Falls, New Jersey*, prepared by Phillips Preiss Grygiel, LLC, and dated January 2012 (the “**Study**”); and

WHEREAS, the Planning Board unanimously passed a resolution dated February 22, 2012, recommending that the Borough Council designate the Property as an area in need of redevelopment; and

WHEREAS, the Borough Council, subject to the consent of the Authority, designated the Property as an area in need of redevelopment by Resolution No. R-12-089, a copy of which is annexed hereto as **Exhibit A**, and which includes, among other things, copies of the Study and of the Planning Board Resolution; and

WHEREAS, because the Property is located within the metes and bounds of Fort Monmouth, the Borough Clerk forwarded a copy of Resolution No. R-12-089 and of the Study to the Authority for its review and decision whether to consent to the designation of the Property as an area in need of redevelopment; and

WHEREAS, after careful review of the Study, the Authority now desires to consent to the Borough's designation of the Property as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Fort Monmouth Economic Revitalization Authority as follows:

1. For the reasons expressed in the attached Board memorandum, the Authority hereby consents to the designation of the Property as an area in need of redevelopment.

2. The Authority authorizes the Executive Director to take all necessary actions to effectuate the consent of the Authority to the designation of the Property as an area in need of redevelopment.

3. 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.

March 21, 2012

Exhibit 1

EXHIBIT A

Resolution No. R-12-089



MEMORANDUM

To: Board of Directors
From: Bruce Steadman, Executive Director
Cc: Odis Jones, Director of Real Estate & Development
Date: March 21, 2012
Re: Tinton Falls - Area in Need of Redevelopment Consent Request

Summary

The FMERA staff is requesting the FMERA Board of Directors' consideration of consent to the designation by Tinton Falls of the entire Tinton Falls Area within Fort Monmouth as an *area in need of redevelopment* in accordance with the NJ Local Redevelopment and Housing Law (LRHL), and to the approval of guidelines to inform the Board when considering these designations.

Background

In general, the LRHL offers municipalities tools to encourage redevelopment in areas that meet the statutory criteria of an area in need of redevelopment. Such tools include, among others, property tax abatement programs. However, a municipality does not obtain any special powers over development within an area in need of redevelopment until a redevelopment plan becomes effective, and no redevelopment plan becomes effective unless FMERA consents to it. Moreover, having an area designated as in need of redevelopment does not mean that all development must proceed with LRHL redevelopment plans.

To approve the designation of an area in need of redevelopment under the LRHL, a municipal governing body authorizes the planning board to conduct a study of an area in question to investigate whether or not it meets the statutory criteria for such designation. The designation may be made only if, after an investigation by the planning board and a public hearing for which notice has been given, the area is determined to meet one or more of the statutory criteria.

The Borough of Tinton Falls pursued the designation of the entire Tinton Falls area in Fort Monmouth as an *area in need of redevelopment* based on a request by FMERA in anticipation that future purchasers would request the use of some of the LRHL mechanisms. In so doing, the Tinton Falls Planning Board reviewed the study prepared by the certified planning firm *Phillips, Preiss and Grygiel LLC* (PPG). The study based its findings on a review of the entire Tinton Falls area. The study's executive summary is attached to this memo for your reference.

The Borough of Tinton Falls, pursuant to the provisions of the “Local Redevelopment and Housing Law” (N.J.S.A. 40A:12A-1, et seq.) (LRHL), has determined that the Tinton Falls portion of the Fort (Block 101, Lot 1, located within the Borough of Tinton Falls) is an area in need of redevelopment. This determination has been made as a result of the Tinton Falls Planning Board’s effort to investigate and study whether such determination is warranted as prescribed by New Jersey Law. The resolutions of the governing body of the Borough of Tinton Falls and the Tinton Falls Planning Board are attached.

However, as required by the FMERA enabling statute (N.J.S.A. 52:27I-34(f)), in order for the Borough of Tinton Falls designation of an area in need of redevelopment to become an approved designation under New Jersey Law, the FMERA Board of Directors must consent to such designation by way of a seven-vote majority of its members.

In order to assist the FMERA Board in making an informed decision about any future proposed designation of an area in need of redevelopment, staff recommends that the Board adopt guidelines that, prior to its consent to any such designation, FMERA will seek the following information from its indicated professionals:

- (1) A statement from its planner that the planner concurs with the findings and recommendations of the study.
- (2) An opinion of outside counsel that the particular designation of an area in need of redevelopment meets the LRHL criteria.

Failure to receive an affirmative statement or opinion with respect to the above will not preclude the consent to the designation. The above are intended only to serve as due diligence to guide the Board in its decision making.

The FMERA staff and FMERA’s special counsel have reviewed the investigation study completed by the certified planning firm *Phillips, Preiss and Grygiel LLC*. (Please see the attached Executive Summary from the *PPG* study.) In addition, staff and special counsel have reviewed the Resolution of Findings from the Tinton Falls Planning Board and the subsequent Resolution from the Borough Council. Our outside counsel, McManimon & Scotland, has been asked to provide the opinion specified in the guidelines (Please see the attached memo from McManimon & Scotland.) As for the statement from the planners, in this instance FMERA’s planners, *PPG*, prepared the study, so the study serves as the planner’s own statement.

The FMERA Real Estate Committee has also reviewed and discussed the matter but withheld a recommendation until certain questions were answered by staff and special counsel.

Recommendation

The staff is hereby recommending that the FMERA Board of Directors consent to the Tinton Falls' designation of the entire Tinton Falls area of the Fort property as an area in need of redevelopment and approve the above guidelines with two factors to consider when determining whether to consent to a proposed designation: concurrence with the study by FMERA's planners and an opinion by special counsel that the designation satisfies legal criteria.

A handwritten signature in black ink, appearing to read "B. Steadman", is written over a solid horizontal line.

Bruce Steadman

ATTACHMENTS

Prepared by: Odis Jones

ATTACHMENT

Executive Summary – PPG Study

Summary

The facilities within Fort Monmouth generally and those within Tinton Falls specifically were built for mostly utilitarian purposes on an “as needed” basis to meet the discrete needs of a specialized user. The use of the buildings has been discontinued and all of the facilities have been vacated. Most of the structures were constructed and outfitted for specialized use by the military such that they are unlikely to have much appeal in the private marketplace. Other buildings exhibit outdated layouts and designs, and still others suffer from some level of functional obsolescence. Much of the utility and mechanical infrastructure is also old and inefficient. Physical improvement and modernization of the buildings and/or infrastructure pose a challenge from both a market and cost standpoint. The majority of the improvements have probably reached the end of their useful life and the prospects for re-tenanting are poor or nonexistent. Some of the facilities and lands will also have to undergo environmental remediation.

Clearly, in its present condition the study area is failing to satisfy the land use policy objectives advanced by Tinton Falls and FMERA alike. Further, if those conditions are allowed to persist, it will hasten a process of decline in the fort communities (Tinton Falls, Eatontown and Oceanport) and surrounding municipalities, to the detriment of the public health, safety and general welfare of the community.

As a result of the conditions and circumstances described above, and as depicted in Figure 5, there is a legitimate basis to declare the study area in its entirety as an “area in need of redevelopment” in accordance with the “b” and “d” criteria as set forth in the Local Redevelopment and Housing Law.

Conclusion

The foregoing study, which was prepared for submission to the Borough of Tinton Falls Planning Board, sought to determine whether an area within the municipality that was formerly part of Fort Monmouth qualifies as “an area in need of redevelopment” in accordance with NJSA 40:12A-5. Based on the analysis provided herein, the referenced area meets the statutory criteria for designation as “an area in need of redevelopment” in accordance with NJSA 40:12A-5(b) and (d).



Borough of
Tinton Falls
New Jersey

MAUREEN L. MURPHY, RMC, CMR
BOROUGH CLERK

RECEIVED

DEC 09 2011

MUNICIPAL CENTER
556 TINTON AVENUE
TINTON FALLS, NJ 07724-3298
732-542-3400 EXT. 260
732-460-9115 FAX
mmurphy@tintonfalls.com

December 8, 2011

Mr. Bruce Steadman, Executive Director
Fort Monmouth Economic Revitalization Authority
2-12 Corbett Way
Eatontown, NJ 07724

Dear Mr. Steadman:

Enclosed please find one (1) certified copy of Resolution No. 11-360 entitled "*Authorizing and Directing the Planning Board to Undertake a Preliminary Investigation to Determine Whether all or a Portion of the Property Located in the Borough of Tinton Falls Known as Fort Monmouth Should be Determined to be an Area in Need of Redevelopment Pursuant to the Criteria Set Forth in Section 5 of the Local Redevelopment and Housing Law*" adopted by the Borough Council at a meeting held on December 6, 2011.

Should you have any questions, please feel free to contact my office.

Sincerely,

Maureen L. Murphy, RMC

Enc.

RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER ALL OR A PORTION OF THE PROPERTY LOCATED IN THE BOROUGH OF TINTON FALLS KNOWN AS FORT MONMOUTH SHOULD BE DETERMINED TO BE AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE CRITERIA SET FORTH IN SECTION 5 OF THE LOCAL REDEVELOPMENT AND HOUSING LAW

RECITALS:

A. The Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* as amended from time to time (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment;

B. The Borough Council of the Borough of Tinton Falls, in the County of Monmouth (the "Borough Council") wishes to authorize and direct the Planning Board of the Borough of Tinton Falls ("Planning Board") to conduct an investigation pursuant to Section 6 of the Redevelopment Law, *N.J.S.A.* 40A:12A-6, to determine whether all, or a portion of the property known as Fort Monmouth and identified as being within the Borough of Tinton Falls in the *Fort Monmouth Reuse and Redevelopment Plan, dated August 22, 2008 (incorporating Technical Corrections Adopted October 15, 2008)* satisfies the criteria to be designated as an "area in need of redevelopment" pursuant to the Redevelopment Law; and

C. The independent planner for the Fort Monmouth Economic Revitalization Authority ("FMERA"), Phillips Preiss Grygiel, LLC, has been authorized by FMERA to conduct an independent preliminary investigation to aid and assist the Planning Board's investigation and present its findings to the Planning Board at a public hearing in accordance with Section 6 of the Redevelopment Law, *N.J.S.A.* 40A:12A-6 at no cost to the Borough.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL:

1. The Recitals set forth above are incorporated herein by reference.
2. The Planning Board is authorized and directed to conduct an investigation pursuant to Section 6 of the Redevelopment Law, *N.J.S.A.* 40A:12A-6, to determine whether all, or a portion, of the property known as Fort Monmouth and identified as being within the Borough of Tinton Falls in the *Fort*

Monmouth Reuse and Redevelopment Plan, dated August 22, 2008 (incorporating Technical Corrections Adopted October 15, 2008) satisfies the criteria in order to be designated as an "area in need of redevelopment" pursuant to the Redevelopment Law.

3. The Clerk of the Borough is hereby directed to transmit a copy of this Resolution to the Secretary of the Planning Board and the Executive Director of FMERA.

4. This Resolution shall take effect immediately.

Gary Baldwin

GARY BALDWIN, COUNCIL PRESIDENT

I hereby certify the above resolution was duly adopted by the Borough Council of the Borough of Tinton Falls at a meeting held December 6, 2011.

Maureen L. Murphy

MAUREEN L. MURPHY, BOROUGH CLERK

	M O V E D	S E C O N D E D	A Y E S	N A Y S	A B S E N T	A B S T A I N	I hereby certify that the above Resolution was duly adopted by the Borough Council of the Borough of Tinton Falls at a meeting held on December 6, 2011.
MS. FAMA			x				<p><i>Maureen L. Murphy</i></p> <p>Maureen L. Murphy, Borough Clerk</p>
MR. LARKIN	x		x				
DR. MAYER			x				
MR. SCHERTZ		x	x				
MR. BALDWIN			x				

RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD TO
UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER ALL OR A
PORTION OF THE PROPERTY LOCATED IN THE BOROUGH OF TINTON FALLS KNOWN
AS FORT MONMOUTH SHOULD BE DETERMINED TO BE AN AREA IN NEED OF
REDEVELOPMENT PURSUANT TO THE CRITERIA SET FORTH IN SECTION 5 OF THE
LOCAL REDEVELOPMENT AND HOUSING LAW

RECITALS:

A. The Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* as amended from time to time (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment;

B. The Borough Council of the Borough of Tinton Falls, in the County of Monmouth (the "Borough Council") wishes to authorize and direct the Planning Board of the Borough of Tinton Falls ("Planning Board") to conduct an investigation pursuant to Section 6 of the Redevelopment Law, *N.J.S.A.* 40A:12A-6, to determine whether all, or a portion of the property known as Fort Monmouth and identified as being within the Borough of Tinton Falls in the *Fort Monmouth Reuse and Redevelopment Plan, dated August 22, 2008 (incorporating Technical Corrections Adopted October 15, 2008)* satisfies the criteria to be designated as an "area in need of redevelopment" pursuant to the Redevelopment Law; and

C. The independent planner for the Fort Monmouth Economic Revitalization Authority ("FMERA"), Phillips Preiss Grygiel, LLC, has been authorized by FMERA to conduct an independent preliminary investigation to aid and assist the Planning Board's investigation and present its findings to the Planning Board at a public hearing in accordance with Section 6 of the Redevelopment Law, *N.J.S.A.* 40A:12A-6 at no cost to the Borough.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL:

1. The Recitals set forth above are incorporated herein by reference.
2. The Planning Board is authorized and directed to conduct an investigation pursuant to Section 6 of the Redevelopment Law, *N.J.S.A.* 40A:12A-6, to determine whether all, or a portion, of the property known as Fort Monmouth and identified as being within the Borough of Tinton Falls in the *Fort*



Borough of
Tinton Falls
New Jersey

MAUREEN L. MURPHY, RMC, CMR
BOROUGH CLERK

RECEIVED

MAR 19 REC'D

MUNICIPAL CENTER
556 TINTON AVENUE
TINTON FALLS, NJ 07724-3298
732-542-3400 EXT. 260
732-460-9115 FAX
mmurphy@tintonfalls.com

March 14, 2012

Fort Monmouth Economic Revitalization Authority
2-12 Corbett Way
Eatontown, NJ 07724

Attention: Bruce Steadman, Secretary & Executive Director

Dear Mr. Steadman:

Enclosed herewith please find Resolution-12-089 adopted by the Borough of Council of the Borough of Tinton Falls, in the County of Monmouth ("Borough Council") designating Block 101, Lot 1 as shown on the Tax Map of the Borough of Tinton Falls ("Borough"), the area formerly known as Fort Monmouth located within the Borough, as an area of need of re-development pursuant to the provisions of *N.J.S.A. 40A:12A-5*. Pursuant to the provisions of *N.J.S.A. 52:27I-25(e)(7)* and *52:27I-34(f)*, the Fort Monmouth Economic Revitalization Authority ("FMERA") must approve the Borough Council's designation of the property as an area in need of re-development prior to this Resolution taking effect.

Your kind attention to this matter is appreciated.

Very truly yours,

MAUREEN L. MURPHY

/mlm
Enclosure

RESOLUTION - DESIGNATING BLOCK 101, LOT 1 AS AN AREA IN
NEED OF REDEVELOPMENT

RECITALS:

- A. Pursuant to Resolution No. R-11-360, and in accordance with the provisions of the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “**LRHL**”), the Borough Council of the Borough of Tinton Falls, in the County of Monmouth (“**Borough Council**”), directed the Planning Board of the Borough of Tinton Falls, in the County of Monmouth (the “**Planning Board**”) to conduct an investigation to determine whether the real property identified as Block 101, Lot 1 on the tax maps of the Borough (the “**Property**”), meets the criteria set forth in *N.J.S.A. 40A:12A-5* for designation as an area in need of redevelopment; and
- B. The Planning Board, pursuant to and in accordance with the requirements of the LRHL, conducted an investigative hearing on February 22, 2012 to determine whether the Property should be designated as an area in need of redevelopment; and
- C. As part of the investigation, the Planning Board reviewed the recommendations set forth in the *Redevelopment Study for the Former Fort Monmouth Properties in the Borough of Tinton Falls, New Jersey*, prepared by Phillips Preiss Grygiel, LLC and dated January 2012 (the “**Study**”), a copy of which is annexed hereto as **Attachment A**; and
- D. At the investigative hearing on February 22, 2012, the Planning Board heard from all persons who are interested in or would be affected by a finding that the Property is an area in need of redevelopment; and
- E. By Resolution dated February 22, 2012, a copy of which is annexed hereto as **Attachment B**, the Planning Board Secretary informed the Borough Council that on February

22, 2012 the Planning Board unanimously passed a resolution recommending that the Borough Council designate the Property as an area in need of redevelopment;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, in the County of Monmouth as follows:

1. General. The aforementioned Recitals and Attachments A and B are incorporated herein by reference as if fully set forth at length.

2. Designation of the Area. Based upon the February 22, 2012 recommendation of the Planning Board, and upon the criteria set forth in *N.J.S.A.* 40A:12A-5 as and to the extent determined to be applicable to the Property for the reasons set forth in Study, the Borough Council hereby designates the Property as an area in need of redevelopment.

3. Transmittal of Resolution to Department of Community Affairs. The Borough Council hereby authorizes and directs the Borough Clerk in accordance with the requirements of the LRHL, to mail a copy of this resolution forthwith to the Commissioner of the Department of Community of Affairs.

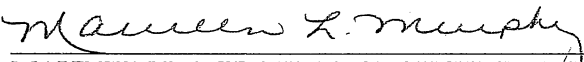
4. Transmittal of Resolution to Property Owner. The Borough Council hereby authorizes and directs the Borough Clerk in accordance with the requirements of *Harrison Redevelopment Agency v. DeRose et al.*, 395 *N.J. Super.* 361 (App. Div. 2008), to mail written notice of the adoption of this resolution, in the form attached as **Attachment C** hereto, to the Property owner no later than five business days after the date of adoption hereof.

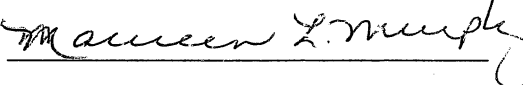
5. Transmittal of Resolution to Fort Monmouth Economic Revitalization Authority. The Borough Council hereby authorizes and directs the Borough Clerk in accordance with the requirements of the *Fort Monmouth Economic Revitalization Authority Act, N.J.S.A.* 52:271-18 *et seq.*, to mail written notice of the adoption of this resolution, in the form attached as **Attachment D** hereto, forthwith to the Fort Monmouth Economic Revitalization Authority.

6. Effective Date. This resolution shall take effect immediately upon the approval of the Borough Council's designation of the Property as an area in need of redevelopment by the Fort Monmouth Economic Revitalization Authority as required by N.J.S.A. 52:27I-25(e)(7) and 52:27I-34(f).


 GARY A. BALDWIN, COUNCIL PRESIDENT

I hereby certify that the above Resolution was duly adopted by the Borough Council of the Borough of Tinton Falls at a meeting held on March 6, 2012.


 MAUREEN L. MURPHY, BOROUGH CLERK

	M O V E D	S E C O N D E D	A Y E S	N A Y S	A B S E N T	A B S T A I N	
MS. FAMA	X		X				I hereby certify that the above Resolution was duly adopted by the Borough Council of the Borough of Tinton Falls at a meeting held on March 6, 2012.  Maureen L. Murphy, Borough Clerk
MR. LARKIN			X				
MR. PAK					X		
MR. SCHERTZ		X	X				
MR. BALDWIN			X				

RESOLUTION - DESIGNATING BLOCK 101, LOT 1 AS AN AREA IN
NEED OF REDEVELOPMENT

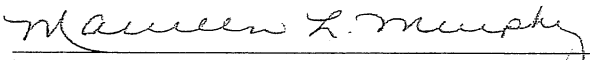
RECITALS:

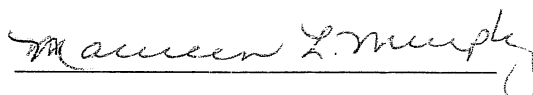
- A. Pursuant to Resolution No. R-11-360, and in accordance with the provisions of the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “**LRHL**”), the Borough Council of the Borough of Tinton Falls, in the County of Monmouth (“**Borough Council**”), directed the Planning Board of the Borough of Tinton Falls, in the County of Monmouth (the “**Planning Board**”) to conduct an investigation to determine whether the real property identified as Block 101, Lot 1 on the tax maps of the Borough (the “**Property**”), meets the criteria set forth in *N.J.S.A. 40A:12A-5* for designation as an area in need of redevelopment; and
- B. The Planning Board, pursuant to and in accordance with the requirements of the LRHL, conducted an investigative hearing on February 22, 2012 to determine whether the Property should be designated as an area in need of redevelopment; and
- C. As part of the investigation, the Planning Board reviewed the recommendations set forth in the *Redevelopment Study for the Former Fort Monmouth Properties in the Borough of Tinton Falls, New Jersey*, prepared by Phillips Preiss Grygiel, LLC and dated January 2012 (the “**Study**”), a copy of which is annexed hereto as **Attachment A**; and
- D. At the investigative hearing on February 22, 2012, the Planning Board heard from all persons who are interested in or would be affected by a finding that the Property is an area in need of redevelopment; and
- E. By Resolution dated February 22, 2012, a copy of which is annexed hereto as **Attachment B**, the Planning Board Secretary informed the Borough Council that on February

6. Effective Date. This resolution shall take effect immediately upon the approval of the Borough Council's designation of the Property as an area in need of redevelopment by the Fort Monmouth Economic Revitalization Authority as required by N.J.S.A. 52:27I-25(e)(7) and 52:27I-34(f).


 GARY A. BALDWIN, COUNCIL PRESIDENT

I hereby certify that the above Resolution was duly adopted by the Borough Council of the Borough of Tinton Falls at a meeting held on March 6, 2012.


 MAUREEN L. MURPHY, BOROUGH CLERK

	M O V E D	S E C O N D E D	A Y S	N A Y S	A B S E N T	A B S T A I N	I hereby certify that the above Resolution was duly adopted by the Borough Council of the Borough of Tinton Falls at a meeting held on March 6, 2012.  Maureen L. Murphy, Borough Clerk
MS. FAMA	X		X				
MR. LARKIN			X				
MR. PAK					X		
MR. SCHERTZ		X	X				
MR. BALDWIN			X				

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF TINTON FALLS
RECOMMENDING THE FINDING OF
AN AREA IN NEED OF REDEVELOPMENT**

WHEREAS, pursuant to the provisions of the "Local Redevelopment and Housing Law" (N.J.S.A. 40:12A-1, et seq.), a municipality may, by resolution, determine that a proposed area is in need of redevelopment, provided that the statutory criteria is established after an investigation and hearing pursuant to law; and

WHEREAS, the Council of the Borough of Tinton Falls directed the Planning Board by resolution to examine whether the lands comprising Block 101 Lot 1 as shown on the official Tax Map of the Borough of Tinton Falls (hereinafter referred to as the "Premises") should be determined an "area in need of redevelopment" pursuant to N.J.S.A. 40:12A-3, 5 & 6;

WHEREAS, the Planning Board of the Borough of Tinton Falls authorized the firm of Phillips Preiss Grygiel, LLC, professional planning consultants, to prepare a redevelopment study of the Premises (the "Redevelopment Study") consistent with the "Local Redevelopment and Housing Law" (N.J.S.A. 40:12A-1, et seq.); and

WHEREAS, such Redevelopment Study was prepared by Phillips, Preiss and Grygiel, LLC and issued a report entitled as follows: "**Redevelopment Study for the Former Fort Monmouth Properties in the Borough of Tinton Falls**", dated January 2012, which report serves as a "statement setting forth the basis for the investigation", as required by N.J.S.A. 40:12A-6; and

WHEREAS, the Redevelopment Study determined that the Premises qualifies as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40:12A-1, et seq. for the reasons set forth in the Redevelopment Study; and

WHEREAS, pursuant to the law, a duly noticed public hearing was held on February 22, 2012 , giving all persons who are interested in or who would be affected by a determination that the Premises are an area in need of redevelopment an opportunity to be heard, at which time the Board reviewed the redevelopment study, heard the comments of Paul Phillips, P.P. AICP, opened the meeting for public comment, and deliberated on the matter using a criteria as set forth in N.J.S.A 40:12A-5;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Tinton Falls as follows:

1. That the Planning Board accepts and adopts the recommendations and proposed findings of the redevelopment study for Block 101, Lot 1 and hereby recommends to

the governing body that Block 101, Lot 1 be declared an area in need of redevelopment consistent with N.J.S.A. 40:12A-6(b)(5);

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Clerk and that the Board Secretary be directed to publish notice of this decision in the official newspaper of the Borough of Tinton Falls.

Offered by: Mr. Lodato

Seconded by: Mr. Collins

ROLL CALL

Cunningham: Yes

King: Yes

Mayor Skudera: Yes

Lodato: Yes

Councilman Baldwin: Yes

Lomangino: Yes

Collins: Yes

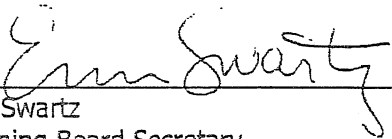
VACANT: VACANT

Trocchia: Yes

VACANT: VACANT

CLASS IV: VACANT

I hereby certify that the foregoing is a true copy of a Resolution of the Tinton Falls Planning Board memorialized on February 22, 2012.



Erin Swartz
Planning Board Secretary



ATTACHMENT

[The legal opinion from outside counsel that the preceding memo refers to has been removed from this full agenda.]

ADOPTED
March 21, 2012

Resolution Regarding the
**Approval of an Increase in Fees for the
Planning, Architectural and Engineering Consultant**

WHEREAS, the Legislature enacted the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, on August 18, 2010, the Fort Monmouth Economic Revitalization and Planning Authority Board approved the engagement of Matrix Design Group, Denver, CO as the Planning Architectural and Engineering Consultant as the Planning, Engineering and Architectural Consultants to perform the scope of services set forth in the Request for Proposals issued on June 10, 2010; and

WHEREAS, geographical information system (GIS) mapping was included in the scope of services of the Request for Proposals; and

WHEREAS, according to the scope of services the Army’s existing conditions infrastructure, and utility data was to be provided to the consultants by Army in a usable digital format, such as computer aided design (CAD), and/or geographical information system (GIS). The information was not made available to the consultants in said digital compatible format as represented; and

WHEREAS, the customized geographical information system (GIS) platform provides an effective and efficient means for visualizing proposed improvements, as well as being a powerful data analysis tool for understanding the utility infrastructure condition and potential redevelopment issues associated with implementing the Plan. Without this tool, researching specific Fort infrastructure in detail requires manual searching through the Army’s extensive map library, pulling the appropriate paper map, and then copying or scanning the map into a digital format for viewing, analyzing, designing, and electronically attaching to other documents and/or reports, all of which adds significant time and cost to each request; and

WHEREAS, FMERA staff asked the consultants to provide a maximum fee for the additional work. The additional fee in the amount of \$40,330 represents 4.7% of the initial approved fee. The additional fee has been thoroughly reviewed by staff and discussed with the consultants.

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons expressed in the attached Board memorandum, the Authority approves the additional Planning, Architectural and Engineering Consultant Services costs of \$40,330, of which \$36,297 is to be funded through an Office of Economic Adjustment grant amendment and \$4,033 is the local match.

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: March 21, 2012

EXHIBIT 2



MEMORANDUM

TO: Members of the Board of Directors
FROM: Bruce Steadman
Executive Director
DATE: March 21, 2012
SUBJECT: Planning, Architectural, and Engineering Consulting Services

Summary

Members are requested to consider approval of additional funds in support of the Planning, Architectural, and Engineering Consulting Services engagement needed for unanticipated costs to complete the required geographical information system (GIS) mapping of the Fort Monmouth's infrastructure, sewer, water, and electric utility systems.

Background

On August 18, 2010, the Fort Monmouth Economic Revitalization Planning Authority (FMERPA) approved the engagement of Matrix Design Group, Denver, CO as the Planning Engineering and Architectural Consultants to perform the scope of services set forth in the Request for Proposal (RFP) issued on June 10, 2010, which required a geographical information system mapping of the Fort Monmouth's infrastructure, sewer, water, and electric utility systems. The final and best offer approved by the FMERPA Board was \$865,900. This matter is unrelated to last month's Board action on a separate engagement, the Business and Operations Plan, which approved additional funding due to the Two-Phase Economic Development Conveyance approach initiated by the Department of the Army subsequent to the engagement of the consultants.

According to the scope of services in the RFP, the Army's existing conditions infrastructure and utility data was to be provided to the consultants by Army in a usable digital format, such as computer aided design (CAD), and/or geographical information system (GIS). The information was not made available to the consultants in said digital compatible format as represented. Instead, the consultants were provided with paper as-built drawings of the systems which require additional time in field verification, digitization, and quality control to convert into reliable geographical information system maps.

The customized geographical information system platform required by the RFP provides an effective and efficient means for visualizing proposed improvements, as well as being a powerful data analysis tool for understanding the utility infrastructure condition and potential redevelopment issues associated with implementing the Plan. Without this tool, researching specific Fort infrastructure in detail requires manual searching through the Army's extensive map library, pulling the appropriate paper map, and then copying or scanning the map into a digital format for viewing, analyzing, designing, and electronically attaching to other documents and/or reports, all of which adds significant time and cost to each request.

The work required to complete the Fort Monmouth infrastructure and utility system mapping in a GIS format requires: additional conference calls and site visits; research of the paper as-built drawings of

the systems; and, digitization of the infrastructure, and utility systems. FMERA staff asked the consultants to provide a maximum fee for the additional work and requested back-up data from the consultants to justify their costs. The additional fee in the amount of \$40,330 represents 4.7% of the initial approved fee. The additional fee has been reviewed by staff in discussions with the consultants. Based on this review, the FMERA staff deems the fees to be reasonable.

FMERA staff recommends approval of the additional fee to the consultant due to the utility and infrastructure information not being available in a usable digital compatible format.

Recommendation

Based on the above, the Board is asked to approve the additional Planning, Architectural, and Engineering Plan Consulting Services costs of \$40,330, of which \$36,297 is to be funded through an Office of Economic Adjustment grant amendment and \$4,033 is the local match.

A handwritten signature in black ink, appearing to read "Bruce Steadman", is written over a horizontal line.

Bruce Steadman

Prepared by: Beverlee Akerblom

**ADOPTED
March 21, 2012**

Resolution Regarding
**Entering into Executive Session
To Discuss Pending Real Estate Negotiations
and Attorney-Client Privileged Matters**

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

WHEREAS, the Legislature enacted the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, pursuant to the Open Public Meetings Act, specifically N.J.S.A. 10:4-12(5), a public body may enter into executive session to discuss “[a]ny matter involving the purchase, lease or acquisition of real property with public funds . . . where it could adversely affect the public interest if discussion of such matters were disclosed”; and

WHEREAS, pursuant to the Open Public Meetings Act, specifically N.J.S.A. 10:4-12(7), a public body may enter into executive session to discuss “[a]ny pending or anticipated . . . contract negotiation other than [a collective bargaining agreement] in which the public body is, or may become a party” and also to discuss “[a]ny matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer”; and

WHEREAS, on February 15, 2012, the Authority approved entering into Exclusive Negotiations with CommVault for a purchase/sale agreement for Parcel E on the former Fort Monmouth property; and

WHEREAS, on February 15, 2012 the Authority approved continuing negotiations with AcuteCare and entering into a non-binding letter of intent for a lease/purchase agreement for the Clinic Parcel on the former Fort Monmouth property; and

WHEREAS, on February 15, 2012 the Authority approved the transmittal of a proposed plan change amendment for Parcel E on the former Fort Monmouth property, to the three host municipalities; and

WHEREAS, the Authority seeks the Attorney General’s Office advice that is subject to attorney-client privilege on the pending real estate negotiations and proposed plan amendment; and

WHEREAS, the Authority desires to enter into executive session to discuss pending negotiations concerning contracts to transfer real property that will be owned by the Authority and the Authority is a party to such contract.

THEREFORE, BE IT RESOLVED THAT:

1. In accordance with the Open Public Meetings Act, the Authority shall go into executive session for the purpose of discussing pending real estate negotiations in which the Authority is a party to receive attorney-client privileged advice on such matter.

2. The Authority does not anticipate that any action will be taken but does anticipate that the minutes of the executive session will become available to the public after such time as the subject purchase, lease or acquisition negotiations are concluded and the Authority determines that the need for confidentiality no longer exists and the matters discussed can be disclosed.

Dated: March 21, 2012

EXHIBIT 3