

Fort Monmouth Economic Revitalization Authority  
Board Meeting  
January 16, 2013  
Maple Place School, Oceanport, New Jersey

**MINUTES OF THE MEETING**

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

- James V. Gorman, Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) - **V**
- Robert Ades, Vice Chairman, Public Member – **V**
- Tim Lizura, President and COO, New Jersey Economic Development Authority (NJEDA) - **V**
- Brett Tanzman, Assistant Counsel, Authorities Unit, Office of the Governor – **V (via telephone)**
- Dr. Robert Lucky, Public Member – **V**
- Lillian Burry, Monmouth County Freeholder – **V**
- Gerald Tarantolo, Mayor of Eatontown - **V**
- Gerald Turning, Borough Administrator, Tinton Falls - **V**
- Michael Mahon, Mayor of Oceanport - **V**
- Charles Richman, Deputy Commissioner, NJ Department of Community Affairs (DCA)
- Jonathan Lowy, Regional Manager, Government and Community Relations, NJTransit (NJT)
- Kenneth J. Kloo, Director, Site Remediation Program, NJ Department of Environmental Protection (DEP)
- Mary Ellen Clark, Assistant Commissioner, NJ Department of Labor & Workforce Development

**V- Denotes Voting Member**

**Also present:**

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

II.

The meeting was called to order by Chairman James V. Gorman at 7:02, 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 December 12th meeting minutes. A motion was made to approve the minutes by Mayor Tarantolo and seconded by Tim Lizura.

Bob Ades read a statement which is attached hereto.

Motion to Approve: MAYOR TARANTOLO      Second: TIM LIZURA  
AYes 9

### III. WELCOME

Chairman James V. Gorman welcomed attendees to the Board Meeting. Mr. Gorman stated that FMERA continues its support with the Federal Emergency Management Agency (FEMA), the U.S. Army and the N.J. Governor's Office in the recovery efforts to aid the victims of Hurricane Sandy who have lost their homes. Mr. Gorman stated that approximately 45 families are currently housed at Fort Monmouth and further efforts are continuing for FEMA housing.

Mr. Gorman stated that the Board would consider for approval four Board actions: 1) the consideration of approval of rules containing the Land Use Regulations and Development and Design Guidelines to be published in the New Jersey Register; 2) approval for FMERA to make Parcel B on the Main Post of the former Fort Monmouth available through the Offer to Purchase Process; 3) approval of the consideration to revise terms of the proposed Purchase and Sale Agreement with AcuteCare for the Clinic Parcel; 4) approval of the Utility Easement from FMERA for electrical service to Parcel E. Mr. Gorman stated that the board materials are available to the public at the meeting.

The Chairman went on to state that there will be two comment periods at the meeting and due to the lengthy agenda, the comment period per commenter is limited to five minutes. 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

Bruce Steadman stated that the Secretary's report is related only to the Board Actions.

### V. TREASURER'S REPORT

Beverlee Akerblom, Director of Finance and Administration stated that the Authority's extension request for the grant scheduled to end December 31, 2012 has been approved by the Office of Economic Adjustment. The extension through June 30, 2013 will allow for completion of previously approved contracts, including planning consulting services.

The Authority's 2014 appropriation request has been submitted to the New Jersey Office of Management and Budget (OMB) for their review and inclusion in the state's fiscal year 2014 budget. The Authority's funding request of \$249,000 is a reduction from 2013's state appropriation of \$263,000, and reflects the Authority's dedication to controlling costs, and eliminating unnecessary spending. The State appropriation is required to satisfy the 10% local match requirement of the federal

grant received through the Office of Economic Adjustment. Field work has begun on the audit of the Authority's 2012 operations. Ms. Akerblom concluded her report by stating that spending continues to be strictly monitored.

## VI. PUBLIC COMMENT REGARDING AGENDA ITEMS

Anthony Talerico of Eatontown, in reference to Parcel B, asked when a plan change amendment comes to be. Mr. Steadman stated that the Request for Offer to Purchase (RFOTP) is based on the type of development and density that is referred to in the Reuse Plan. The RFOTP includes language which states that the proposer is requested to present a bid which is consistent with the Reuse Plan. Mr. Steadman stated that the proposer is also allowed to make a second proposal with an alternative which may allow the property to have a higher and better use for other reasons of economic development. Mr. Steadman stated that during the evaluation process it is noted if the proposer has made an alternate proposal that would require a change in the Reuse Plan. The change is then reviewed with the Real Estate Committee for discussion and it is then decided if a plan change is warranted as compared to proposals that don't require a plan change.

Bob English of Eatontown asked if the RFOTP for Parcel B will specify rentals or owner occupied. Mr. Steadman stated that the Reuse Plan refers to apartments and other types of residences. Mr. Steadman stated that there is a statement in the Howard Commons RFOTP that Eatontown would prefer owner occupied as opposed to rentals. Mr. Steadman stated that, as of now, Eatontown has not indicated such a preference for Parcel B.

Mr. English asked if a proposer can submit only an alternative proposal for the Parcel B RFOTP which is not consistent with the Reuse Plan, and was answered yes, the bidder may opt to defer on a proposal consistent with the Reuse Plan, and focus solely on the alternate.

Tom Mahedy of Wall Township stated that Howard Commons and the former Army clinic belong to the public and should not be privatized. Mr. Mahedy stated that the number of families in FEMA's interim housing plan is not consistent with what was stated in the public. Mr. Mahedy stated that the Board package should be available to the public before and not at the Board meeting. Mr. Mahedy stated that he was opposed to the Land Use Regulations, and stated that the Fort land had been totally flooded by Hurricane Sandy.

## VII. EXECUTIVE DIRECTOR'S REPORT

Dave Nuse, Director of Real Estate Development, stated that FMERA and the Army continue to have regular discussions on the future transfer of the balance of the Main Post, under a Phase 2 Memorandum of Agreement (MOA). In furtherance of this effort, members of the FMERA staff plan to travel to Washington D.C. to meet with Army Representatives later this month. These discussions are helping to further a positive working relationship that will result in a revitalized former Fort Monmouth.

Dave Nuse stated that the families displaced by Hurricane Sandy moved into Building #365 on the former Fort Monmouth before Christmas. In addition, FEMA has begun to retrofit other buildings in the Lodging Area on the Main Post, and in the Megill Housing in the middle of the Suneagles Golf Course for use by victims of the Storm. The interim housing on the former Fort Monmouth is a FEMA initiative. FMERA is supporting the effort in any way we are able.

Rick Harrison, Director of Facilities Planning, stated that FMERA issued an RFOTP for the Howard Commons Area of the former Post on December 14, 2012. The approximately 64 acre parcel is intended to be developed into housing, as shown in the Fort Monmouth Reuse and Redevelopment Plan. Proposals are due by noon on January 28, 2013. In addition to the issuance of the Howard Commons RFOTP, FMERA staff issued a RFP for an operator for Suneagles Golf Course on Friday, January 11, 2013, with a mandatory pre-proposal conference being held on Friday, January 18, 2013 at Gibbs Hall and proposals due by noon on February 11, 2013. Lastly, a RFOTP for the Officers Housing in the Historic District was issued on January 16, 2013. The Officers Housing is intended for residential reuse consistent with the Fort Monmouth Reuse and Redevelopment Plan. Proposals for the Officers Housing are due by 3:00 pm on March 1, 2013.

Rick Harrison stated that as a result of Hurricane Sandy the November 1, 2012 Community Bus Tour was postponed. The bus tour is now being rescheduled for Wednesday, January 30, 2013. The Bus Tour will allow members of the public to tour the former Post and speak to members of the FMERA staff about the redevelopment effort.

The tour will leave from the Visitor Center on Oceanport Avenue at 10:00 am on January 30. Due to the capacity of the buses, the tour will be limited to 60 members of the public. Members of the public will be able to reserve a seat on the bus on a first come, first serve basis and will receive an e-mail from the FMERA Office confirming their attendance. Reservations made for the November 1 tour will NOT transfer to the January 30 bus tour. Please express your interest in participating in the tour by e-mailing [FMERAINFO@njeda.com](mailto:FMERAINFO@njeda.com).

Bruce Steadman stated that each of the Staff Advisory Committees met earlier this month. The Environmental, Historical Preservation, Housing and Veterans Staff Advisory Committees each convened a meeting with their new memberships. The membership of the SACs will be posted on the FMERA website shortly. Each of the SAC seats is for one year, expiring and being renewable as of the FMERA September Annual Meeting each year. Thirty of the thirty-two seats have been filled.

#### Action Items for Next Month.

- Continued work with Matrix Design Group and the N.J. Department of Environmental Protection to identify and resolve environmental issues of concern
- Continued meetings and tours with interested prospective employers, investors, and developers
- Continued outreach to our stakeholders
- Continued collaboration with our Trenton office on marketing and business development opportunities
- FMERA has collaborated with several Federal, State and Local agencies regarding storm response initiatives
- FMERA is anticipating holding the May Board meeting at the new FMERA office at the former post library, and an access plan for the public is being worked on with the Army

Mayor Tarantolo asked if FMERA is pursuing a new lease for the Suneagles Golf Course and can FMERA extend the lease to the current operator. Rick Harrison stated that FMERA is pursuing an 18 month extension of the current lease from the Army to FMERA, and a new contract with a golf course operator.

Tim Lizura asked what the Howard Commons and the Officers Housing initiative net for the region and the Hurricane Sandy victims. Mr. Steadman stated that the Reuse Plan states 275 permanent units for Howard Commons, 117 permanent units for the Officers Housing, and the FEMA interim housing calls for 115 interim units for a total of 507 interim plus permanent.

## VIII. COMMITTEE REPORTS

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

Robert Ades stated that the Committee did not meet this month, but will be meeting in April.

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

Chairman Gorman stated that the Committee met on January 9<sup>th</sup> at 4:30p.m.

- Discussion with Liz Leheny of Phillips Preiss Grygiel (PPG), to determine how the FEMA interim housing on the former Fort Monmouth for victims of Hurricane Sandy might change the redevelopment effort focus and schedule. The Committee will have further discussion with PPG at the next meeting.
- Discussion regarding the proposed rules containing the land use regulations and development and design guidelines. The Committee agreed to recommend the proposed new rules to the Board of Directors for approval to submit for publication in the New Jersey Register.
- The Committee reached a consensus and agreed to recommend making Parcel B available through the Offer to Purchase Process to the full Board of Directors for approval.
- Discussion regarding the AcuteCare parcel and the amendment of the PSA. The Committee agreed to recommend the amendment to the Board of Directors for approval to accommodate AcuteCare's request, and increase the bond to FMERA.
- Discussion regarding several other real estate matters including the lease for the Teen Center and swimming pool and the Childhood Development Center.

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

Kenneth J. Kloo stated that the Committee met on January 7<sup>th</sup> at 5:00 p.m.

- The Committee was provided an overview of the Committee's make-up, the Committee's role and mission.
- The Committee was provided a virtual tour of the former Fort Monmouth property, providing a high-level overview of the redevelopment process to date and the future redevelopment plans.
- The Committee was provided with an overview of the RFOTP for Howard Commons and the Officers Housing.
- An overview of the Teen Center and Swimming Pool (the pool) and the Childhood Development Center (the school) was given. The pool will be leased, and ultimately sold, to the County of Monmouth, and the School will be leased, and ultimately sold, to the Borough of Tinton Falls.
- A discussion regarding the Finding of Suitability to Lease (FOSL) and the Finding of Suitability to Transfer (FOST) process as well as the DEP's role in the process was provided.
- The DEP explained that the Army has completed their vapor intrusion re-test. Vapor intrusion is the process by which certain contaminants that are present in ground water or soil can

migrate in vapor form from underneath and into a building. The Army re-tested five buildings: sub-slab and indoor air in every building that was required. All of the buildings were fine except for the sub-slab testing under building #699 – which is more likely related to the dry cleaning facility located nearby. The Army continues to work on this condition with the DEP oversight.

- Items to be discussed at the next Committee meeting include: the landfills or dumps on the former Post; a strategy of how best to demolish the Myer Center; the Motor Pool FOSL and the Teen Center FOSL.

Mayor Mahon stated that a member of the Oceanport Council asked if the Committee was aware if any of the buildings or land that were flooded by Hurricane Sandy stored any transformers containing any PCB's and would the Committee be researching the systems. Mr. Steadman stated that the Army has confirmed that there are no areas on the Fort that were flooded that contained any PCB transformers.

Mayor Mahon asked if the Committee remains a Staff Advisory Committee and was answered yes.

Gerald Turning asked if the Borough of Tinton Falls could review the strategy that is discussed regarding the Myers Center demolition. Mr. Kloo stated that the Committee would be making recommendations on the strategy on how best to demolish the Myers Center, but that at this time this is a very preliminary conceptual discussion.

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

Robert Ades stated that the Committee met on January 8<sup>th</sup> at 4:30 p.m.

- The Committee was provided an overview of the Committee's make-up, the Committee's role and mission.
- The Committee was provided a virtual tour of the former Fort Monmouth property, providing a high-level overview of the redevelopment process to date and the future redevelopment plans.
- The Committee reviewed and discussed the Programmatic Agreement for the Historical District at Fort Monmouth.
- The Committee reviewed and discussed the RFOTP for the Historical Housing in relation to the Programmatic Agreement.
- Items to be discussed at the next meeting include: schedule a tour of the historical areas; review the Design Guidelines of two closed BRAC facilities, and discussion of the recordation process with Army representative.

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

Charles Richman stated that the Committee met on January 10<sup>th</sup> at 4:30 p.m.

- The Committee was provided an overview of the Committee's make-up, the Committee's role and mission.
- The Committee was provided a virtual tour of the former Fort Monmouth property, providing a high-level overview of the redevelopment process to date and the future redevelopment plans in relation to housing.
- The Committee reviewed and discussed the RFOTPs for Howard Commons and the Officers Housing. The Committee had a lengthy discussion on an expression of support to determine

that the term “apartment” be viewed as a type of construction and not necessarily a tenure type in order that ownership is established.

- There was a discussion regarding the \$20,000 cost per acre homeless funding and that the monies will come from the sale of the property, and the developer will not be responsible for the homeless obligation.
- There was a discussion regarding the housing types post Hurricane Sandy, and FEMA’s decision to make interim housing a FEMA/Army direct project. The Department of Community Affairs (DCA) has encouraged FEMA to make as many residential units as they can available at the Fort.

Chairman Gorman thanked Mr. Richman for all his work and efforts in behalf of those displaced by Hurricane Sandy.

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

Freeholder Burry stated that the Committee met on January 14<sup>th</sup> at 4:00 p.m.

- The Committee was provided an overview of the Committee’s make-up, the Committee’s role and mission.
- The Committee was provided a virtual tour of the former Fort Monmouth property, providing a high-level overview of the redevelopment process to date and the future redevelopment plans.
- There was a discussion regarding the plight of the homeless Veterans and the continued need to enumerate the problem and the desire to establish a homeless Veterans project at Fort Monmouth.
- The Committee reviewed and discussed specific homeless Veterans programs around the Country.
- There was a discussion of programs to provide Veterans with assistance in transitioning back into society, including job search, resume assistance and educational seminars.
- There was a discussion on providing any or all information to Veterans as resource guide which is available on the County Office of Aging website.
- There was a discussion on providing a social center on or near the Fort property for Veterans.

IX. Board Actions

The next item before the Board was the consideration of approval of Rules containing the Land Use Regulations and Development and Design Guidelines to be published in the New Jersey Register.

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

Bruce Steadman stated that the Board Memo mirrored the resolution and provided additional backup information.

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

Bruce Steadman conducted a roll call vote.

Name	Yes	No	Abstain
James V. Gorman	X		
Robert Ades	X		
Tim Lizura	X		
Brett Tanzman	X		
Dr. Robert Lucky	X		
Lillian Burry	X		
Gerald Tarantolo	X		
Gerald Turning	X		
Michael Mahon	X		

Motion to Approve: MAYOR TARANTOLO Second: DR. ROBERT LUCKY  
AYes: 9

The next item before the Board was the consideration of approval for FMERA to make Parcel B on the Main Post of the former Fort Monmouth available through the Request for Offer to Purchase Process.

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

Bruce Steadman stated that the Board Memo mirrored the resolution and provided additional backup information.

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

Mayor Tarantolo stated that he supports the RFOTP for Parcel B. Mayor Tarantolo stated that the Reuse Plan reflects a similar plan that the Borough of Eatontown created in 2004 and he envisions the property to become the new Eatontown town center.

Motion to Approve: MAYOR MAHON Second: ROBERT ADES  
AYes: 9

The next item before the Board was the consideration of approval to revise terms of the proposed Purchase and Sale Agreement with AcuteCare for the Clinic Parcel.

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

Bruce Steadman stated that the Board Memo mirrored the resolution and provided additional backup information.

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

Chairman Gorman stated that the Purchase and Sale Agreements (PSA) includes safeguards to ensure faithful performance by the developer. Mr. Gorman stated that the performance bond is a second layer of protection to the repurchase option originally stated in the PSA.



Bruce Steadman conducted a roll call vote.

Name	Yes	No	Abstain
James V. Gorman	X		
Robert Ades	X		
Tim Lizura	X		
Brett Tanzman	X		
Dr. Robert Lucky	X		
Lillian Burry	X		
Gerald Tarantolo	X		
Gerald Turning	X		
Michael Mahon	X		

Motion to Approve: MAYOR MAHON Second: MAYOR TARANTOLO  
AYes: 9

The next item before the Board was the consideration of approval of Utility Easement from FMERA for Service to Parcel E.

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

Bruce Steadman stated that the Board Memo mirrored the resolution and provided additional backup information.

A motion was made to approve by Tim Lizura, and was seconded by Mayor Mahon.

Tim Lizura stated that the Board should modify the previously drafted delegated authorities to include administrative rights for the staff to execute easements for future projects without Board approval.

Motion to Approve: MAYOR MAHON Second: MAYOR TARANTOLO  
AYes: 9

#### X. Other Items

Mayor Tarantolo stated that Howard Commons will need to be demolished and would it be beneficial for FMERA to hire a recycling or demolition company to remove all of the housing contents in exchange for free demolition prior to awarding the RFOTP. Mr. Steadman stated that this is essentially what will occur during the RFOTP process, the developer will partner with a demolition company which should allow the future developer to increase their proposal value, and not cause FMERA to spend its limited resources on demolition.

#### XI. Public Comment

Sarah Breslow of Eatontown stated that she has concerns regarding the vapor intrusion conducted by the Army of the five buildings stated in the Environmental Committee report. Ms. Breslow stated that the Board should not accept the Army's report as the Army cannot be trusted. Ms. Breslow stated that there are no independent studies or due diligence being conducted. Ms. Breslow stated that the Army has the ability to change their reports and data prior to it being submitted to the DEP.

Mr. Kloo stated that all information that is provided by the Army is thoroughly reviewed by the DEP and that the Army has no ability to change the reports and data, nor is there any advantage in doing so. Mr. Kloo stated that the objective of DEP is to evaluate the information to determine that the Army meets the strict DEP standards that they are obligated to.

Mr. Steadman stated that the FMERA environmental consultant, MATRIX, oversees and reviews all of the information from DEP and the Army, as a second level of protection.

Linda Zucaro of Tinton Falls stated that more families could be placed at the Fort by FEMA. Ms. Zucaro asked for updates of the FEMA housing to be available by FMERA.

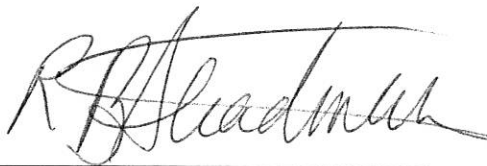
Bob English of Eatontown stated that the board packages should be made available to the public before the board meeting and not at the meeting.

Jerry Spumberg of Tinton Falls was asked if those people who previously signed up for the bus tour would be notified that they will need to make another reservation, and was answered no.

Tom Mahedy of Wall Township expressed his concerns regarding the turnover of personnel at the Army and the DEP and the lack of knowledge regarding the environmental issues. Mr. Mahedy stated that there is housing for Veterans at the Fort. Mr. Mahedy stated that corporations are given access to the Fort for tours but not the public. Mr. Mahedy stated that the Army does what it wants on environmental issues, and just says "sue us", if we don't like it.

There being no further business, on a motion by Mayor Tarantolo seconded by Tim Lizura and unanimously approved by all voting members the meeting was adjourned at 8:35 p.m.

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

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

Bruce Steadman, Secretary

Mr. Chairman, I have a statement and an amendment to the minutes.

At our last meeting I abstained on a vote for the Sale/Purchase Agreement with Commvault in order to research the prevailing wage clause being applied to the agreement.

Since then I have attempted to find any legal authority that warrants its inclusion. I found none and, after various communications, the deputy attorney general has not been able to furnish me with any justification to apply it.

I am in total agreement with the Commvault project and the fantastic effort that Mr. Steadman and his staff made to deliver it successfully.

However, the inclusion of a prevailing wage clause in this agreement is:

1. Detrimental to our mission
2. Not sustained by any legal authority
3. Might, in fact, be illegal

In addition, this prevailing wage clause is one of the biggest disincentives to any economic development and a destructive precedent for FMERA.

Therefore, with your permission, I will change my vote to NO.

ADOPTED  
January 16, 2013

Resolution Regarding the  
**Approval of Proposed New Rules containing  
Land Use Regulations and Development and Design Guidelines**

**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 FMERA Act, in N.J.S.A. 52:27I-26(c), authorizes FMERA “to adopt development and design guidelines and land use regulations consistent with and in furtherance of the [*Fort Monmouth Reuse and Redevelopment*] plan;” and

**WHEREAS**, the FMERA Act, in N.J.S.A. 52:27-26(kk), authorizes FMERA to adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410, rules and regulations necessary to implement the Act; and

**WHEREAS**, the Authority conceptually approved the draft Land Use Regulations and Development and Design Guidelines at the December 12, 2012 Meeting of the Authority; and

**WHEREAS**, the rules, containing the Land Use Regulations and Development and Design Guidelines, are intended to further the vision described in the *Reuse Plan*; and

**WHEREAS**, the rules shall apply to all applications for development and redevelopment within the Fort Monmouth Project Area; and

**WHEREAS**, the rules shall supersede the master plans, the zoning ordinances and land use regulations of the host municipalities and the county, except for the procedures for submitting and processing subdivision and site plan applications; and

**WHEREAS**, although the rules govern the substance of the applications, the applications are to be submitted for review and approval to the planning board of the host municipality in which the project parcel is located and, if required by law, to the county planning board; and

**WHEREAS**, the Real Estate Committee has reviewed the proposed new rules and recommends them to the full Board of Directors for approval to submit for publication in the New Jersey Register.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves the new rules containing Land Use Regulations and Development and Design Guidelines substantially as set forth in the attached memorandum and proposed rules.

2. The Authority authorizes staff to submit the rules for publication in the New Jersey Register, subject to final review and approval by the office of the Attorney General and the Office of Administrative Law (OAL).

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: January 16, 2013  
ATTACHMENT

**EXHIBIT 1**

**ADOPTED**  
**January 16, 2013**

Resolution Regarding  
**Making Available Parcel B**  
**on the Main Post through the Offer to Purchase Process**

**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**, section 9(j) of the Act authorizes the Authority to issue Requests for Proposals and section 9(bb) “[t]o purchase at any sale, upon such terms and at such prices as it determines to be reasonable, and take title to the property, real, personal, or mixed, so acquired and similarly sell, exchange, assign, convey or otherwise dispose of any property”; and

**WHEREAS**, in accordance Section 19:31C-2.5(a) of FMERA’s Rules for the Sale of Real and Personal Property, “[b]efore advertising a particular parcel of real property and accompanying personal property as being available for sale through the offer to purchase process, the Board shall review and approve a recommendation of the Director and FMERA [staff] to offer the property for sale through the offer to purchase process”; and

**WHEREAS**, Authority staff recommends proceeding with the Request for Offer to Purchase (RFOTP) process for Parcel B on the Main Post; and

**WHEREAS**, this recommendation is based on several factors. Pursuant to the Reuse Plan, Parcel B is planned as a mixed-use area, incorporating retail and residential development. This will require staff to evaluate proposals based in part on planning and design considerations, because the location, types and mix of uses developed on Parcel B will affect the property’s value and its economic impact on adjacent areas of the Fort and the Borough of Eatontown. Given its prominent location and the importance ascribed to this property in the Reuse Plan, staff believes that negotiation with respondents may be necessary to ensure that the objectives of the Reuse Plan are properly met, and that the value of the property, and adjacent tracts, is maximized; and

**WHEREAS**, the Real Estate Committee has reviewed and discussed making Parcel B available through the Offer to Purchase Process and recommends it to the full Board of Directors for approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves making Parcel B on the Main Post of the former Fort Monmouth Property available through the offer to purchase process, as set forth in the attached memorandum.

2. The Authority authorizes the Executive Director to take all necessary actions to effectuate the issuance of the Request for Offer to Purchase and the notice of availability for sale through the offer to purchase process.

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: January 16, 2013  
ATTACHMENT

EXHIBIT 2

**ADOPTED**  
**January 16, 2013**

Resolution Regarding  
**Approval to Revise Terms of the Proposed  
Purchase-Sale Agreement (PSA) with  
AcuteCare for the Clinic Parcel**

**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**, at the February 15, 2012 Meeting of the Authority and based on a previously issued Request for Proposals, the Members authorized staff to pursue negotiations for the lease and ultimate sale of the Clinic Parcel to AcuteCare, subject to adoption of a Reuse Plan Amendment #2; and

**WHEREAS**, Amendment #2 would permit an alternative development scenario in the Oceanport Reuse Area that, if pursued, would result in the reuse of the Clinic as a medical facility; and

**WHEREAS**, at the August 15, 2012 meeting, the Members approved the transmittal of proposed Reuse Plan Amendment #2 to the three host municipalities; and

**WHEREAS**, at the September 19, 2012 meeting, the Members approved the PSA with AcuteCare; and

**WHEREAS**, at the December 16, 2012 meeting, the Board of Directors approved Reuse Plan Amendment #2; and

**WHEREAS**, the PSA approved at the September 19, 2012 meeting called for the Purchaser to secure its obligation to complete the renovations by posting a \$2 million bond acceptable to FMERA. Further, in the event that AcuteCare did not complete the initial renovations in the time frame required under the PSA (together with any extensions granted by FMERA under the agreement), FMERA would have the option of repurchasing the property for its then-current appraised value; and

**WHEREAS**, Purchaser’s lenders have reviewed the draft PSA and advised AcuteCare that FMERA’s repurchase option will negatively impact AcuteCare’s ability to finance the purchase and renovation of the Clinic. This is because the property’s then-current fair market value might not equal the sum of the outstanding acquisition and construction mortgages on the property. Consequently, AcuteCare has proposed removing FMERA’s repurchase option from the proposed PSA; and

**WHEREAS**, FMERA would still have a level of assurance that the project will be completed on account of the bond that AcuteCare will post. AcuteCare has agreed to increase



the amount of the bond from \$2 million to \$2.5 million; and

**WHEREAS**, to further assure that AcuteCare completes the project, the deed will include a covenant restricting the further transfer of the property by AcuteCare until its project is completed to FMERA's satisfaction; and

**WHEREAS**, the Real Estate Committee considered these modifications and recommends approval to the full Board.

**THEREFORE, BE IT RESOLVED THAT:**

1. As expressed in the attached board memorandum, the Board of Directors approves the revised terms to the PSA with AcuteCare, subject to final terms acceptable to the Executive Director and the Attorney General's Office.

2. The Board of Directors authorizes the Executive Director to execute the amended PSA and perform all acts necessary to effectuate it.

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: January 16, 2013**  
**ATTACHMENT**

**EXHIBIT 3**

**ADOPTED**  
**January 16, 2013**

Resolution Regarding the  
**Approval of Utility Easement**  
**from FMERA for Service to Parcel E**

**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**, at the April 24, 2012 meeting of the Authority the Board of Directors approved a purchase-sale agreement with CommVault for Parcel E; and

**WHEREAS**, as a result of the completion by both parties of all the tasks associated with closing the sale, and with satisfaction by both parties of all the conditions of sale, it is expected that closing will occur on or before January 28, 2013; and

**WHEREAS**, in order for CommVault to occupy and operate the new facilities, as set forth in the April 24, 2012 Board Memorandum and in the Purchase-Sale Agreement and associated agreements, CommVault has contracted with Jersey Central Power and Light (JCP&L) for the installation and construction of new electrical transmission poles and lines through land now contained in Parcel F, which is currently owned by the Army and anticipated to be owned by FMERA in 2013, as set forth in the Economic Development Conveyance agreement executed by the Army and FMERA on June 25, 2012, and terminating on Parcel E; and

**WHEREAS**, the Army has granted an easement to FMERA for this electrical transmission line, and this easement needs to be granted or assigned to JCP&L in order for JCP&L to satisfy the rights and responsibilities associated with installing the transmission line for CommVault; and

**WHEREAS**, the installation, construction, operation and maintenance of the new electrical transmissions poles and lines will be completed at no cost to FMERA.

**THEREFORE, BE IT RESOLVED THAT:**

1. As expressed in the attached board memorandum, the Authority authorizes the Executive Director to take all necessary actions to effectuate the grant or assignment of a utility easement, on terms and conditions similar to the electric power easement FMERA received from the Army, to JCP&L for the installation of an electrical transmission line over lands now owned by the Army, terminating on Parcel E, on final terms acceptable to the Executive Director and the Attorney General’s Office.

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: January 16, 2013  
ATTACHMENT

**EXHIBIT 4**