



**TO:** Members of the Board of Directors

**FROM:** Bruce Steadman  
Secretary & Executive Director

**DATE:** June 20, 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 Parcel E Transaction
  - Update on Land Use Regulations
  - 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 – Ken Kloof, 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**

1. Consideration of Approval of Interim Guidelines for Review of Redevelopment Plans, Interim Guidelines for the Authority's Mandatory Conceptual Review and the Consent to Tinton Falls' Adoption of a Redevelopment Plan for Parcel E
2. Consideration of Award of Master Broker Request for Proposals (RFP)
3. Consideration of Approval of Request to Apply for Funds to Support Phase 2 of the Former Post Library Renovation

12. **Other Items**

13. **Public Comment**

14. **Adjournment**

Fort Monmouth Economic Revitalization Authority  
Board Meeting  
May 16, 2012  
Eatontown Municipal Building, Eatontown, 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, CEO, New Jersey Economic Development Authority (NJEDA) - V
- Brett Tanzman, Assistant Counsel, Authorities Unit, Office of the Governor - V
- Dr. Robert Lucky, Public Member - V
- Lillian Burry, Monmouth County Freeholder – V
- Gerald Tarantolo, Mayor of Eatontown - V
- Gerald Turning, Business Administrator, Tinton Falls - V
- Gerald Bertekap, Council President, Oceanport - V
- Ken Kloo, Director, Site Remediation Program, NJ Department of Environmental Protection (DEP)
- Charles Richman, Assistant Commissioner, NJ Department of Community Affairs (DCA)
- 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)
- FMERA staff

**Not present:**

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

II.

The meeting was called to order by Chairman James V. Gorman at 7:02 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 April 24, 2012 meeting minutes. A motion was made to approve the minutes by Freeholder Burry, and seconded by Mayor Tarantolo.

Motion to Approve: FREEHOLDER BURRY      Second: MAYOR TARANTOLO  
AYes: 7

Gerald Bertekap abstained from voting stating that he was not present at the April meeting.

## II. WELCOME

Chairman James V. Gorman welcomed attendees to the Board Meeting and noted that there are four items of special significance at the Meeting that are in addition to the regular board meeting activities. The Board of Directors will consider approving the first plan amendment to the Reuse and Redevelopment plan in specific reference to the Parcel E property located in Tinton Falls, the award of a contract for the design and rehabilitation of the former Fort library, the Authority's Comprehensive Annual Report for 2011, and a package of three loan facilities to be provided to FMERA by the NJ Economic Development Authority (EDA). The proceeds of the loans may be used by FMERA for their operational needs during the time period before the Authority begins to receive proceeds from future sales of the Fort property through the Economic Development Conveyance (EDC).

The Chairman went on to state that there will be two comment periods at the meeting. The first comment period is for agenda items only and the Chairman asked for the public's cooperation in keeping their comments as brief as possible. The Chairman explained that the second public comment period is towards the end of the meeting agenda and is open to the full range of FMERA business. The Chairman reiterated his request for the public's cooperation in keeping comments as brief as possible. The Chairman continued by stating that in his role as Chairman he is required to conduct an orderly meeting and complete the meeting agenda in a reasonable time period. The Chairman concluded by stating that FMERA continues to welcome the public's constructive comments and ideas.

## IV. SECRETARY'S REPORT

Mr. Steadman stated that there is nothing to report at this time, and deferred to the 4 Action Items.

## V. TREASURER'S REPORT

Beverlee Akerblom, Director of Finance and Administration, stated that the Authority's grant request for funds in support of the Authority's operations, including funds in support of the former library renovation, has been approved by the Office of Economic Adjustment (OEA). Ms. Akerblom concluded by stating that spending continues to be strictly monitored.

## VI. PUBLIC COMMENT REGARDING AGENDA ITEMS

Linda Zucarro of Tinton Falls stated that she had reviewed the Master Broker Request for Proposals (RFP) and the proposal stressed commercial development. Ms. Zucarro asked if the successful candidate for the Master Broker will be required to be as experienced in residential development as it will be in commercial development. Mr. Steadman stated that there are 8-10 vertical markets with different major types of development potential throughout the Fort property. Mr. Steadman stated that many of the properties are residential, for single or multi-family housing, and explained that one of the key aspects of the successful master broker candidate will be experience in both national and regional markets for each of these vertical markets.

Mr. Mahedy of Wall Township stated that groundwater on the Fort is not suitable to drink, but is being used for landscaping and since the Department of Environmental Protection (DEP) is not involved, who was liable if someone drinks the water.

Mr. Steadman stated that Mr. Mahedy is not correct and that in the Army's Finding of Suitability to Transfer (FOST) for Parcel E there is a stipulation that drinking wells not be dug on Parcel E. This was done from a pure safety standpoint as the Army did not want wells dug on Parcel E, but it did not stem from any contaminated groundwater condition. Ken Kloo stated that if there was contamination, the DEP would be establishing a classification exception area. Mr. Kloo stated that the restriction is contractual between FMERA and the Army as to the future use of the water. Mr. Kloo further stated that no water contamination is present on Parcel E.

Mr. Mahedy asked for clarification regarding what the \$4.5 million from EDA will be used for.

Mr. Steadman stated that there is a potential for a lease for an existing building at the Fort. Mr. Steadman stated that in order for the tenant, which is a federal agency, to occupy the building, there would be a requirement for a substantial upgrade to the building as a part of the lease. Mr. Steadman stated that whatever the amount of the upgrade project is, up to a cap of \$4.5 million, the tenant would reimburse EDA and FMERA through an amortization schedule.

Mr. Mahedy stated that he is concerned about the public's access to the new FMERA offices on the Fort property. Mr. Steadman stated that access to the new offices would be arranged.

Mr. Mahedy asked if the public has access to the Annual Report. Chairman Gorman explained that the public will have access after the Board's approval and the Governor's 10 day veto period.

## VII. EXECUTIVE DIRECTOR'S REPORT

Rick Harrison, Director of Facilities Planning, provided an update on meetings with Army representatives. Mr. Harrison stated that with the Board's approval last month, 15 months of weekly conference calls, many face-to-face meetings, the retirement of a few of those faces, and some tough negotiations, FMERA and the Army will execute a Memorandum of Agreement (MOA), on May 17<sup>th</sup> at Gibbs Hall. This represents a significant milestone for FMERA and opens the door for the first transfers of property to begin. The MOA for what has been designated Phase 1, covers the entire Charles Wood Area and 3 parcels on the Main Post. FMERA anticipates taking title to the first parcel in June. The Army has agreed to open discussion on a Phase 2 agreement for the remainder of the Main Post, in June as well.

Mr. Harrison then provided an update on the proposed plan amendment process. The proposed plan amendment was officially transmitted to the three municipalities, Eatontown, Oceanport, and Tinton Falls on March 8. This amendment would allow commercial development on Parcel E and moving the housing that was proposed on Parcel E to other areas within the Tinton Falls footprint on the Fort Property. The mandatory 45 Day review period for the municipal review and comment expired on April 23<sup>rd</sup>. The proposed amendment and the reports from the municipalities will be considered later this evening under Board Actions.

Dave Nuse, Director of Real Estate Development provided an update on the FMERA Office move to Fort Monmouth. Mr. Nuse stated that FMERA issued a publically advertised Design-Build RFP on

March 29, 2012 to convert the former library building on the Fort to the administrative offices for FMERA. Mr. Nuse stated that 11 proposals were received and that FMERA is recommending that the contract be awarded to the highest evaluated proposal.

Mr. Nuse continued with an update on Master Broker/Real Estate Consultant RFP. Mr. Nuse stated that pursuant to the MOA, FMERA is seeking to retain a master broker to help market, sell and lease the Fort property. FMERA issued a publically advertised RFP for a Master Broker/Real Estate Consultant on Monday, April 16, 2012. Proposals were due by May 11, 2012 and 6 proposals were received. Mr. Nuse stated that a selection committee of staff from Eatontown and Trenton staff and an Army representative will evaluate the proposals, and the Authority expects to conduct oral interviews on or about May 30<sup>th</sup>. FMERA hopes to bring a recommendation to the Board at the June meeting.

Bruce Steadman then provided an update on the draft land use regulations. Mr. Steadman stated that the Authority staff has been working with the New Jersey Attorney General's Office, the Authority's Outside Counsel, and Phillips Preiss Grygiel (PPG), the Authority's Planning Consultant, to draft the land use regulations for the former Fort Monmouth property. PPG is finalizing the land use regulations, with input from these parties, and drafts continue to be circulated. It is anticipated that the regulations will be discussed at the June FMERA Board Meeting. Establishing land use regulations for the former Fort Monmouth property will create greater transparency and clarity in the redevelopment process.

Mr. Steadman concluded by stating FMERA's action items.

- 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 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 interested prospective employers and investors
- Continued outreach to our stakeholders
- Continued collaboration with our Trenton office on marketing and business development opportunities
- Continued work on a University Park Concept

Mayor Tarantolo asked for further information regarding the University Park Concept.

Mr. Steadman explained that there are several entities within New Jersey who are interested in areas on the Fort property for the type of project, and the project will be a university based, applied science campus which will also include housing and retail. More details will be forthcoming soon.

Mayor Tarantolo stated that he had previous discussions with a university regarding a project in Eatontown and asked the he and Mr. Steadman talk about the concept plan.

## COMMITTEE REPORTS

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

Gerald Bertekap provided the Audit Committee Report on Mayor Mahon's behalf. Mr. Bertekap stated that the Committee met on May 8<sup>th</sup> at the FMERA office. The Committee reviewed the Presentation of the 2011 Comprehensive Annual Report with Audited Financial Statements, the financial and operational assessment for the year ended December 31, 2011, and the consideration of the loan from the EDA. The Audit Committee agreed to recommend the two items above to the Board for approval.

The Audit Committee also conducted the required fraud discussion with the Independent Auditors, in closed session. There were no such issues.

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

Chairman Gorman noted that the Committee met on May 9<sup>th</sup> at the FMERA office. Mr. Gorman stated that the Committee discussed PPG's proposed plan amendment to the reuse and redevelopment plan, and the land use regulations, which included a decision to obtain an opinion from outside council on the land use regulations. Mr. Gorman further stated that the Committee received an updated report on the University Park Concept, and an update on the Master Broker RFP. The Committee also received an update on FMERA's move to the Fort property and the status of the associated Design-Build RFP.

### c) ENVIRONMENTAL STAFF ADVISORY COMMITTEE (KEN KLOO, NJDEP):

Ken Kloo noted that the Committee did not meet this month. Mr. Kloo stated that the Committee will meet in June to commence the Committee's discussion on the Clinic Parcel. Mr. Kloo stated that there was a very informative meeting on May 16<sup>th</sup> between the DEP, FMERA, and the Army regarding the environmental status of the transfer of properties within Phase 1. This was the third (3<sup>rd</sup>) of the Army/DEP coordination meetings.

### d) HISTORICAL PRESERVATION STAFF ADVISORY COMMITTEE (BRUCE STEADMAN, FMERA):

Bruce Steadman noted that the Committee did not meet this month, but that he anticipates having a series of meetings once FMERA's focus shifts from the Charles Wood Area to the Main Post, where the historic district is located.

### e) HOUSING STAFF ADVISORY COMMITTEE (CHARLES RICHMAN, DCA):

Chuck Richman noted that the Committee met on May 10<sup>th</sup> at the FMERA office. Mr. Richman stated that the Committee reviewed and discussed the municipal comments to the proposed plan amendment. Mr. Richman stated that the Committee had a lengthy discussion regarding the Master Broker with regard to their ability to not only deal with housing, but also the uniqueness of the statutory constraints of New Jersey housing. Mr. Richman stated that the Committee discussed the possible future land development that may cause the land use to switch between commercial and housing and vice versa.

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

Lillian Burry stated that members of the Veterans Committee were invited to the Monmouth County ceremony recognizing the American Gold Star Mothers. The ceremony recognized the needs of the veterans and their families, and attendees offered their support to create a Veteran's center at Fort Monmouth.

VIII. Board Actions

The next item before the Board was the consideration of approval of first plan amendment permitting alternative development scenario in Tinton Falls.

Bruce Steadman read the resolution which is attached hereto and marked Exhibit 1.

Bruce Steadman stated that the Board Memo mirrored the resolution.

A motion was made to approve by MAYOR TARANTOLO, and was seconded by DR. ROBERT LUCKY

Gerry Turning stated that Tinton Falls welcomes the Board's action and thanked the Board for their consideration.

Caren Franzini stated that the Board's action shows that the Reuse Plan is a living document and that this is the first amendment to the Plan. Ms. Franzini stated that the plan change recognizes that Parcel E is suitable for commercial use and also recognizes that there is a need to replace the residential development within the Tinton Falls area under the same commitment. Ms. Franzini stated that the plan amendment worked because it was brought to the three towns for their review and comment. Ms. Franzini thanked the three towns for their participation.

Bruce Steadman conducted a Roll Call Vote:

NAME	YES	NO
James V. Gorman	X	
Caren Franzini	X	
Brett Tanzman	X	
Dr. Robert Lucky	X	
Lillian Burry	X	
Gerald Tarantolo	X	
Gerald Turning	X	
Gerald Bertekap	X	

Motion to Approve: MAYOR TARANTOLO      Second: DR. ROBERT LUCKY  
AYes: 8

The next item before the Board was the consideration of approval of award of design-build Request for Proposals (RFP).

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



Bruce Steadman stated that the Board Memo mirrored the resolution.

A motion was made to approve by MAYOR TARANTOLO and was seconded by CAREN FRANZINI.

Motion to Approve: MAYOR TARANTOLO            Second: CAREN FRANZINI  
AYes: 8

The next item before the Board was the consideration of approval of the Authority's Comprehensive Annual Report for 2011, as required under Executive Order No. 37.

Bruce Steadman read the resolution which is attached hereto and marked Exhibit 3.

Bruce Steadman stated that the Board Memo mirrored the resolution.

A motion was made to approve by FREEHOLDER BURRY, and was seconded by CAREN FRANZINI.

Mayor Tarantolo stated that FMERA signed a contractual agreement with Suneagles Golf Course and asked if the agreement included Gibbs Hall. Mr. Steadman answered yes. Mayor Tarantolo asked how the state's 10% revenue contribution is identified in the financial package. Ms. Akerblom stated that it is an illustrated item within the financial and operational summary which details the breakdown of the statement of revenues and expenses, and shows the 10% match as a separate line item.

Caren Franzini stated that the information is located on Page 5 in the Financial Statement titled Cash Flow and Finances.

Motion to Approve: FREEHOLDER BURRY            Second: CAREN FRANZINI  
AYes: 8

The next item before the Board was the consideration of approval of a credit facility from the New Jersey Economic Development Authority (EDA) totaling \$4.5 Million for economic development conveyance working capital purposes and renovation costs.

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

Bruce Steadman stated that the Board Memo mirrored the resolution.

A motion was made to approve by MAYOR TARANTOLO, and was seconded by GERRY BERTEKAP

Motion to Approve: MAYOR TARANTOLO            Second: GERRY BERTEKAP  
AYes: 8

#### IX. Other Items

Chairman Gorman thanked Caren Franzini for her foresight in putting together the \$4.5 million loan package in that it will help to make FMERA very successful.

Caren Franzini stated that the unqualified opinion from the auditors with regard to the Comprehensive Annual report is very important. Ms. Franzini thanked Beverlee Akerblom for her work on the report.

X. Public Comment

Ken Brody of Wayne stated that parties engaged in a real estate transaction have a right to their privacy during the transaction.

Mr. Brody asked if new tenants will have independent infrastructure or if they will be tied into other buildings, and be required to share expenses. Mr. Steadman stated that each project is different and the current infrastructure will be used to the extent possible.

Mr. Brody asked for the status of Soldier On and if they are still under consideration. Mr. Steadman stated that Soldier On is interested in property on the Main Post and that a project of this nature would be under consideration when FMERA moves into Phase 2 of the project. In addition, Mr. Steadman noted that every parcel on Fort Monmouth will be put out through a publically issued and advertised, competitive Request for Offers to Purchase (RFOTP) process.

Tom Mahedy of Wall Township stated that the Environmental Committee did not meet in May and it was not the committee members' choice not to meet. Mr. Mahedy stated that there was a time limit to the last committee meeting and asked if the time limit applies to all of the other committees.

Mr. Steadman clarified that the committee had a time limit due to other commitments by committee members, and that the Environmental Staff Advisory Committee will meet if and as FMERA staff determines issues for the Committee to address.

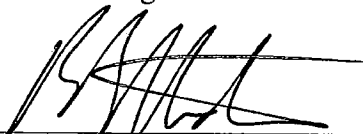
Mr. Mahedy stated that the clinic is a hospital and should remain a hospital for veterans. Mr. Steadman clarified that the clinic is not a full-fledged operable hospital and was last used as a clinic and therefore referred to as a clinic in colloquial terms only.

Mr. Mahedy stated the he was opposed to the University Park Project and that the Commvault project and the Memorandum of Agreement (MOA) Ceremony on May 17<sup>th</sup> are a farce.

Mr. Steadman wished to clarify his earlier comments regarding the \$4.5 million loan from EDA. He stated that he misunderstood Mr. Mahedy's question, and that to clarify: there are 3 components to the loan: (1) a portion for EDC operating costs; (2) a portion for upgrades to the former library building; and (3) a portion for the federal agency lease, as noted above.

There being no further business, on a motion by Dr. Robert Lucky seconded by Freehold Burry and unanimously approved by all voting members the meeting was adjourned at 8:24 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

ADOPTED  
May 16, 2012

Resolution Regarding the  
Approval of First Plan Amendment Permitting Alternative Development  
Scenario in Tinton Falls

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, the U.S. Army closed Fort Monmouth on September 15, 2011; and

WHEREAS, the FMERA Act, in N.J.S.A. 52:27I-26(c), authorizes FMERA "to adopt, revise, adjust, and implement . . . any aspect of the plan" and the Plan states that it is intended to "continue to evolve"; and

WHEREAS, the process set forth in the FMERA Act, in N.J.S.A. 52:27I-35, requires transmitting any proposed plan amendment to the governing body of each of the three municipalities for a 45-day comment period and then to consider any comments prior to the Board approving or disapproving the amendment; and

WHEREAS, in accordance with the FMERA Act the FMERA Board approved transmitting the proposed plan amendment #1 to the host municipalities at its February 15, 2012 meeting; and

WHEREAS, on March 8, 2012 the host municipalities received the proposed plan amendment, starting the 45-day comment period; and

WHEREAS, the 45-day comment period expired on April 23, 2012 and reports were received from Oceanport and Eatontown; and

WHEREAS, although the reports did not contain specific recommendations, they were reviewed by the Real Estate Committee, the Housing Staff Advisory Committee and FMERA staff; and

WHEREAS, the Members have reviewed the reports from Oceanport and Eatontown and wish to adopt proposed plan amendment #1 to the Fort Monmouth Reuse and Redevelopment Plan.

**THEREFORE, BE IT RESOLVED THAT:**

1. As expressed in the attached board memorandum, the Authority approves the first plan amendment permitting alternative development scenario in Tinton Falls.

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.

**Dated: May 16, 2012**  
**ATTACHMENT**

**EXHIBIT 1**

ADOPTED  
May 16, 2012

Resolution Regarding the  
Selection of Design-Build Services  
Request for Proposals (RFP)

**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**, section 9 of the Act authorizes the Authority to issue Requests for Proposals and to retain consultants; and

**WHEREAS**, on March 29, 2012, the Authority issued a publically advertised Request for Proposals ("the RFP") for design-build services to retrofit and convert the Library (Building #502) to professional administrative space on the Fort Monmouth property with bid submissions due on April 27, 2012; and

**WHEREAS**, 11 proposals were received and 1 proposal was deemed to be ineligible; and

**WHEREAS**, on May 3, 2012 an evaluation committee deemed three proposals to be non-compliant and scored the remaining seven proposals; and

**WHEREAS**, staff conducted interviews with the three highest ranked firms; and

**WHEREAS**, as a result of the interviews, two proposals were found to be deficient relative to the requirements of the scope of work; and

**WHEREAS**, the scores were recalculated based on the interviews, and Patock Construction Co. ("Patock") was selected as the top scoring proposal on a cost and technical basis; and

**WHEREAS**, The Authority proposes to fund the Library renovation from two sources: A grant from the Office of Economic Adjustment (OEA) approved in the amount of \$214,434 and a loan from the New Jersey Economic Development Authority (EDA) approved by the EDA in the amount of \$300,000; and

**WHEREAS**, prior to entering into a contract, FMERA staff will work with Patock to come to a mutually agreeable reduction in the scope of work and/or the contract price to complete the project with the funds currently available; and

**WHEREAS**, the Members of the Board wish to award the design-build contract to Patock pursuant to the RFP subject to certain conditions stated below and to amend the Authority's budget to reflect the sources and uses of funds for this project.

**THEREFORE, BE IT RESOLVED THAT:**

1. For the reasons expressed in the attached Board memorandum, the Authority approves entering into a contract in the amount of \$514,434 with Patock Construction Co. for design-build services to retrofit and convert the former Library (Building #502) in accordance with the terms and conditions set forth in this Resolution, the RFP, and Patock's proposal and subject to the approval of the Attorney General's Office and the Executive Director as well as to the following conditions. Execution of a contract with Patock and commencement of pre-construction work is subject to: 1) completing the loan transaction with EDA; 2) agreeing with Patock to reduce the scope of work and/or contract price to no more than \$514,434; and 3) amending FMERA's budget to include the sources and uses of funds for this project. Construction work for retrofit and conversion of the Library is subject to: 1) Board approval of an interim lease with the Army for the Library; 2) execution of the interim lease; and 3) the Authority obtaining comprehensive hazard and fire insurance, including builders risk coverage, covering the Library.

2. Subject to the separate approval by the Authority of the loan from the EDA, the Authority approves amending its budget to reflect the sources and uses of funds currently available for this project.

3. Subject to the conditions above, the Authority authorizes the expenditure of funds to fulfill the selection of Patock to serve as the design-build firm.

4. Subject to the conditions above, the Authority authorizes the Executive Director to take all necessary actions to effectuate the selection of Patock as the design-build firm.

5. 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.

**Dated: May 16, 2012**  
**ATTACHMENT**

**EXHIBIT 2**

**ADOPTED  
MAY 16, 2012**

Resolution Regarding the  
**Fort Monmouth Economic Revitalization Authority  
2011 Comprehensive Annual Report**

**WHEREAS**, Governor Christie signed 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**, the Authority selected its independent auditors, Schneider & Company pursuant to Executive Order No. 122 (McGreevey); and

**WHEREAS**, the Authority's independent auditors, Schneider & Company reviewed and accepted the Authority's audited financial statement for January 1, 2011 to December 31, 2011; and

**WHEREAS**, pursuant to Executive Order No. 122 (McGreevey), the Audit Committee reviewed the draft comprehensive Annual Report for January 1, 2011 to December 31, 2011; and

**WHEREAS**, pursuant to Executive Order No. 37 (Corzine) the Authority is required to submit its comprehensive Annual Report for review from its Members;

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. The Members of the Authority approve the Authority's 2011 Comprehensive Annual Report and approve submitting the Report to the Governor's Authorities Unit and posting it on the Authority's website.

2. The Executive Director and/or any individual authorized to execute documents pursuant to the Operating Authority is authorized to do and perform all acts necessary to effectuate the above.

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.

**DATED: May 16, 2012  
ATTACHMENT**

**EXHIBIT 3**

ADOPTED  
MAY 16, 2012

Resolution Regarding  
Loan from the  
New Jersey Economic Development Authority  
to Advance the Fort Monmouth Redevelopment Effort

**WHEREAS**, Governor Christie signed 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**, under the FMERA Act, N.J.S.A. 52:27I-26.jj, the New Jersey Economic Development Authority (EDA) may assist the Authority by providing loans to fund approved budgets; and

**WHEREAS**, FMERA needs working capital to further its redevelopment efforts, and create jobs, prior to Economic Development Conveyance (EDC) revenue being generated, for professional fees, for the conversion of the Post Library for Authority offices, and for renovation of a building in accordance with a possible lease with US General Services Administration ("GSA"); and

**WHEREAS**, the EDA Board approved the \$4.5 million credit facility for FMERA at the EDA Board's May 8, 2012 meeting; and

**WHEREAS**, FMERA is expected to repay the credit facility in full, once EDC proceeds are received, on terms agreed with the EDA; and

**WHEREAS**, the FMERA Audit Committee has reviewed and agreed to recommend the amended EDC budget for the projected professional fees and the credit facility to the full board for approval.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. As expressed in the attached board memorandum, the Members of the Authority approve the amended FMERA budget for the projected professional fees and the Authority's \$4.5 million credit facility from the EDA.
2. The Executive Director is authorized to execute documents and perform all acts necessary to effectuate the above.
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.

**DATED: May 16, 2012**  
**ATTACHMENT**

**EXHIBIT 4**



## MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman  
Executive Director

DATE: June 20, 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 Parcel E Transaction; Update on Land Use Regulations and Action Items for Next Month.

### Treasurer's Report.

#### 2011 Comprehensive Annual Report of the Authority.

The 2011 Comprehensive Annual Report of the Authority, approved by the FMERA Board at the May 16, 2012 Board meeting, has been issued and is being distributed and posted on the Authority's website. The Authority's 2011 financial data has been timely submitted to the Federal Audit Clearinghouse in compliance with OMB Circular A-133 requirements.

#### Insurance.

The FMERA Management Team will be conducting a review of the Authority's insurance requirements with pending approval of the Economic Development Application and ensuing property transfer. The FMERA Team will present their report to the Audit Committee for its review.

#### Matrix Planning, Engineering & Architectural Consulting Contract Update.

The FMERA staff, with the assistance of the Fort Monmouth Caretaker Force, has supplied Matrix with sufficient digitally formatted files to allow for completion of the Planning, Engineering & Architectural Consulting contract at its original contracted price of \$865,900. Accordingly the \$40,330 in additional fees approved at the March 21, 2012 Board Meeting, will not be expended.

#### Budget.

Spending continues to be strictly monitored.

## Executive Director's Report.

### 1. Update on Meetings with Army Representatives.

After fifteen months of discussion and negotiation, and the FMERA Board's approval of the Memorandum of Agreement (MOA) at the April 24, 2012 meeting of the Authority, FMERA and the Army executed the long-awaited MOA on May 17, 2012 at Gibbs Hall. This is a great milestone for FMERA, and paves the way for the first transfers of property to begin.

The MOA covers the Phase 1 property: Charles Wood, plus three parcels on the Main Post. FMERA anticipates taking title to the first parcel on Charles Wood by the end of this month, and the last of the Phase 1 parcels by the end of June 2013.

FMERA and the Army have begun preliminary discussions on the future transfer of the balance of the Main Post, under the Phase 2 MOA. In addition, the Economic Development Conveyance (EDC) application is expected to be approved by the Department of Defense shortly.

### 2. Update on Parcel E Transaction.

The Army expects to convey Parcel E, a 55 acre tract in the Tinton Falls section of the former Fort Monmouth Property, to FMERA this month. FMERA then anticipates closing on Parcel E with CommVault in the fall of 2012. It is expected that the purchase-sale agreement which was approved by the FMERA Board in April, will be executed by CommVault and FMERA in the very near future.


The CommVault project is anticipated to be completed in three phases over 20 years, and consist of up to 650,000 square feet of new high-tech office/research space in one or more buildings on the 55 acre property. The company also expects to create 250 new jobs over the next few years, and at full build out, the new corporate headquarters could house up to 2,500 employees after all three phases are completed.

### 3. Update on Land Use Regulations.

Authority staff has been working with the New Jersey Attorney General's Office, the Authority's Outside Counsel, and Phillips Preiss Grygiel (PPG), the Authority's Planning Consultant to draft the land use regulations for the former Fort Monmouth property. PPG is finalizing the land use regulations, with input from these parties, and drafts continue to be circulated. Interim guidelines for review of redevelopment plans and interim guidelines for the Authority's mandatory conceptual review were approved by the Board of Directors at the June 20, 2012 meeting, and completed land use regulations are expected to go before the Board of Directors in July. The regulations will serve as the zoning document that implements the Reuse Plan for the Fort, and will be used by the planning boards of the three Host Municipalities, and by the Authority, in evaluating proposed development projects.

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 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 and started their work
- Continued meetings and tours with interested prospective employers and investors
- Continued outreach to our stakeholders
- Continued collaboration with our Trenton office on marketing and business development opportunities
- FMERA anticipates issuing a Request for Qualifications for Appraisers
- Continued work on a University Park Concept

  
Approved By: Bruce Steadman

Prepared by: Katie Hodes

**ADOPTED**  
**June 20, 2012**

Resolution Regarding  
**Approval of Interim Guidelines for Review of Redevelopment Plans,  
Interim Guidelines for the Authority's Mandatory Conceptual Review  
and Consent to Tinton Falls' Adoption of a Redevelopment Plan for  
Parcel E**

**WHEREAS**, the Fort Monmouth Economic Revitalization Authority Act (Act), in N.J.S.A. 52:27I-26c, provides that the Authority has the power “[t]o adopt development and design guidelines and land use regulations consistent with and in furtherance of the [Fort Monmouth Reuse and Redevelopment] plan [(Reuse Plan)];” and

**WHEREAS**, the Act, in N.J.S.A. 52:27I-34f, provides that “the host municipalities shall not . . . adopt a redevelopment plan for any property within the [Fort Monmouth] project area pursuant to the ‘Local Redevelopment and Housing Law,’ [LRHL] P.L.1992, c.79 (C.40A:12A-1 et al.) without the consent of the authority”; and

**WHEREAS**, the Act, in N.J.S.A. 52:27I-34b, provides that “[t]he authority shall by regulation provide for mandatory conceptual review by or on behalf of the authority”; and

**WHEREAS**, the Authority staff has been working with their planning consultant, Phillips Preiss Grygiel, LLC, outside counsel McManimon, Scotland & Baumann and Riker Danzig Scherer Hyland & Perretti LLP, and the Attorney General’s Office to draft land use regulations and procedures; and

**WHEREAS**, due to the complexity of drafting land use regulations for the entire Fort Monmouth area, the Authority does not anticipate providing the regulations for the Board of Directors’ consideration prior to the July meeting; and

**WHEREAS**, in order to guide the Authority in reviewing the Redevelopment Plan for Parcel E in a timely manner, the interim guidelines for LRHL redevelopment plans (the RDP Interim Guidelines) have been proposed; and

**WHEREAS**, the RDP Interim Guidelines provide the procedural framework for the review and consent to LRHL redevelopment plans; and

**WHEREAS**, the next step for the development of Parcel E is the submittal of site plan and subdivision application to FMERA and Tinton Falls and the FMERA Act requires a mandatory conceptual review to be performed by or on behalf of the Authority, interim guidelines have also been proposed for the mandatory conceptual review (MCR Interim

Guidelines), which mandatory conceptual review will be conducted by FMERA staff under a delegation of authority by the Board; and

**WHEREAS**, combined with the Redevelopment Plan for Parcel E, which embodies all the design guidelines and standards necessary to implement Reuse Plan Amendment #1 for Parcel E, the Authority and the Tinton Falls Planning Board will have the necessary tools to evaluate the Redevelopment Plan for Parcel E and the anticipated site plan and subdivision application; and

**WHEREAS**, the proposed Redevelopment Plan for Parcel E was approved by the Tinton Falls Council on May 15, 2012 in ordinance 12-1344; and

**WHEREAS**, the proposed Redevelopment Plan for Parcel E was reviewed by the Authority staff, with the assistance of outside counsel and the Attorney General's Office, in accordance with the RDP Interim Guidelines and the FMERA Act; and

**WHEREAS**, the Real Estate Committee has reviewed the interim guidelines and the proposed Redevelopment Plan for Parcel E and recommends that the Members of the Board of Directors approve the interim guidelines and consent to the adoption of the Redevelopment Plan for Parcel E.

**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 approves the RDP and MCR interim guidelines.
2. For the reasons expressed in the attached Board memorandum, the Authority consents to Tinton Falls' adoption of the Redevelopment Plan for Parcel E but such consent is conditioned upon CommVault (as the previously selected purchaser of Parcel E), Tinton Falls and the Authority entering into a mutually acceptable form of redevelopment agreement.
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.

**June 20, 2012**  
**ATTACHMENT**

**Exhibit 1**



## MEMORANDUM

**TO:** Members of the Board of Directors

**FROM:** Bruce Steadman  
Executive Director

**RE:** Interim Guidelines for Review of Redevelopment Plans, the Authority's Mandatory Conceptual Review and Consent to Tinton Falls' Adoption of a Redevelopment Plan for Parcel E

**DATE:** June 20, 2012

### Request

I am requesting the Board of Directors' approval of the attached interim guidelines for the review of redevelopment plans, the Authority's mandatory conceptual review and the consent to Tinton Falls' adoption of a redevelopment plan for Parcel E.

### Background

Governor Christie signed P.L. 2010, c. 51 on August 17, 2010 to create the Fort Monmouth Economic Revitalization Authority (FMERA). The economies, environment, and quality of life of the host municipalities, Monmouth County, and the State will benefit from the efficient, coordinated, and comprehensive redevelopment and revitalization of Fort Monmouth.

FMERA's predecessor authority, the Fort Monmouth Economic Revitalization Planning Authority created and developed the Fort Monmouth Reuse and Redevelopment Plan (the Reuse Plan). The Reuse Plan was completed in 2008 after years of careful consideration and under economic conditions that were different from today.

In pursuit of the development of Parcel E, a 55-acre parcel in the northeast quadrant of the Tinton Falls Reuse Area, the Board has previously taken the following actions:

- Authorized exclusive negotiations with CommVault for a Purchase & Sale Agreement (approved February 15, 2012)
- Approved the transmittal of Reuse Plan Amendment #1 to the three Host Municipalities (adopted February 15, 2012)
- Consented to the designation of the property as an Area in Need of Redevelopment by the Borough of Tinton Falls (approved March 21, 2012)
- Authorized execution of a Purchase & Sale Agreement with CommVault (approved April 24, 2012)
- Approved Reuse Plan Amendment #1, which permits an alternative development scenario for the Fort Monmouth area within Tinton Falls that allows the development of 650,000 square feet of professional office/R&D space on Parcel E while preserving

the same total number of housing units in the Tinton Falls Reuse Area (approved May 16, 2012)

### *Redevelopment Plan for Parcel E*

On behalf of the Authority, and with the consent of Tinton Falls, the Authority's planning consultant, Phillips Preiss Grygiel, LLC (PPG), prepared a redevelopment plan (Redevelopment Plan) for Parcel E. The Redevelopment Plan contains all use, bulk and related standards and guidelines designed to specifically regulate Parcel E, where CommVault proposes to develop its project. This Redevelopment Plan is comprehensive, providing all the necessary land use regulations, because of the unique circumstance in which a discrete project has been identified and fully defined prior to the completion of the full set of land use regulations and design and development guidelines applicable to the entire Fort. The proposed Redevelopment Plan was reviewed by the Authority staff, with the assistance of outside counsel and the Attorney General's Office, to ensure compliance with the underlying principles contained in the FMERA Act, the Reuse Plan and Amendment #1. Staff has concluded that the Redevelopment Plan is fully consistent with Amendment #1. The Tinton Falls Municipal Council approved the Redevelopment Plan on May 15, 2012. A copy of the Redevelopment Plan, along with Tinton Falls Ordinance No. 12-1344, is attached.

### *Land Use Regulations and Interim Guidelines*

Authority staff has been working with our planning consultant, PPG, outside counsel from the firms of McManimon, Scotland and Baumann and Riker Danzig, and the Attorney General's Office to draft land use regulations and procedures. The regulations will serve as the zoning document that implements the Reuse Plan (as amended) for the Fort, and will be used by the planning boards of the three Host Municipalities, and by the Authority, in evaluating proposed development projects.

Due to the complexity of drafting land use regulations for the entire Fort, we do not anticipate providing the final regulations for the Board of Directors' consideration prior to the July meeting. In order to guide the Authority in reviewing the Redevelopment Plan in a timely manner, the attached interim guidelines for redevelopment plans (the RDP Interim Guidelines) have been drafted. The RDP Interim Guidelines provide the procedural framework for the review and approval of redevelopment plans. Because the next step for the development of Parcel E is the submittal of site plan and subdivision application to FMERA and Tinton Falls and the FMERA Act requires a mandatory conceptual review to be performed by or on behalf of the Authority, interim guidelines have also been drafted for the mandatory conceptual review (MCR Interim Guidelines). Combined with the Redevelopment Plan for Parcel E, which embodies all the design guidelines and standards necessary to implement Amendment #1 for Parcel E, the Authority and the Tinton Falls Planning Board will have the necessary tools to evaluate the Redevelopment Plan and the anticipated site plan and subdivision application.

The MCR Interim Guidelines propose that the MCR will be conducted by FMERA staff, which will do so under a delegation of authority by the Board. At each Board meeting, staff will inform the Board of any MCR performed since the prior Board meeting. Additionally, staff will include,



as an exhibit to any Board memorandum regarding a Redevelopment Agreement, MCRs completed for the project covered by that Redevelopment Agreement.

The Real Estate Committee has reviewed the RDP and MCR interim guidelines for consistency with the FMERA Act and recommends their approval to the full Board of Directors.

#### *Consideration of Consent to Redevelopment Plan for Parcel E*

The proposed Redevelopment Plan was reviewed by the Authority staff, with the assistance of outside counsel and the Attorney General's Office, in accordance with the RDP Interim Guidelines and the FMERA Act. Staff has concluded that the Redevelopment Plan is fully consistent with Amendment #1. Additionally, staff has considered the following:

1. The Redevelopment Plan has been proposed because a condition of CommVault's purchase of Parcel E is a payment in lieu of taxes (PILOT) pursuant to the Local Redevelopment Housing Law, and that requires a Redevelopment Plan.
2. The Redevelopment Plan implements the Reuse Plan Amendment #1 and does not supersede or create an "overlay" to the Reuse Plan as modified by Amendment #1.
3. Consenting to the Redevelopment Plan will not substantially impair the intent and purposes of the Reuse Plan, as it is fully consistent with Reuse Plan Amendment #1.
4. No further amendment to the Reuse Plan is necessary or desirable.
5. As FMERA's planners, PPG drafted the Redevelopment Plan, with review and input from staff, with one goal being avoiding significant adverse roadway or utilities infrastructure impacts on the balance of Fort Monmouth.
6. As FMERA's planners, PPG drafted the Redevelopment Plan, with review and input from staff, with one goal being avoiding significant adverse impact on the areas of Fort Monmouth within the other Host Municipalities.
7. As the Redevelopment Plan is fully consistent with Reuse Plan Amendment #1, the opinions of outside counsel provided to guide the Board with regard to the impact of Amendment #1 on federal Base Realignment and Closure (BRAC) law, obligations under any agreements with the Army, and applicable fair housing law apply also to the impact of the Redevelopment Plan.


The Real Estate Committee has reviewed the above and recommends that the Board of Directors consent to the adoption of the Redevelopment Plan.

#### *Redevelopment Agreement*

Approval of the Redevelopment Plan will be conditioned upon CommVault, Tinton Falls and the Authority entering into a mutually acceptable form of redevelopment agreement. The redevelopment agreement among CommVault, Tinton Falls and the Authority is currently under preparation and negotiation. We anticipate bringing the redevelopment agreement to the Committee for consideration in July.

**Recommendation**

In summary, I am requesting the Board of Directors' approval of the attached interim guidelines for the review of redevelopment plans, the Authority's mandatory conceptual review and the consent to Tinton Falls' adoption of a redevelopment plan for Parcel E.

  
Bruce Steadman

Attachments

Prepared by: David E. Nuse

**FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY**

**INTERIM GUIDELINES PURSUANT TO SECTION 34(f) OF THE *FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY ACT* [P.L. 2010, C. 51, S. 17(f), *N.J.S.A. 52:27I-34(f)*], FOR REVIEW OF AND CONSENT TO REDEVELOPMENT PLANS ADOPTED OR PROPOSED FOR ADOPTION BY A HOST MUNICIPALITY PURSUANT TO THE *LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.* (“RDP Interim Guidelines”)**

1. **Authority Consent Required.** Pursuant to Section 34(f) of the *Fort Monmouth Economic Revitalization Authority Act* [P.L. 2010, c. 51, s. 17(f), *N.J.S.A. 52:27I-34(f)*](the “Act”), the Authority’s consent is required to any redevelopment plan adopted by a host municipality pursuant to the provisions of the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “LRHL”). “Host municipality” means the Borough of Eatontown, the Borough of Oceanport, or the Borough of Tinton Falls.

2. **Application.** The application for the Authority’s consent to an LRHL redevelopment plan adopted or proposed for adoption by a host municipality shall consist of:

A. a properly completed and signed Authority application form, which shall request the following information:

- (1.) Applicant’s name and address;
- (2.) Location of property subject of the application;
- (3.) If the applicant is not the property owner, the property’s owner’s name and address as well as the property owner’s authorization for the application;
- (4.) A brief description of the LRHL redevelopment plan;
- (5.) The status of the LRHL redevelopment plan;
- (6.) Names and contact information of all professionals representing the applicant; and
- (7.) Any other supplemental information required by the Authority.

B. a complete copy of the LRHL redevelopment plan as adopted by or as proposed to be adopted by the host municipality;

C. a copy of the host municipality’s resolution designating the “area in need of redevelopment”, and of the Authority’s resolution requesting or consenting thereto;

D. a copy of the host municipality's planning board's review of the proposed LRHL redevelopment plan and report to the governing body; and

E. a copy of the host municipality's adopted ordinance, or of the proposed form ordinance for adoption of the LRHL redevelopment plan, and a brief description of the current status of the proposed ordinance.

#### 4. Standards of Review.

A. All provisions of LRHL redevelopment plans shall be substantially consistent with the applicable provisions of the *Fort Monmouth Reuse and Redevelopment Plan* (as it may be supplemented or amended, the "**Reuse Plan**").

B. If the LRHL redevelopment plan is not substantially consistent with the Reuse Plan, the following is a nonexclusive list of criteria the Authority may consider, among others, to determine whether the Authority should consent to the adoption of the LRHL redevelopment plan and whether an amendment to the Reuse Plan is required:

(1.) The justification for utilizing an LRHL redevelopment plan.

(2.) Whether the LRHL redevelopment plan is proposed as an "overlay" alternative to, or as superseding, the applicable provisions of the Reuse Plan.

(3.) Whether consenting to the LRHL redevelopment plan would substantially impair the intent and purposes of the Reuse Plan, *i.e.*, whether the Reuse Plan will remain a rational and coordinated plan following the adoption and implementation of the LRHL redevelopment plan.

(4.) Whether a Reuse Plan amendment is either necessary or desirable, either as a condition to or in lieu of the adoption of the LRHL redevelopment plan.

(5.) Whether consenting to the LRHL redevelopment plan will have significant adverse roadway or utilities infrastructure ramifications within the Fort Monmouth boundaries.

(6.) Whether consenting to the LRHL redevelopment plan will result in any significant adverse impact on the other host municipalities.

(7.) Adverse ramifications of the LRHL redevelopment plan for the Authority's obligations pursuant to Defense Base Closure and Realignment Act of 1990, Pub.L. 101-510 (10 U.S.C. § 2687), any agreement with the U.S. Army conveying Fort Monmouth property to the Authority, and the Fair Housing Act of 1985.

(8.) Any other aspect of the proposed LRHL redevelopment plan that, in the opinion of Authority, is relevant to the successful implementation of the Reuse Plan and the realization of the planning vision articulated therein, including but not limited to the

potential impacts of the LRHL redevelopment plan on future redevelopment within the Fort Monmouth boundaries and the implications of the LRHL redevelopment plan for the Authority's ability to oversee redevelopment of the property within the Fort Monmouth boundaries .

5. **Authority Determination.** The Authority when considering whether to consent to the LRHL redevelopment plan may grant, grant with conditions, or withhold its consent to the host municipality's adoption of a LRHL redevelopment plan. The Authority may require an amendment to the Reuse Plan either as an alternative to the LRHL redevelopment plan or as a condition of the Authority's consent to the adoption of the LRHL redevelopment plan.

6. **Authority Consent Required for LRHL Redevelopment Plan to be Effective.** No LRHL redevelopment plan for property within the Fort Monmouth boundaries shall be effective unless and until the Authority has consented to its adoption, notwithstanding the fact that the host municipality may have enacted an ordinance adopting the LRHL redevelopment plan prior to receiving the Authority's consent thereto.

7. **Authority Consent Required for LRHL Redevelopment Agreements.** Any consent by the Authority to a LRHL redevelopment plan shall be conditioned upon the Authority, the host municipality and a redeveloper seeking to implement the LRHL redevelopment plan entering into redevelopment agreement(s) that comply with the LRHL and the Act, and upon the Authority's approval of all such redevelopment agreements.

**FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY**

**INTERIM GUIDELINES FOR MANDATORY CONCEPTUAL REVIEW OF  
PROPOSED APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN  
APPROVAL PURSUANT TO SECTION 34(b) OF THE *FORT MONMOUTH  
ECONOMIC REVITALIZATION AUTHORITY ACT* [P.L. 2010, C. 51, S. 17(b), *N.J.S.A.*  
52:27I-34(b)] (“MCR Interim Guidelines”)**

1. **No “d”-Type Variances.** The Authority will not consider applications for “d”-type variances pursuant to Section 34(e)(1) of the Act prior to the adoption of formal Land Use Regulations and Design Guidelines.
2. **Subdivision and Site Plan Approval Application.** The applicant shall submit applications for subdivision approval or site plan approval to the planning board of a host municipality in accordance with the procedures in the host municipality’s zoning and land use ordinances for submitting and processing applications for subdivision or site plan approvals. “Host municipality” means the Borough of Eatontown, the Borough of Oceanport, or the Borough of Tinton Falls.
3. **Mandatory Conceptual Review Required.** Prior to or simultaneous with the submission of an application for subdivision approval or site plan approval to the planning board of a host municipality, the applicant shall submit to the Authority \_\_\_\_\_ copies of an application for mandatory conceptual review (“MCR”) as required pursuant to Section 34(b) of the *Fort Monmouth Economic Revitalization Authority Act* [P.L. 2010, c. 51, s. 17(b), *N.J.S.A.* 52:27I-34(b)](the “Act”).
4. **Application.** The application for mandatory conceptual review shall consist of:
  - A. a properly completed and signed Authority application form, which shall request the following information:
    - (1.) Applicant’s name and address;
    - (2.) Location of property subject of the application;
    - (3.) If the applicant is not the property owner, the property’s owner’s name and address as well as the property owner’s authorization for the application;
    - (4.) What approvals the applicant seeks from the host municipality;
    - (5.) A brief description of the proposed development;
    - (6.) A list of all variances requested;

- (7.) Names and contact information of all professionals representing the applicant;
- (8.) If the applicant is seeking subdivision approval, a brief description of the proposed lots; and
- (9.) Any other supplemental information required by the Authority.

B. a complete copy of the subdivision approval or site plan approval application submitted or to be submitted to the host municipality, together with any waiver requests submitted or to be submitted by the applicant;

C. architectural elevations of the proposed project, if not already included in the subdivision approval or site plan approval application pursuant to the host municipality's regulations;

D. a written statement by the applicant as to the MCR application's relationship to each of the evaluation criteria set forth in Section 6 of these MCR Interim Guidelines, below, including, where variances are requested, the grounds on which the applicant believes such variances may be granted.

5. **Timing of Conceptual Review.** Upon the Authority's receipt of a complete application the Authority staff shall conduct the mandatory conceptual review. Pursuant to *N.J.S.A. 52:27I-34(b)*, such conceptual review by the Authority shall be completed within 45 days of the Authority's receipt of the complete application, or within such later time period agreed to by the applicant.

6. **Standards of review.**

A. The Authority staff shall review the MCR application to determine whether "d"-type variances or an amendment to the *Fort Monmouth Reuse and Redevelopment Plan* (as it may be supplemented or amended, the "**Reuse Plan**") pursuant to Section 34(e) of the Act may be required, though not requested by the applicant. If the Authority staff determines that a "d"-type variance or an amendment to the Reuse Plan is required, the planning board of the host municipality shall not have jurisdiction over the subdivision application or site plan application until the applicant obtains approval from the Authority for the required "d"-type variances or amendment to the Reuse Plan.

B. In conducting the mandatory conceptual review, the Authority staff may evaluate the application for, and express the Authority's position as to, each of the following criteria, if and as applicable to the application under consideration:

(1.) Overall consistency of the application with (i) the applicable provisions of the Reuse Plan, or, (ii) if and as applicable, the applicable redevelopment plan adopted by a host

municipality pursuant to the *Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.)* with the Authority's consent.

(2.) The need and justification for, and desirability of, any "c"-type variances requested by the applicant or identified as being required by Authority staff.

(3.) Adequacy of access to and egress from the subject property, the impact of the project on the existing roadway system within the Fort Monmouth boundaries, the relationship of the project to the existing municipal or County roadway system, and the need for roadway improvements, relocations or modifications.

(4.) Availability and adequacy of water, sewer, gas, electric and telecommunications utilities, potential impacts of the project on existing utilities infrastructure within the Fort Monmouth boundaries, the relationship of the project to the existing municipal or other utilities systems and the need for infrastructure improvements or modifications.

(5.) The need for and existence or availability of easements in connection with access and utilities.

(6.) Architectural review.

(7.) Any other aspect of the project that, in the opinion of Authority staff, is relevant to the successful implementation of the Reuse Plan and the realization of the planning vision articulated therein, including but not limited to the potential impacts of the project on future redevelopment within the Fort Monmouth boundaries.

7. **Conceptual Review Not an Approval.** The results of the Authority staff's mandatory conceptual review will be communicated to the applicant and the host municipality's planning board by letter within 45 days of the Authority's receipt of the complete MCR application, or within such later time period agreed to by the applicant. With the exception of Section 6.A, mandatory conceptual review by the Authority is not a land use approval and does not in any way obviate or supersede site plan or subdivision approval by the host municipality planning board. No application for subdivision approval or site plan approval within the Fort Monmouth boundaries shall be deemed complete by a host municipality planning board until the planning board has received the Authority's written determination as to the results of its mandatory conceptual review, and such written determination does not require a "d"-type variance or amendment to the Reuse Plan.



**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH  
ORDINANCE NO. 12-1344**

**ORDINANCE OF THE BOROUGH OF TINTON FALLS, COUNTY OF  
MONMOUTH, NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN  
RELATING TO A PORTION OF BLOCK 101, LOT 1 IN THE BOROUGH OF  
TINTON FALLS, COUNTY OF MONMOUTH, NEW JERSEY**

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

WHEREAS, pursuant to Resolution No. R-11-360, and in accordance with the provisions of the LRHL, the Tinton Falls Borough Council ("**Borough Council**"), with the prior knowledge and acquiescence of the Fort Monmouth Economic Revitalization Authority (the "**Authority**"), directed the Tinton Falls Planning Board (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 "**Redevelopment Area**"), 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, pursuant to and in accordance with the requirements of the LRHL, conducted an investigative hearing on February 22, 2012 to determine whether the Redevelopment Area 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 Redevelopment Area as an area in need of redevelopment; and

WHEREAS, the Borough Council, subject to the consent of the Authority, designated the Redevelopment Area as an area in need of redevelopment by Resolution No. R-12-089, which resolution accepted the findings of the Study and the recommendations of the Planning Board; and

WHEREAS, on March 21, 2012, the Authority consented to the designation of the Redevelopment Area as an area in need of redevelopment pursuant to *N.J.S.A.* 52:27I-25(e)(7), *N.J.S.A.* 52:27I-26(o), and *N.J.S.A.* 52:27I-34(f); and

**WHEREAS**, on April 25, 2012, the Planning Board reviewed the redevelopment plan for the Redevelopment Area entitled "*Redevelopment Plan for a portion of Block 101, Lot 1*," prepared by Phillips Preiss Grygiel, LLC (the "**Redevelopment Plan**"), heard the comments of professionals from Phillips Preiss Grygiel, LLC, and its own professionals, opened the meeting for public comment, and deliberated on the matter; and

**WHEREAS**, the Planning Board discussed the Redevelopment Plan as presented, had one recommended change (i.e., that the Redevelopment Plan add the word "strongly" between "are" and "encouraged" in the first line in Section 5.D.III), and resolved unanimously to recommend to the Borough Council that the Redevelopment Plan, together with the recommended change be adopted; and

**WHEREAS**, the Borough Council has reviewed and considered the Planning Board's recommended change to the Redevelopment Plan and approves same and shall incorporate such change into the Redevelopment Plan together with the following two non-substantive changes provided to the Borough Council for its review: (i) in Section 4.G.IV entitled "Setbacks from Residential Uses Contiguous to Parcel E," add the word "existing" before "residential" in the heading and the paragraph; and (ii) in Section 8.A entitled "Subdivision and Site Plan Review," remove the word "staff" at the end of the first sentence of the second paragraph; and

**WHEREAS**, the Redevelopment Plan intended to be consistent with the *Fort Monmouth Reuse and Redevelopment Plan* (as may be amended or supplemented in the future, the "**Reuse Plan**"), and in particular with the alternative "overlay" land use scenario currently under consideration as an amendment and supplement to the Reuse Plan; and

**WHEREAS**, the Redevelopment Plan provides the land use regulations and design guidelines for the Planning Board to apply in reviewing the site plan for the redevelopment of a portion of the Redevelopment Area if redeveloped in accordance with the "overlay" alternative described in Amendment #1 to the Reuse Plan, currently under consideration by the Authority; and

**WHEREAS**, the Borough Council believes that the Redevelopment Plan, as amended by the above recommendations, is in the best interest of the Borough, and

**WHEREAS**, pursuant to *N.J.S.A. 52:271-34(f)*, the Redevelopment Plan requires the consent of the Authority; and

**NOW THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Tinton Falls that:

1. The foregoing recitals are incorporated herein by reference as though fully set forth at length.

2. The Redevelopment Plan, as amended, attached hereto as **Exhibit A** and made a part hereof, is hereby approved, pursuant to the terms of *N.J.S.A.* 40A:12A-7.


3. The Borough Clerk is hereby directed to transmit a copy of this Ordinance to the Authority for its consent to the Redevelopment Plan as required by *N.J.S.A.* 52:27I-34(f).

4. Upon the Authority's consent, the Zoning Map of the Borough of Tinton Falls shall be amended to include a reference to the Redevelopment Plan, as an overlay to the Reuse Plan, within the Redevelopment Area.

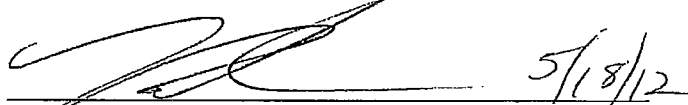
5. This Ordinance shall take effect in accordance with applicable law following final adoption and publication thereof, and consent to the Redevelopment Plan by the Authority as required by *N.J.S.A.* 52:27I-34(f).

Introduced: May 1, 2012

Adopted: May 15, 2012

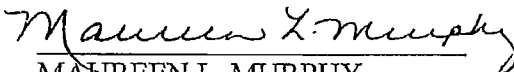


GARY A. BALDWIN, COUNCIL PRESIDENT



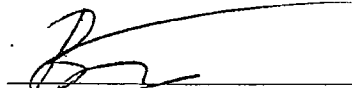
MICHAEL J. SKUDERA, MAYOR

ATTEST:



MAUREEN L. MURPHY  
BOROUGH CLERK

APPROVED AS TO FORM:



BRIAN M. NELSON, ESQ.  
DIRECTOR OF LAW

**ADOPTED**  
**June 20, 2012**

Resolution Regarding the  
**Selection of Master Broker**  
**Request for Proposals (RFP)**

**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**, section 9 of the Act authorizes the Authority to issue Requests for Proposals and to retain consultants; and

**WHEREAS**, on April 16, 2012, the Authority issued a publically advertised Request for Proposals (“the RFP”) for master broker services to market, sell and lease the former Fort Monmouth property in coordination with the Authority; and

**WHEREAS**, bid submissions were due on May 11, 2012 and 6 proposals were received and 1 proposal was deemed to be unresponsive; and

**WHEREAS**, on May 24, 2012 an Evaluation Committee met and ranked the proposals; and

**WHEREAS**, on May 30 and 31, 2012, the Evaluation Committee conducted interviews with the three highest ranked firms; and

**WHEREAS**, following the interviews, the Evaluation Committee re-scored the interviewed firms due to the fact that new knowledge was gained through the interview process; and

**WHEREAS**, Cushman Wakefield/Continental Realty was the top re-scored proposal and Jones Lang LaSalle was the second highest re-scored proposal; and

**WHEREAS**, pursuant to the RFP a primary broker will be selected as well as an alternate in the event that the primary has a conflict of interest for a specific transaction; and

**WHEREAS**, the Evaluation Committee recommends Cushman Wakefield/Continental Realty as primary broker and Jones Lang LaSalle as alternate broker; and

**WHEREAS**, the brokers will be compensated through a not to exceed 6% commission on sales and gross rent as specified in the RFP; and

**WHEREAS**, the members of the Real Estate Committee reviewed the Evaluation Committee’s process and recommendations; and

**WHEREAS**, the Members of the Board wish to award the master broker contract to Cushman & Wakefield/Continental Realty as primary broker and Jones Lang LaSalle as alternate broker pursuant to the RFP.

**THEREFORE, BE IT RESOLVED THAT:**

1. For the reasons expressed in the attached Board memorandum, the Authority approves entering into a contract with Cushman & Wakefield/Continental Realty as primary broker and Jones Lang LaSalle as alternate broker in accordance with the terms and conditions set forth in this Resolution, the RFP, and Cushman & Wakefield/Continental Realty's proposal and Jones Lang LaSalle's proposal and subject to the approval of the Attorney General's Office and the Executive Director.

2. The Authority authorizes the Executive Director to take all necessary actions to effectuate the selection of Cushman & Wakefield/Continental Realty as primary broker and Jones Lang LaSalle as alternate broker.

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.

**Dated: June 20, 2012**  
**ATTACHMENT**

**EXHIBIT 2**



## MEMORANDUM

**TO:** Members of the Board of Directors

**FROM:** Bruce Steadman  
Executive Director

**RE:** Award of Master Broker Services Request for Proposals (RFP)

**DATE:** June 20, 2012

### Request

I am requesting the Board of Directors' approval to award a master broker contract to Cushman & Wakefield/Continental Realty as the primary broker and Jones Lang LaSalle as the alternate broker pursuant to a Request for Proposals (RFP) for master broker services to market, sell and lease the former Fort Monmouth property in coordination with the Fort Monmouth Economic Revitalization Authority (FMERA or the Authority).

### Background

Governor Christie signed P.L. 2010 c. 51 on August 17, 2010 to create the Fort Monmouth Economic Revitalization Authority (FMERA or the Authority). The economies, environment, and quality of life of the host municipalities, Monmouth County, and the State will benefit from the efficient, coordinated, and comprehensive redevelopment and revitalization of Fort Monmouth.

The Authority is charged with overseeing the redevelopment of the former Fort Monmouth Property. Therefore, in an effort to increase the exposure of the property, and obtain the highest possible value for the land and associated property, the Authority issued a publically advertised Request for Proposals for master broker services (the "RFP") on April 16, 2012. By means of the RFP the Authority solicited proposals from qualified firms interested in performing the master broker services for the marketing, sales, and leasing of the former Fort Monmouth, New Jersey, facilities, real and personal property, in accordance with: the Memorandum of Agreement (the "MOA") between the U.S. Army and the Authority; the Economic Development Conveyance Application (the "EDC"); FMERA's Leasing Rules (N.J.A.C. 19:31C-1 et seq.) and FMERA's Sales Rules (N.J.A.C. 19:31C-2 et seq.) and the Fort Monmouth Reuse and Redevelopment Plan ("Reuse Plan"). The Master Broker will at all times strive to achieve the shared goals and interests of both FMERA and the Department of the Army and use all means possible to market the former Fort Monmouth Property through "fair and open competition" in order to maximize exposure, stimulate investment, maximize value, and achieve job creation goals, all in the context of redevelopment goals, objectives and limitations as established by the Reuse Plan.

A mandatory pre-proposal conference was held on April 26, 2012 and proposals were due on May 11, 2012 by 12:00 pm. FMERA received 6 proposals from the following firms: CBRE, Cassidy Turley, Jones Lang LaSalle, Stafford Smith Realty, Weichert Commercial Brokerage, Inc. and Cushman & Wakefield/Continental Realty.

To address potential conflicts of interest, the RFP established that contracts would be awarded to the two highest scoring firms. In the event, the highest scoring bidder has a conflict of interest for a specific transaction, FMERA reserved the right to select and engage the alternate broker to represent FMERA with respect to the specific transaction. If the alternate broker is engaged for a specific transaction, only the alternate broker will be paid a commission, and no commission will be paid to the primary broker for that specific transaction.

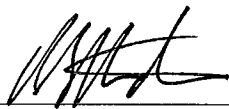
The proposals were distributed to an evaluation committee. The Committee was made up of 4 New Jersey Economic Development Authority employees (3 from the Eatontown Office and 1 from the Trenton Office) and 1 representative from the U.S. Army. The Evaluation Committee met on May 24, 2012 to review the proposals. The evaluation was based upon a comparative ranking with an emphasis on prior experience and understanding of the role of master broker. The proposal from CBRE was found to be unresponsive as the proposal's commission fee for leased properties exceeded the 6% cap that was specified in the RFP. The three top scoring proposers were asked to come in for oral interviews. FMERA conducted these oral interviews on May 30 and 31. Following the oral interviews, the Evaluation Committee met again and was asked to re-score the interviewed firms due to the fact that new knowledge was gained through the interview process. The new scores were tallied and Cushman & Wakefield/Continental Realty received the highest score of 4425 and Jones Lang LaSalle received the second highest score of 4265.

The Evaluation Committee feels as though Cushman & Wakefield/Continental Realty and Jones Lang LaSalle are qualified for the role of master broker and have ample prior experience. Cushman & Wakefield/Continental Realty and Jones Lang LaSalle will be paid through commission, as per the fee proposal each firm submitted. Fee schedules will not exceed 6% of the sales price or gross rent as specified in the RFP. In addition, pursuant to the RFP, the engagement with the primary broker and alternate broker will be for a term of up to sixty (60) months to be negotiated by the Authority.

The Real Estate Committee has reviewed the evaluation process and recommendation of the Evaluation Committee and recommends to the full Board of Directors for approval Cushman & Wakefield/Continental Realty as primary broker and Jones Lang LaSalle as alternate broker.

### **Recommendation**

In summary, I am requesting the Board of Directors' approval to award a master broker contract to Cushman & Wakefield/Continental Realty as the primary broker and Jones Lang LaSalle as the alternate broker pursuant to a Request for Proposals (RFP) for master broker services to market, sell and lease the former Fort Monmouth property in coordination with the Fort Monmouth Economic Revitalization Authority (FMERA or the Authority).



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Bruce Steadman

ATTACHMENT: Master Broker Scoring Synopsis  
Prepared by: Rick Harrison



*Master Broker Request for Proposals – Scoring Synopsis*

<b><u>Name</u></b>	<b><u>Score</u></b>	<b><u>Ranking</u></b>
Cushman & Wakefield	4425	1
Jones Lang LaSalle	4265	2
Cassidy Turley	3535	3
Weichert	2475	4
Stafford Smith Realty	1910	5
CBRE	N/R	N/R

**ADOPTED**  
**June 20, 2012**

Resolution Regarding the  
**Approval to Request Funds**  
**for Phase 2 of the**  
**Former Post Library Renovation**

**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 May 16, 2012, the Authority approved, subject to certain conditions, the selection of Patock Construction Company (Patock) for design-build services to retrofit and convert the Library (Building #502) to professional administrative space on the Fort Monmouth property; and

**WHEREAS**, on May 16, 2012 the Authority approved a budget of \$514,434 to complete the design-build services; and

**WHEREAS**, on May 16, 2012, the Authority approved a loan from the New Jersey Economic Development Authority (NJEDA) that included \$300,000 for the renovation of the former Library (Building #502); and

**WHEREAS**, the Office of Economic Adjustment (OEA) has approved funding of \$214,434 for the renovation; and

**WHEREAS**, Patock’s original proposal was for \$807,700; and

**WHEREAS**, the FMERA staff through value engineering and scope decrease lowered the total construction amount to \$690,700; and

**WHEREAS**, in an effort to not delay the project, the FMERA staff has phased the construction work, with the first phase total being \$508,100 and thus within the Authority’s May 16, 2012 approval, and the second phase total being \$182,600; and

**WHEREAS**, the staff would like to apply to the NJEDA and/or the Office of Economic Adjustment (OEA) for \$182,600 plus a contingency amount of \$20,000 (for a sum of \$202,600) to complete Phase 2 of the former Post Library Renovation; and

**WHEREAS**, the amount of \$202,600 for Phase 2 would bring the project to \$69/square foot; and

**WHEREAS**, the FMERA staff believes this is the lowest total construction amount that will offer the FMERA staff a functional, efficient, and adaptable work environment, and allow for all marketing, construction, committee, and Board Meetings to be held under one

roof; and

**WHEREAS**, the members of the Real Estate Committee reviewed the staff's process and recommendation; and

**WHEREAS**, the Members of the Board wish to request funds in the amount of \$202,600 from the NJEDA and/or OEA to complete Phase 2 of the former Post Library renovation.

**THEREFORE, BE IT RESOLVED THAT:**

1. For the reasons expressed in the attached Board memorandum, the Members of the Board authorize the Executive Director and staff to request funds in the amount of \$202,600 from the NJEDA and/or OEA to complete Phase 2 of the former Post Library renovation.

2. The Authority authorizes the Executive Director to take all necessary actions to effectuate the request for additional funds from the NJEDA and/or OEA.

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.

**Dated: June 20, 2012**  
**ATTACHMENT**

**EXHIBIT 3**



**MEMORANDUM**

**TO:** Members of the Board of Directors

**FROM:** Bruce Steadman  
Executive Director

**RE:** Request for Funds for Phase 2 of the former Post Library Renovation

**DATE:** June 20, 2012

**Request**

I am requesting the Board of Directors' approval for FMERA to request an additional \$202,600 in funds through the Office of Economic Adjustment and/or the New Jersey Economic Development Authority to fund the second phase of the former Post Library renovation.

**Background**

The Board approved the selection of Patock Construction Company (Patock) for design-build services to retrofit and convert the Library (Building #502) to professional administrative space on the Fort Monmouth property at the May 16, 2012 Board Meeting, subject to the FMERA staff's negotiations with Patock based on initial available funds of \$514,434. The initial available funds of \$514,434 was based on a preliminary staff estimate, with grant funds from the Office of Economic Adjustment (OEA) of \$214,434 and loan funds from New Jersey Economic Development Authority (NJEDA) of \$300,000. The Board of Directors approved the \$300,000 loan from NJEDA as part of a \$4.5 million credit facility at the May meeting of the Authority. Patock's original proposal was for a total construction amount of \$807,700. FMERA staff has worked with Patock through value engineering and scope decrease to lower the total construction amount to \$690,700. We believe this is the lowest total construction amount that will offer the FMERA staff a functional, efficient, and adaptable work environment, and allow for all marketing, construction, committee, and Board Meetings to be held under one roof.

Further, to satisfy our obligation to stay within the initial available funds, Patock has taken out of the original scope several items related to interior furnishings and HVAC, so that in a phased construction approach the first phase total would be \$508,100, well within our \$514,434 limit. The second phase would then total \$182,600; this would bring the grand total to \$690,700, or approximately \$69 per square foot for a complete upgrade of a 10,000 square foot building built roughly 40 years ago.


We will initiate the first phase of construction with Patock immediately, based on the Board's approval in May, and also considering OEA's request that we move out of our Eatontown offices as soon as possible after June. Then, it will be our intention to seek additional OEA/EDA funding to complete the second phase of the upgrade project.

Given the age of the building, and the limited as-built drawings available from the Army, it is possible that unknown conditions may be encountered during the renovation that may increase the construction budget further. To prepare for this possibility, I would ask that the second phase funding be increased by a contingency amount of \$20,000, bringing the total additional funds being sought through OEA and/or NJEDA to \$202,600.

The Real Estate Committee reviewed and discussed the funds needed for Phase 2 of the former Post Library renovation and recommends approval to the full Board of Directors.

**Recommendation**

In summary, I am requesting the Board of Directors' approval for FMERA to request an additional \$202,600 in funds through the Office of Economic Adjustment and/or the New Jersey Economic Development Authority to fund the second phase of the former Post Library renovation.

  
\_\_\_\_\_  
Bruce Steadman

Prepared by: Bruce Steadman